

Officer Update Note

11 January 2017

Agenda Item 6.1

APPLICATION NUMBER:	2016/1176/FUL	PARISH:	South Milford Parish Council
APPLICANT:	Mr Costas Georgiou	VALID DATE:	3rd October 2016
		EXPIRY DATE:	28th November 2016
PROPOSAL:	Change of use from garage to fish and chip shop to include external and internal alterations		
LOCATION:	25 Sand Lane South Milford Leeds West Yorkshire LS25 5AU		

Please note there are 334 letters of support which are written in a petition format they have given no reason other than 'offering support' for the fish and chip shop'.

Area	No. of Object	No. of Support					
Church Fenton		2					
Sherburn in Elmet		25					
Great Preston		1					
Brotherton		1					
Aberford		2					
Monk Fryston		3					
Garforth		4					
Pocklington (York)		1					
Tadcaster		1					
Elland		1					
Hipperhome (Halifax)		1					
Lumby		11					
Fairburn		1					
TOTAL	0	54					
Sand Lane South Milford	4	35	minus figure from 334 support = 280 in South Milford only				

Agenda Item 6.3

APPLICATION NUMBER:	2016/0926/FUL	PARISH:	Ulleskelf Parish Council
APPLICANT:	Stonebridge Homes	VALID DATE: EXPIRY DATE:	5th August 2016 4th November 2016
PROPOSAL:	Proposed residential development comprising 28 dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of existing nursery building		
LOCATION:	Land To The Rear Of Four Leaf Nurseries, Church Fenton Lane, Ulleskelf, Tadcaster		

Amended plans were received in December regarding minor changes to the site layout, and boundary treatments together with some additional plans regarding drainage. A further 4 letters of objection have been received, summarised as follows –

- None of the amendments to the application change fundamental objections to the whole plan.
- Development far beyond what even Selby Council deemed to be sustainable and the Council has refused other development proposals on these grounds, together with flood risk and village envelope factors.
- Drainage report - Report is devoid of any explanatory text, which is unfair for public consultation. What does "PN" mean? Report calculates that surcharging can occur after just 15 minutes of a storm that is likely to occur yearly. Weather patterns are changing rapidly, with extreme weather events, including intense periods of rainfall occurring much more frequently than previously. We frequently observe standing water on the site after rain. The modelling in the report only includes a maximum of 20% increase in rainfall due to climate change, which appears inadequate. The UK Sustainable Drainage Tools website (<http://www.uksuds.com/faqs.htm>) suggests that "Climate change is believed to result in higher intensity extreme rainfall events. The approach for making an allowance for future conditions is to use the recommended greenfield runoff equations, or previously developed analysis for present day conditions, and then factor the design rainfall by an appropriate value (usually now 40%) to assess the storage and conveyance requirements for the site.
- It should be noted that using present day rainfall and factoring the resulting storage volume by 40% will significantly under-predict the attenuation storage required."
- Design doesn't reflect the local vernacular. Site is a very attractive field full of wild life and it contributes to the amenity of the village.
- Are problems selling houses in Ulleskelf due to adverse publicity about recent flood events. Currently 6 properties for sale on Church Fenton Lane. Further 11 houses within the village that have been on the market for several months. The Marlborough Close development of 9 new houses took over 2 years to sell, from July 2007 to July 2009.

- Recent press releases say the Council has a 5.9 year supply of housing land.
- Should be refused for the same reasons as the West End Farm scheme, (2016/0403/OUT). This site was only partially outside the development limits whilst the Four Leaf Nursery site is wholly outside the village envelope.

Comments sent to the Chair of the Planning Committee by Dr Tim Lee on behalf of residents are summarised below -

Severe opposition to this development – 34 residents have objected and of the 66 responses to the developers consultation 57 did not support the development. Parish Council also strongly object. Development is against core strategy and national planning policies. Approval inconsistent with recent Ulleskelf planning decisions regarding West End Farm and Boggart Farm. Material considerations in favour, suggested by developer and planning officer are weak and insufficient, and the SuDS Officer at NYCC has said that surface water drainage is a significant problem and no planning approval should be made before this is addressed. If the plans are approved this would show inconsistency and disregard for the overwhelming number of objectors to the development.

Ainsty Internal Drainage Board – No objection to the application.

Lead Local Flood Authority – Defer to the IDB in respect of Peak Flow Control, Volume Control and Pollution Control and to the Highway Authority on highway drainage. Request that an allowance be made for urban creep (eg the building of future extensions and paving of garden areas) and that provision be made for maintenance of SuDS. Subject to this recommend a condition to ensure suitable surface water management, subject to the comments of the IDB and Yorkshire Water.

(Officer note - The system does not propose SuDS and all water is to be retained within underground tank/pipes.)

Yorkshire Water – Have verbally confirmed their previous comments and reiterated that they have no objections to the proposals subject to their suggested condition regarding details to be submitted.

WPA Consultants Ltd regarding contaminated land - It is considered highly unlikely that any contamination testing would have identified any contamination from off-site sources, especially from underground features which could potentially be present at the garage. Based on the above, WPA recommends that the hydrogeology of the site is assessed to determine whether there is a possibility of contaminant migration from the off-site garage to the site. It is understood that three boreholes are present at the site and there is the opportunity to determine groundwater levels and groundwater flow direction. Further information should also be obtained to determine whether potential underground contaminative features are present at the off-site garage (underground fuel tanks, inspection pits, etc.), which could have an impact on the site. If no pathways and/or sources were identified by the Consultant, this should be demonstrated and shown in the refined CSM, risk

classification matrix and risk assessment undertaken for the site to reflect conditions encountered and assessed by the Phase 2 Works.

Conversely, if a plausible pathway was considered by the Consultant after the review of the CSM and risk assessment, WPA recommends that this area is investigated when the further investigation works are undertaken for the area currently occupied by the property, post demolition works.

In conclusion

WPA considers that further information, as discussed above, should be provided by the Consultant. WPA therefore recommends that SDC Standard Contaminated Land Planning Conditions CL1 to CL5 are applied to the grant of any planning permission. This is to ensure that intrusive site investigation is carried out in accordance with current guidance, followed by any necessary remediation, prior to the commencement of development on site.

Conditions – The applicants have requested some amendments as follows –

4. Foul drainage

Replace “No development shall take place until” with “No development shall take place above foundation level until...”

6. Landscaping

The applicants have submitted a landscaping scheme, so it is recommended that the condition be amended to require the landscaping to be carried out in accordance with the submitted scheme.

12. Lighting

This is a repetition of condition 8 and should be deleted.

15. Highway works

Replace “No development shall take place until” with “No development shall take place above foundation level until...”

Officers recommend an additional condition be added regarding ground levels as follows –

No development shall take place on construction of the dwellings until such time as detailed drawings have been submitted showing the ground floor slab levels of each property in relation to the highway and surrounding land both on and adjacent to the site. This shall include cross section drawings showing the relationship with land levels adjacent to the site.

Reason:

In the interests of visual amenity and the residential amenity of adjacent occupiers and to accord with Policy SP 19 of the Core Strategy and ENV1 of the Selby Local Plan.

Agenda Item 6.4

APPLICATION NUMBER:	2016/0644/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	KCS Development	VALID DATE: EXPIRY DATE:	1st June 2016 31st August 2016
PROPOSAL:	Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road and		
LOCATION:	Street Record Main Street North Duffield Selby North Yorkshire		

Corrections

There is an error in the report at parag 2.3.12 on page 134. The figures given are from a previous position and should read the same as those on page 126 from the Development Policy comments ...i.e.

“ To date, North Duffield has seen 11 dwellings built in the settlement since the start of the Plan Period in April 2011 and has extant approvals for 72 dwellings, giving a total of 83”.

Ownership issue

A letter was received disputing part of the land ownership on the frontage to the west of the football facilities. However, the applicants have provided evidence and the Council's Solicitor has checked the land registry and it is clear that the land is owned by the applicants.

Additional Representations received;

Letter on behalf of the owner of the bungalow under construction to the north west of the site.

- 1 Pedestrian link on sharp bed – worst place to cross
2. No run off area on 3 sides of the pitch and no means of avoiding footballs landing on the adjacent land

Chairman of North Duffield Playing Field Association

Re-iterating no discussions have been help about the additional land and it is far from being a given that we would want to be involved in its management

Two further letters – no new issues raised

RSPB- Now withdraw objections based on the additional information. Highlight that the development will increase the use of both the Lower Derwent Valley and Skipwith Common. The RSPB therefore urges the Council to consider securing contributions to established programmes in place to monitor and mitigate recreation

visits to the Skipwith Common and Lower Derwent Valley designated sites, in order to help minimise biodiversity impacts and secure a net gain in biodiversity.

Applicant's response –accepts that there might be a very small increase in visits to the designated sites, and therefore is willing to make a financial contribution of £2,500 to assist with the monitoring of such recreational behaviour.

Officer response – The suggested offer would acceptably mitigate against the increased impact and ensure the application meets the requirements of paragraph 109 of the NPPF and Policy CP15 of the Selby District Core Strategy.

The provision should be provided by way of a contribution through the S106 agreement and the recommendation of the application should be amended to reflect this.

Flood Risk management (SuDS and Development Control Officer) – comments received and concludes no objections subject to an additional condition.

Beech Grove Pedestrian link- the report at parag 2.7.6 refers to an update. Further advice was sought from highways in the light of local concerns.

Highway comments- Beech Grove is private, therefore we cannot comment on its suitability for pedestrians. The planning application regardless of this access does provide pedestrian access along York Road and therefore no highway objections are raised. If Beech Grove had been public highway we would request either a footway was installed, or the carriageway widened slightly and made into a shared surface. Since it is not we cannot request any improvements. It would therefore be down to any residents using the access to determine whether they feel it safe to use a private road or to use the highway in the form of the footway along York Road. The only thing the highway authority can do is put a sign advising that pedestrians are likely to be in the highway at the entrance to Beech Grove. The sign would have to be in the highway and therefore would be on York Road." Additional condition wording suggested

Officer response – Applicants agree to suggested condition

Recreation Open Space-

The applicants in a recent email point out that;

Whilst the land will be transferred to the Dragons Football Club, the Club see themselves as part of the community, and many local children are members. Furthermore, the football pitch will not be fenced off, and so at times when it is not being used by the Club it will be available for use by the general public

The North Duffield Dragons Junior Football Club submitted a recent letter with the following summarized points;

Pressing need for additional playing pitches and club facilities for the North Duffield Dragons Junior Football Club which is the largest community based group within the village, currently with over 155 players from ages 3-16.

Children predominantly from the village or from the local surrounding villages. If approved the club would utilise the additional space to the benefit of the club, its members and ultimately the community of North Duffield.

The scheme represents our final intention for the land we are to be gifted & efforts to obtain funding for the project would commence as soon as the land is available. As soon as we gain control of the land we would look to maintain it as a flat, grassed area used for training & potentially occasional overspill parking. As such the benefit to the club & community should therefore commence immediately & only increase over time.

The existing playing fields currently 'home' several pitches which are used by the community as a whole aside from the playing of matches by the Dragons on a weekend and training during week nights. Regularly used by fellow children, parents or grandparents from the community. The additional pitch space will attract much of the same use when serving the new development and existing residents.

Note the Parish Council object on the basis that the additional pitch is not viewed as a whole community asset. The Parish Council have not engaged with the football club to see how they would utilise this space prior to making their response. Not aware of any canvassing of public opinion by the Parish Council (or any other local group) as to what, in their opinion, would make a good community asset in place of the football pitches.

Officer comments and Response-

To clarify, the application seeks permission to include a football pitch, clubhouse and parking facilities. Only the land would be secured at this stage not the facilities. A reserved matters application would need to be submitted with the details of these facilities to be agreed. The North Duffield Dragons Junior Football Club who would need to be party to the S106 agreement.

It should be noted that, in land use terms the application provides land significantly in excess of the amount of recreational open space required by policy R2 of the LP. However, balanced against this excess in requirement, other than providing the land, it does not secure the provision of the facility (clubhouse and parking) and the cost is to be borne by the football club through raising funds. The applicants have now indicated that they are prepared for the S106 to secure that, before a certain level of occupation, there can be a requirement for the football land to be levelled, grassed, marked out as a football pitch, and be maintained as such.

The excess of land provision is a matter between the developer and the football club and cannot carry any additional weight in the balance of consideration of this proposal.

It is noted that the PC and many local residents do not consider the provision of football facilities to be of community/public benefit. Policy R2 of the LP requires the provision of recreational open space in new housing developments. It does not specifically require this to be Public Open Space. The proposed facilities will provide some community benefit albeit to a specific user group. As such the development can be considered to fully meet the requirements of Policy R2 of the Local Plan.

Amended Recommendation

This planning application is recommended to be APPROVED subject to:-

- i) Delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, the transfer of land for the football pitch and associated facilities and for the provision of a football pitch on the site (timing to be following occupation of 30th dwelling), a waste and recycling contribution and a contribution of £2500 to be used towards actions to address threats to the 2 designated nature conservation sites and the monitoring of visitor use.**
- ii) The conditions set out in paragraph 3 of the report and the 2 additional conditions referred to in this update and set out in full below.**

Condition-flood risk

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason;

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

Condition- highways Beech Grove

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:

- a) Provision of a warning sign/s at the Junction of York Road/Beech Grove (Traffic Signs and General Regulations Directions 2016, sign diagram 544.1 Pedestrians in road ahead).

Reason

In accordance with policy number and in the interests of the safety and convenience of highway users.

INFORMATIVE – Agreement

There must be no works in the existing highway until an Agreement has been entered into between the Developer and the Highway Authority.

Agenda Item 6.9

APPLICATION NUMBER:	2016/1196/REM (8/78/46J/PA)	PARISH:	Bolton Percy Parish Council
APPLICANT:	Musgrave, Woffinden & Musgrave	VALID DATE: EXPIRY DATE:	13 October 2016 8 December 2016
PROPOSAL:	Reserved matters application relating to access, appearance, landscaping, layout and scale of approval 2015/0163/OUT Proposed outline application with all matters reserved for the erection of two dwellings including demolition of existing buildings on land adjacent to		
LOCATION:	Field House, School Lane, Bolton Percy, Tadcaster, North Yorkshire , YO23 7BF		

Paragraph 2.7.6 should state that the proposed housing mix would comprise of two 4no bedroom houses.

Agenda Item 6.10

APPLICATION NUMBER:	2016/0831/FUL 8/50/221/PA	PARISH:	Brotherton / Byram Cum Sutton
APPLICANT:	Amber Malone	VALID DATE: EXPIRY DATE:	12th July 2016 11th October 2016
PROPOSAL:	Development on scrub land to provide 29 dwellings accommodating 1, 2, 3 & 4 bedrooms in a mix of semi-detached and terraced houses.		
LOCATION:	Land off East Acres, Byram		

1.4 Consultations

1.4.7 Yorkshire Water

Further to the comments noted in the Officers Report – Yorkshire Water have now advised that having considered the revised Drawing for the scheme drainage then this is not considered acceptable as it “does not indicate the pass forward flow from the flow control in manhole SW25 i.e. label required indicating maximum 5 (five) litres per second”. They do still support the approach in the submitted FRA of December 2016.

Comment – there is no requirement to change the scope of the proposed conditions within the Officer Report as Condition 07 will require final agreement of the scheme approach prior to the commencement of development, so the point raised by Yorkshire Water can be addressed in discharging this condition.

2. Report

Additional Comment related to Paragraph 2.11.8

Members should note that the TPO does relate to one tree within the site which is now shown as retained and to a series of trees adjacent to the woodland areas.

