



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 8 FEBRUARY 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair),
Mrs L Casling, I Chilvers, J Deans, D Mackay, C Pearson,
P Welch and B Marshall.**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Suspension of Council Procedure Rules**

The Planning Committee are asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the Committee meeting. This facilitates an open debate within the Committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a proposal to be moved

and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

5. Minutes

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 January 2017 and the Planning Sub-Committee meeting held on 25 January 2017 (pages 1 to 17 attached).

6. Planning Applications Received

- 6.1 2016/1257/OUTM – Selby Road, Camblesforth (pages 19 to 47 attached)
- 6.2 2016/1008/HPA – The Loft, 26A Low Street, Sherburn in Elmet (pages 48 to 60 attached)
- 6.3 2016/1322/OUTM – Colton Lane, Appleton Roebuck (pages 61 to 94 attached)
- 6.4 2016/0141/COU – Birchwood Lodge, Market Weighton Road, Barlby (pages 95 to 108 attached)
- 6.5 2016/0716/FUL – Land adjacent to 6 Northfield Lane, Church Fenton (pages 109 to 128 attached)
- 6.6 2016/1368/FUL – Old Forge Cottage, Main Street, Church Fenton (pages 129 to 150 attached)
- 6.7 2016/1384/FUL - Old Forge Cottage, Main Street, Church Fenton (pages 151 to 173 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meeting
22 February 2017 (Planning Sub-Committee)
8 March 2017 (Planning Committee)

For enquiries relating to this agenda please contact Daniel Maguire on 01757 705101, or email to dmaguire@selby.gov.uk.

Recording at Council Meetings

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Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 11 January 2017
Time:	2.00 pm
Present:	Councillors Cattanach (Chair), D Peart (Vice Chair), I Chilvers, J Deans, B Marshall, D Mackay, C Pearson, P Welch and D White (substitute for Mrs L Casling)
Apologies for Absence:	Councillor Mrs L Casling.
Officers Present:	Kelly Dawson, Senior Solicitor, Jonathan Carr, Lead Officer – Planning, Fiona Ellwood – Principal Planning Officer, Jill Low – Principal Planning Officer, Calum Rowley, Senior Planning Officer, Tom Webster, Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Diane Wilson, Planning Officer and Palbinder Mann, Democratic Service Manager Officer.
Public:	30
Press:	1

44. DISCLOSURES OF INTEREST

All Councillors declared that they had received representations with regard to applications 2016/0926/FUL – Land to the Rear of Four Leaf Nurseries and 2016/0644/OUT – Main Street, North Duffield, Selby.

Councillor Deans declared that he had been present during a public discussion on application 2016/0644/OUT – Main Street, North Duffield, Selby.

45. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The proposal to refuse the application as per the officer's recommendation was proposed and seconded.

RESOLVED:

To REFUSE the application subject to conditions/reasons for refusal detailed in paragraph 3.0 of the Report.

48.2 Application: 2016/0644/OUT
Location: Main Street
North Duffield
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.

The Principal Planning Officer introduced the application that had been brought before Planning Committee because the proposal was contrary to the development plan however there were material considerations which would justify approval of the application.

The Principal Planning Officer explained that the proposal would be contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. However it was explained that one such material consideration was the National Planning Policy Framework (NPPF). It was explained that when taking all considerations into account, the proposal was considered to be acceptable. The Committee were informed that that any harms arising from the development would not significantly and demonstrably outweigh the benefits in terms of housing delivery of the application. Therefore the proposal was considered acceptable when assessed against the policies in the Selby District Local Plan, the Core Strategy and the NPPF in particular paragraph 14, taken as a whole. The Principal Planning Officer explained that it was on this basis that permission is recommended to be granted subject to conditions and a Section 106 agreement.

The Principal Planning Officer referred the Committee to the additional information provided in the Update Note which outlined the following information:

- A correction of an error in paragraph 2.3.12 of the report.
- Clarification with regard the ownership on the frontage to the west of the football facilities.
- Additional representations received.
- Details of the withdrawal of the objection by the Royal Society for the Protection of Birds (RSPB).
- Comments received with regard to flood management from the SuDS and Development Control Officer.
- Comments from North Yorkshire County Council Highways on the Beech Grove Pedestrian Link requesting an additional condition.
- Comments received regarding recreation open space and the officer's response.

The Update Note also outlined an amendment to the officer's recommendation including additional conditions relating to flood risk and on the Beech Grove Pedestrian Link. Claire Walker, resident, spoke in objection to the application.

Councillor Bob Wells, Parish Councillor, spoke in objection to the application.

Councillor Karl Arthur, Ward Councillor spoke in objection to the application

Richard Morton, Agent spoke in support of the application.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded. The proposal was not supported.

A further proposal to refuse the application for the following reasons was proposed:

- The application having a harmful impact due to its size.
- The scale of the development being inappropriate to North Duffield
- The application being contrary to policies ENV1 (1) and (4) of the Local Plan and SP18 and SP19 of the Core Strategy.

It was proposed that delegated authority be given to officers to formulate the exact wording for refusal from the above reasons. This proposal was moved and seconded and voted upon.

RESOLVED:

- To REFUSE the application and to delegate authority to officers to formulate the exact wording for reasons for refusal from the areas mentioned above.**

48.3 **Application:** **2016/0926/FUL**
 Location: **Land to the Rear of Four Leaf Nurseries**
 Church Fenton Lane, Ulleskelf, Tadcaster
 Proposal: **Proposed residential development comprising 28**
 dwelling, areas of amenity space, landscaping and
 associated infrastructure following demolition of
 existing nursery building.

The Principal Planning Officer introduced the application that had been brought before Planning Committee because the proposal was a departure from the Development Plan and more than 10 representations had been received raising material planning considerations.

The Planning Officer explained that having taken into account all considerations, there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The Committee were informed that the proposal was therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy, apart from those policies relating to housing supply. The Principal Planning Officer that it was

The Senior Planning Officer introduced the application that had been brought before Planning Committee as Officers considered that although the proposal was contrary to the provisions of the Development Plan there were material considerations which would justify approving the application.

The Senior Planning Officer explained that the principle of the proposed development was not considered to be acceptable having regard to Policy SP2A(d), SP3 and SP5 of the Core Strategy Local Plan and paragraph 89 of the NPPF which outlined that limited infilling was appropriate development within the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including the land within the existing development. The Senior Planning Officer explained that it was considered on balance, that the proposed development would be acceptable in respect of its impacts on openness and on the purpose on including land within the Green Belt.

The Senior Planning Officer explained that proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Committee were informed that in assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

The Planning Officer explained that the application was acceptable without a contribution for affordable housing and that other matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highways safety, residential amenity, nature conservation and land contamination were considered to be acceptable.

John White, resident spoke in objection to the application

Rachel Bartlett, agent, spoke in support of the application.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded. An amendment to refuse the application due it being inappropriate development in the green belt was proposed and seconded. Upon being put to the vote, the motion was lost. The Senior Planning Officer's recommendation was then put to the vote.

RESOLVED:

To APPROVE the planning application, subject to the conditions as detailed in Paragraph 3.0 of the report.

At this point the Committee adjourned for a 10 minute break.

48.7	Application:	2016/0831/FUL
	Location:	Land off East Acres, Byram
	Proposal:	Development on scrub land to provide 29 dwellings accommodating 1, 2, 3 & 4 bedrooms in a mix of semi-detached and terraced houses

The Principal Planning Officer's recommendation that to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the application subject to the conditions detailed in paragraph 4.0 of the report.

48.9 **Application:** **2016/1329/FUL**
 Location: **Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT**
 Proposal: **Proposed two-storey extension to provide locker room and storage to ground floor and office space to first floor with associated additional parking**

The Senior Planning Officer introduced the application that had been brought to Planning Committee in the interests of transparency as the proposals involved the extension of the Civic Centre which was a Selby District Council asset.

The Senior Planning Officer explained that having assessed the proposals against the relevant policies, it was considered the proposals were acceptable in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk, drainage and climate change and nature conservation.

The Senior Planning Officer's recommendation that to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the application subject to the conditions detailed in section 3.0 of the report.

48.10 **Application:** **2016/1196/REM**
 Location: **Field House, School Lane, Bolton Percy, Tadcaster, North Yorkshire, YO23 7BF**
 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 to**

The Senior Planning Officer introduced the application that had been brought before Planning Committee as one of the applicants was Councillor Richard Musgrave and the Council's scheme of delegation requires for the application to be determined by Planning Committee.

The Senior Planning Officer explained that principle of development for residential development at this site was established under the outline planning permission granted on 22 October 2015. The Committee were informed that the application was therefore to consider the reserved matters with respect to appearance, landscaping, layout, scale and access to the development. It was explained that having assessed the proposals against the relevant policies, the proposals were considered to be acceptable.

The Senior Planning Officer referred the Committee to the additional information provided in the Update Note which outlined a correction to paragraph 2.7.6 of the report.

The Senior Planning Officer's recommendation that to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the application subject to the conditions detailed in paragraph 3.0 of the report.

The Chair closed the meeting at 5.42 pm.

Planning Sub-Committee

Venue:	Council Chamber
Date:	Wednesday 25 January 2017
Time:	10 am
Present:	Councillors Cattanach (Chair), B Marshall, and C Pearson.
Apologies for Absence:	None
Officers Present:	Johnathan Carr, Lead Officer – Planning, Calum Rowley, Senior Planning Officer, Keith Thompson, Senior Planning Officer, Kelly Dawson, Senior Solicitor, and Janine Jenkinson, Democratic Services Officer.
Public:	1
Press:	0

20. DISCLOSURES OF INTEREST

There were no disclosures of interest.

21. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair advised the Sub-Committee that as there was a member of the public registered to speak in relation to agenda item 4.2 - 2016/0947/COU, 7 Finkle Street, Selby, the application would be considered as the first agenda item.

22. PLANNING APPLICATIONS RECEIVED

The Chair reported that due to there being members of the public registered to speak in relation to agenda item 4.4 – 2016/1194/FUL - Manor Grange, Cottage Cobcroft, Lane, Cridling Stubbs and item 4.7 - 2016/1251/FUL - 4 Back Lane, North Duffield, he was revising the order of the agenda to consider these applications first.

22.1 **Application:** **2016/1194/FUL**
 Location: **Manor Grange Cottage Cobcroft Lane Cridling Stubbs**
 Proposal: **Revised scheme for demolition of existing dwelling and erection of replacement dwelling.**

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the recent Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the National Planning Policy Framework (NPPF).

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to the village of Cridling Stubbs and would provide an appropriate type of accommodation identified in the Strategic Housing Market Assessment. Members were therefore recommended to approve the application.

Mr N Thompson, a neighbouring resident, raised concerns in relation to the application.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to conditions set out in section 3.0 of the report.

22.2 **Application:** **2016/1251/FUL**
 Location: **4 Back Lane, North Duffield**
 Proposal: **Detached dwelling**

The Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee as officers considered that although the proposal was contrary to Policy SP9 of the Core Strategy there were material considerations which would justify approving the application.

demonstrably outweigh the benefits. The proposal was therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

RESOLVED:

To APPROVE the planning application, subject to conditions set out in section 4.0 of the report.

22.4 Application: 2016/1171/FUL
Location: Mobile Home, Horseshoe Fishing Pond, Balne Moor
Road, Balne.
Proposal: Proposed dwelling to replace timber framed unit.

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution.

The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the National Planning Policy Framework (NPPF).

The application was a replacement dwelling in the Green Belt and it was considered to be appropriate development in the Green Belt as it was in the same use and would not be materially larger than the building it replaced and thereby was in accordance with Policy SP3 of Selby Core Strategy and the NPPF.

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to the locality and members were recommended to approve the application.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 4.0 of the report.

22.5

Application: 2016/0927/OUT
Location: The Haven, Fairburn
Proposal: Outline application for erection of 5 no. dwellings including details of access (all other matters reserved)

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the recent Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the National Planning Policy Framework (NPPF).

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to Fairburn and would provide an appropriate type of accommodation identified in the Strategic Housing Market Assessment. It was considered that there was no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. Members were therefore recommended to approve the application.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE delegation authority to officers to approve the planning application, subject to conditions set out in section 4.0 of the report and the satisfactory receipt of a revised Phase 1 Report in relation to contaminated land.

22.6

Application: 2016/1261/FUL
Location: 40 Steincroft Road, South Milford
Proposal: Proposed erection of new three bedroom dwelling following demolition of existing garage

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the recent Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations

RESOLVED:

To APPROVE the planning application, subject to conditions set out in section 2.14 of the report.

22.8 Application: 2016/1351/FUL
Location: Brotherton United Reformed Church, Old Great North
Road, Brotherton
Proposal: Proposed conversion of existing church to 1 No
dwelling

The Senior Planning Officer introduced the application and drew the Sub-Committee's attention to the additional information provided in the Update Note, which outlined WPA Environmental, the council's Contaminated Land Advisors.

Members were informed that the application had been brought before the Sub-Committee in as officers considered that although the proposal was contrary to the provisions of the Development Plan there were material considerations which would justify approving the application.

The Senior Planning Officer reported that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (a) and SP4 (a) of the Core Strategy Local Plan given the location of the development within the defined development limits of a Designated Service Village.

The Sub-Committee was advised that the Court of Appeal judgement in relation to the West Berkshire Case, was a material consideration of substantial weight, which outweighed the policy requirement for a commuted sum. Having had regard to Policy SP9 and the PPG, the Senior Planning Officer recommended, on balance that the application been approved without the requirement to provide a contribution for affordable housing.

The Senior Planning Officer's recommendation to approve the application was proposed and seconded.

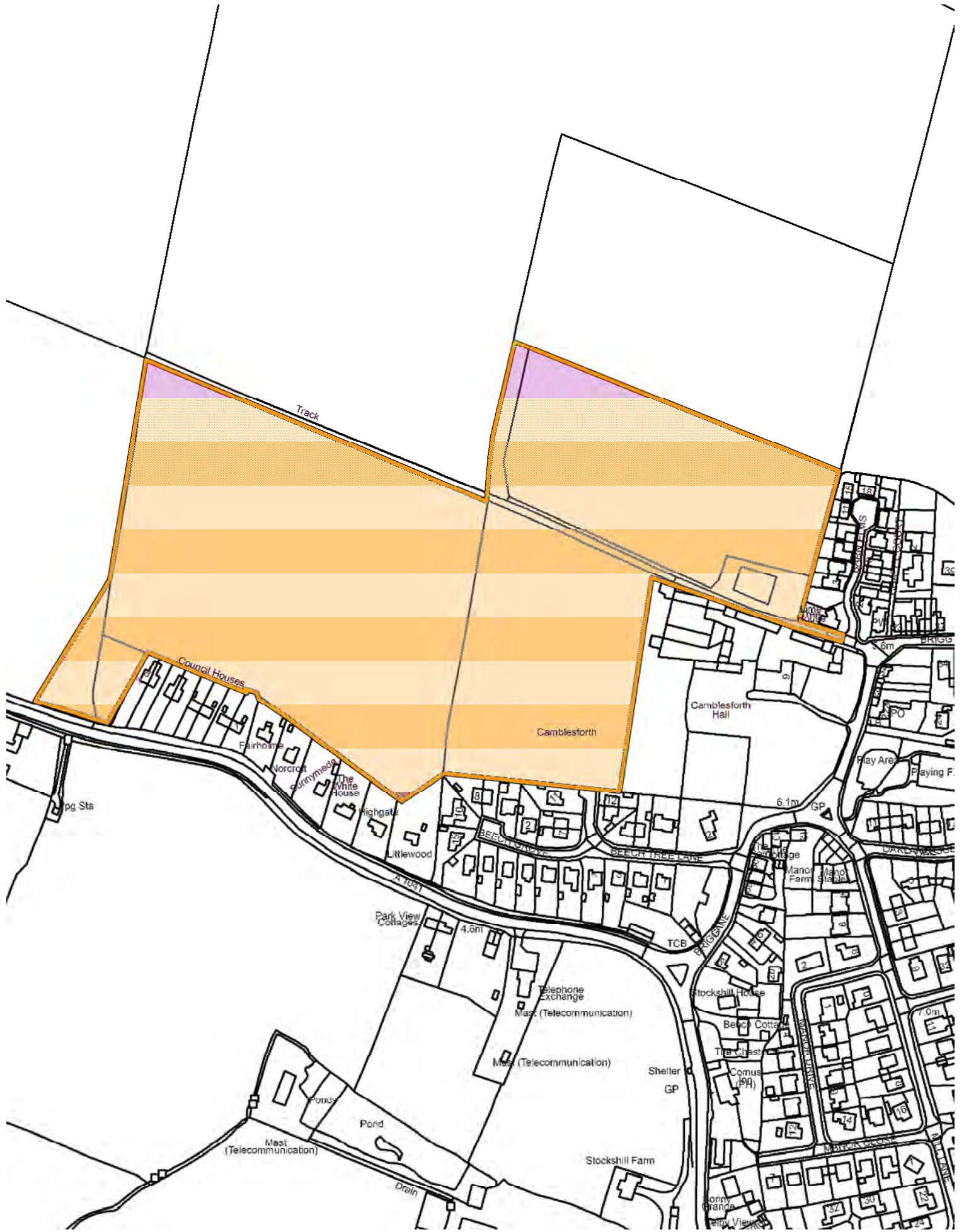
RESOLVED:

To APPROVE delegated authority for officers to approve the planning application, subject to conditions set out in section 2.16 of the report and an additional suitably worded condition to address issues in relation to the land being a burial site.

The Chair closed the meeting at 11 a.m.

Items for Planning Committee
8 February 2017

Ref	Site Address	Description	Officer	Page
2016/1257/OUTM	Selby Road, Camblesforth	Outline application for residential development including access on field to the north of A1041	FIEL	19-47
2016/1008/HPA	The Loft, 26a Low Street, Sherburn	Proposed extension and alterations to an outbuilding to form a domestic garage for incidental use to host dwelling	DIWI	48-60
2016/1322/OUTM	Colton Lane, Appleton Roebuck	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 no. new dwellings, together with associated infrastructure and open space provision	YVNA	61-94
2016/0141/COU	Birchwood Lodge, Market Weighton Road, Barlby	Proposed change of use to form grass runway	THWE	95-108
2016/0716/FUL	Land adjacent to 6 Northfield Lane, Church Fenton	Proposed erection of a detached bungalow with integral garage	CARO	109-128
2016/1368/FUL	Old Forge Cottage, Main Street, Church Fenton	Erection of 6No Dwellings	JETY	129-150
2016/1384/FUL	Old Forge Cottage, Main Street, Church Fenton	Proposed erection of 1 No dwelling	JETY	151-173



APPLICATION SITE

Item No: 2016/1257/OUTM

Address: Selby Road, Camblesforth

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Land at Camblesforth
Indicative Layout

Drawn No. 2459.201D
October 2016
Scale 1:1000 @ A1

**AMENDED
DRAWING**

RECEIVED
10.01.2017
BUSINESS SUPPORT

DWP
Dryden Wilkinson Partnership

Nowwood Barn
Lower Nowwood Road
Nowwood
Leeds LS21 2BA
01943 466 249



Report Reference Number 2016/1257/OUTM (8/23/2Q/PA)

Agenda Item No: 6.1

To: Planning Committee
Date: 8 February 2017
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1257/OUTM	PARISH:	Camblesforth Parish Council
APPLICANT:	Proserpina Ltd, Lampetia Ltd Cerealia Ltd Land Innovations	VALID DATE: EXPIRY DATE:	24th October 2016 23rd January 2017
PROPOSAL:	Outline application for residential development including access on field to the north of A1041		
LOCATION:	Street Record Selby Road Camblesforth Selby North Yorkshire		

This application has been brought before Planning Committee due to the proposals being contrary to the provisions of the Development Plan and over ten letters of representations of support being received.

Summary:

The application seeks outline planning permission including access for residential development on 9.09 Hectares with layout, scale, appearance and landscaping reserved for future consideration at land to the north of the A1041 at Selby Road, Camblesforth. The scheme originally provided an indicative layout plan for 105 dwellings with the provision of open space. A revised indicative layout plan removes housing from the northern portion and reduces the number of dwellings on the layout to 70 dwellings on the western portion only.

The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policies SP2 (a,b & c) SP4 (a,b,c & d) and SP5 (b) are out of date in so far as they relate to housing supply and so should be afforded only limited weight. In assessing the proposal, the economic, social and environmental benefits of the development are considered.

However, specific policies of the NPPF referred to in the footnote to paragraph 14 includes locations at risk of flooding. This site is within Flood Zone 2 and fails the Sequential Test because there are other sites available providing larger numbers of homes cumulatively on sites with a lower flood risk. Therefore it is considered that the proposal would have a significant impact on flood risk and fails to accord with Policy SP15 of the SDCSLP and the NPPF in this respect.

Since NPPF Policy at paragraph 103 in relation to flood risk indicates in these circumstances this type of development should be restricted, the application could be refused on these grounds alone without the need to weigh up whether the benefits of the development would be significantly and demonstrably outweighed by any adverse impacts, when assessed against the policies in this framework taken as a whole.

A further specific policy mentioned in the footnote relates to Designated Heritage Assets. This development would affect the setting of Camblesforth Hall, a Grade 1 Listed Building and the associated Dovecote, Grade II Listed. Historic England identify that although the amended plans are an improvement, there will be harm which should only be justified if the public benefits outweigh the harm identified.

Notwithstanding the above, the proposals are considered acceptable with respect to the design, impacts on residential amenity, highways, noise, drainage and climate change, protected species, contamination and would provide appropriate contributions towards affordable housing, recreational open space and waste and recycling in accordance with policy.

It is concluded that the development should be restricted due to the flood risk and failing the Sequential test. Notwithstanding this the weight of social, economic and environmental benefits of the site is considered in the report and need for housing applications to be considered in the context of the presumption in favour of sustainable development. In this case the adverse impacts in terms of the scale of the proposal being inappropriate to the size and role of the settlement as a secondary village, the harmful encroachment in to the countryside being a discordant addition to the village amount to an unsustainable form of development which is considered to significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. Since the public benefits of the proposal are not considered to outweigh the adverse effects, then the harm to the Heritage Asset cannot be justified and should be added to the reasons for refusal.

It is on this basis that permission is recommended to be refused.

Recommendation

This planning application is recommended to be REFUSED subject to reasons for refusal detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located outside of the defined development limits of Camblesforth and is located within open countryside on the North West side of the village. The topography of the site is relatively flat. Hedgerows mark the boundaries of the wider site and would be retained where possible.

1.1.2 The application site is bound to the east and south by existing residential properties with a variety of housing types and designs being utilised in the surrounding area. There are traditional redbrick 1950's semi-detached properties laid in a linear form along the A1041 to the south of the application site and there are a variety of buff brick bungalow properties along Beech Tree Land and Beech Grove. There is a public footpath that runs from Brigg Lane onto the application site.

1.1.3 The application site consists of agricultural land which lies to the west and north of Camblesforth Hall, Grade I listed and the associated Dovecote, which is Grade II listed.

1.1.4 The whole of the application site is located within Flood Zone 2.

1.2 The proposal

- 1.2.1 The application seeks outline planning permission including access for residential development with layout, scale, appearance and landscaping reserved for future consideration at land to the north of the A1041 at Selby Road, Camblesforth. An indicative layout plan has been submitted showing how the site could be developed for 70 dwellings.
- 1.2.2 Access to the application site is proposed from the A1041. It is proposed that the development would comprise a mix of detached, semi-detached and terraced properties. The site is in two parcels. One parcel west of the village is shown to contain the revised indicative housing layout. The parcel to the north has been amended and is now shown as a recreational open space and a parking area for the village hall.

1.3 Planning History

The following historical applications are considered to be relevant to the determination of this application.

2015/1121/OUT -Outline application to include access for residential development on land to the north of the A1041- Refused on 9 March 2016 for the following reasons;

- 01 The proposal by virtue of the scale, at approximately 80 dwellings, is not considered to be appropriate to the size and role of Camblesforth, a settlement, which is designated a Secondary Village in the Core Strategy and therefore would conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposal therefore is contrary to Policies SP2(c) and SP4 (a) of the Selby District Core Strategy Local Plan.
- 02 The proposed development, by virtue of its location and scale would not read as a natural organic extension to the village and would result in an encroachment into the countryside. Furthermore, the effect of encroachment would be exacerbated by its poor and contrived relationship, particularly in respect to the location of the access, to the village as a whole and the size and scale of the development. The proposal would therefore be harmful to the character and form of the area contrary to Policy ENV1 (1) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan.

An appeal against the above refusal was dismissed on 15 September 2016. The Inspector concluded that;

“The appeal proposal would not accord with the overall development strategy for the area as set out in the development plan and would cause significant harm to the character and appearance of the area in conflict with a number of policies of both the Core strategy and the Local Plan as detailed above. It would be contrary to the development plan as a whole and would not comprise sustainable development”.

At the time of determination of both the planning application and the appeal, the council had a 5 year land supply.

1.4 Consultations

All summarized as follows;

NYCC Highways –

The LHA engaged in detailed discussions with the transport. Initially a simple priority junction was proposed to access the development from the A1041. The LHA was concerned that this form of access could result in the likelihood of rear end shunt type

accidents. Vehicles travelling north tend to "platoon" through the village bends and could encounter a stationary vehicle waiting to turn right into the access. Records show that there have been a number of accidents of this type along this stretch of the A1041. To address these concerns the Applicant has agreed to provide a right turn lane junction to access the development site. Concluded that a satisfactory access can be provided on the basis of the outline design. The right turn lane will have the added benefit of providing a pedestrian island on the A1041 to facilitate access to the northbound bus stop.

The proposed access is within the existing 40mph speed limit. As part of a future reserved matters application consideration will be given to extending the existing 30mph speed limit past the access. At the present time the LHA seek a contribution towards the cost of the associated traffic orders should it be considered appropriate to relocate the speed limit. The other main issue of concern to the LHA was that of pedestrian accessibility. The main pedestrian route from the development into the village will be onto Brigg Lane, adjacent to the Barn Elms development. It is noted that there is a general lack of pedestrian drop kerb crossing points within the village. To address this, the Applicant has agreed to create dropped kerb crossing points at the following locations:

- adjacent to Barn Elms to guide pedestrians across Brigg Lane
- the junction of Mill Lane with Brigg Lane
- the junction of Brigg Lane with the A1041

An additional issue for pedestrians wishing to walk from the main access into the village would be that the existing footway leading up to Brigg Lane narrows in width to approximately one metre. To address this issue the Applicant has agreed to widen this section of footway. In terms of impact on the existing highway network the TA contained capacity assessments on a number of key junctions. The LHA queried the vehicular trip rates which had been used to undertake the assessments. As such, a sensitivity test was undertaken using higher trip rates. The LHA is satisfied that there will be no detriment to the operation of the local highway network as a result of the development.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.

Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

1. £2,000 contribution towards the extension of the existing 30mph speed limit.
2. £5,000 monitoring fee for the development Travel Plan.

Other matters to be covered by a number of a number of suggested conditions.

The Environment Agency

No objection subject to a number of conditions to reduce the risk and impact of flooding.

Sequential Test –The LPA must also satisfy yourselves that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance, and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.

Advice to LPA -The Lead Local Flood Authority and Selby IDB should be satisfied that the scheme for surface water management does not increase flood risk either to this site or to others.

Yorkshire Water
Conditions suggested

NYCC Flood Risk Management- Sustainable Drainage Systems

Confirms that the additional information submitted addresses previously unresolved matters to the standard required for an outline planning application. Points out that the planning authority needs to be satisfied that maintenance of the SuDS can be ensured by planning condition. -Detailed condition recommended:

Defers to comments from the Environment Agency with respect to siting of properties in a flood zone.

Selby Area Internal Drainage Board

The application will increase the impermeable area to the site and the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

Current guidelines are:-

Surface water to soakaway system,-Percolation tests essential to establish if the ground conditions are suitable.

Surface water to mains -no objection, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

Surface water to any watercourse-separate consent from the IDB required, and would be restricted rate.

Conditions suggested.

Heritage Officer –second response.

This type of site is unlikely to preclude development provided that a scheme of archaeological mitigation was provided to record the deposits prior to development . However this approach would expose the developer to an unknown level or risk, for example if well preserved, high-status, stone buildings or a cemetery were present then the level of mitigation required may have an impact on the viability of delivering the site.

If minded to approve, essential that the archaeological evaluation work is completed prior to the commencement of development, and that appropriate mitigation is also agreed in advance and implemented either before and/or during development, as appropriate to the findings of the evaluation. This might include preservation of very sensitive archaeological deposits in situ where this is justified.

Appropriate wording for a condition given

Historic England – second response

Historic England welcomes the amended layout plan which removes the northern plot of houses on land to the north of the Hall.

Still consider a full planning application necessary to enable the full extent and nature of the impact of the development upon the setting of Camblesforth Hall to be understood. Alternatively the submission of a Design Code in order to clearly set out the development framework for the future detailed design stage. This is in accordance with paragraph 58 & 61 of the National Planning Policy Framework and paragraph 36 of the National Planning Policy Guidance to ensure that any harm caused to the significance of the heritage assets affected is mitigated and that the proposal would take opportunities to preserve or better reveal the significance of the Hall.

If notwithstanding the above, your authority continues to determination of the outline application we consider there would be some harm to the Grade I listed hall through development within the currently open landscape that contributes to the significance of the

hall. We consider this harm has been reduced, however any harm requires a 'clear and convincing justification' (NPPF paragraph 132). If your authority considers such a justification exists, then the harm should be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF. In undertaking this weighing exercise you should bear in mind the statutory duty of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have 'special regard' to the desirability of preserving the setting of the listed building.

Education Directorate North Yorkshire County Council

Details of levy given if appropriate outside of CIL. No shortfall of school places would arise as a result of this development and a developer contribution would not, under s.106 arrangements, be sought for primary education facilities. A developer contribution would not be sought for secondary school facilities at this time.

North Yorkshire Fire & Rescue Service

The proposal should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service. It is assumed that the provision of water for fire fighting will meet the requirements set out in National guidance document on the provision of water for fire fighting, Appendix 5.

Natural England –

The application site is in close proximity to the River Derwent Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Derwent Site of Special Scientific Interest (SSSI).

NE advises under the provisions of the Habitats Regulations, the LPA should have regard for any potential impacts that a plan or project may have.

Natura 2000 - No objection

The consultation documents does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- * the proposal is not necessary for the management of the European site
- * that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

- * The combination of the provision of on-site recreation facilities and the distance between the River Derwent and the proposal means a significant effect from recreation pressure is unlikely.
- * Potential drainage impacts have been considered and addressed though the incorporation of SuDS.

SSSI - No objection

Our comments regarding the potential impacts upon the River Derwent SSSI coincide with our comments regarding the potential impacts upon the River Derwent SAC detailed above.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- * local sites (biodiversity and geodiversity);
- * local landscape character; and
- * local or national biodiversity priority habitats and species.

Protected Species -We have not assessed this application and associated documents for impacts on protected species.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

North Yorkshire Bat Group –

The Group does not have any objection to the proposal as there will be no direct impact on bat roosts. However, we note from the ecology appraisal that there is some evidence of roosting bats in barns immediately to the east of the proposed development. Bats from that roost (and possibly other roosts in the local area) are likely to forage at night over and around the proposed development site and the surrounding countryside. Most small bats move around the countryside by closely following hedgerows, so it is important, if the development is approved, that hedgerows be retained.

Most bat species are deterred from using areas that are affected by light whether this be street lighting, exterior security lighting, etc. This is especially the case with Brown Long-eared and Whiskered bats which are thought to roost at the nearby barns. It will therefore be essential that external lighting is minimised, should the development be approved. It will be especially important to ensure that hedgerows are not affected by lighting as this could render them unsuitable as commuting and foraging routes and so make any roosts in the neighbouring barns unviable.

Where new developments are approved we would encourage the inclusion of bat roost units and Swift nest boxes in each of the new properties in order to enhance the opportunities for these species.

Comments on the revised layout;

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Yorkshire Wildlife Trust –

There do not appear to be any major ecological impacts. Advise, if planning permission were to be given, to condition the suggestions for enhancement on pages 20 and 21 of the survey by Brooks Ecological, and also to condition an ecological management plan.

Designing Out Crime Officer

It is noted that this application is a resubmission of a previous planning application that was refused on appeal (2015/1121/OUT). I responded by way of report to that application and to various amendments.

1. Having examined the recent amended site layout drawing, it is noted that the issues raised regarding ambiguous space now appear to be addressed. This is welcomed.
2. As an observation, the proposed Recreation Open Space to the east of the development does not appear to be directly overlooked by any housing. Building for Life 12 recommends creating spaces that are well overlooked by neighbouring properties.

3. The proposed Recreation Open Space will give uncontrolled/unseen access up to the rear boundaries of certain dwellings on the eastern edge of the site. It is recommended that rear boundary fencing between these dwellings and the Recreational Open Space should be to a minimum height of 2m, owing to vulnerability.
4. Other than the ambiguous space, reference is made to the comments, advice and recommendations that were previously made, as they still apply in respect of any housing development on this site.
5. The Police Traffic Management Officer, Steven Burrell, who has read the Stage 1 Road Safety Audit report and response from the Designers and is satisfied that the issues raised have now been addressed.

Revised layout- nothing further to add.

Public Rights Of Way

No comments received

(Comments but no objections to previous scheme)

Councils Contaminated Land Consultant

Comments awaited however, the previous submission was acceptable subject to conditions.

Development Policy

The application should be considered against both the saved policies in the adopted 2005 Selby District Local Plan (SDLP) and the 2013 Selby District Core Strategy (CS).

The key issues which should be addressed are:

1. The Principle of Development
2. Impact on the Council's Housing Land Strategy
3. Previous Levels of Growth and the Scale of the Proposal
4. Relation of the Proposal to the Development Limit

(Comments made on the above are embodied in the main issues discussion)

Camblesforth Parish Council

1 -Access to Brigg Lane/Barn Elms (site 2) - this junction would have its traffic increased by some 200% if this application was passed and as a result the junction and the bend on Brigg Lane wouldn't be suitable for the number of cars using it. There could also be an issue for the residents who live within 50 m of the junction and who park on the road because they have no off road parking.

Access to A1041 from Selby Road (site1) - this in my opinion would put the users of the junction in unacceptable danger as any vehicle wishing to leave said junction left or right would be unsighted to the right, with traffic moving on the 1041 at or above 40mph.

Finally, this application would increase the village size by more than 20% and for a secondary/out-lining/no-service village, this is too large of a development.

2. Planning was refused in March of this year for the proposed building of 80 houses and yet it is now resubmitted for 105 houses, plus 14 proposed in the grounds of Camblesforth Hall together with the 47 houses, already approved opposite the school, I believe the impact on the village of over 160 new dwellings will put not only the road system under considerable strain, but also other facilities such as the school.

3. The access road is not wide enough especially near the Chapel. There are already enough cars parked in that area at the moment and with the bus using the route it will make

it dangerous. Query if the sewerage and drainage are robust enough to cope with extra houses.

4- The road access of Brigg Lane/Barn Elms is not sufficient to cope with the extra traffic. The parking of existing resident's cars is already a problem. Double decker buses/farm traffic already struggle to drive around the bend, this road could never be used as a thorough fare for traffic in or out of the proposed development.

The local primary school would also need significant extra space/building and staff to cope with additional children as a result of more families moving into the village. Would the school be able to offer spaces for what might be a large intake of new children. Again, traffic is already a problem near the school and with the new housing having just been approved opposite the school, any new proposed development would only add to the congestion. In favour of providing housing in the village, however not to this size/scale. The approved development near the school is sufficient for the side of the village and its infrastructure and facilities.

5- Concerned about access from 1041.

6- This development will fall totally outside of the village boundary. Camblesforth is a 'secondary village' when it comes to future development. Along with land near the school which already has permission, this would be a massive development which would totally change the character the village.

1.5 Publicity

The application was advertised by site notices, press notices and neighbour notification letters resulting in 29 households objecting and 13 letters of support. The letters of support are based on 3 standard letters. 2 are from Camblesforth residents. The remainder are from people outside the village.

Grounds of objection

- Villagers object first time round but don't keep writing for repeat applications not realising this is a resubmission. So less letters does not mean less objection
- Letters in favour are from outside the village and the development will have no impact on them – this is a tactic to get the scheme to committee.
- Revised scheme should be automatically rejected and is a waste of time and money
- conflicts with GB policy
- The land is prone to extensive flooding witnessed over 25 years. Its flood plain 2 surrounded by flood plain 3.
- Drainage-land is slow to drain. not enough information, sewers already to capacity
- Noise, fumes and disturbance and traffic danger from construction traffic
- Residential amenity-overlooking, loss of light
- Traffic & Highways- Query how pedestrian and emergency access road next to Barn Elms –how will village hall parking be accessed. Access road will be dangerous. Traffic Hazard. Many accidents in the area. Local accidents mentioned. Poor visibility. Use of access from Brigg Lane will be a danger. Tight blind bend and poor visibility. Brigg land too narrow – NY road design standards quoted.
- Plans don't give enough detail and appear to encroach on our property and show removal of our hedge which may affect livestock
- Facilities- school already to capacity, doctors are full, Not enough amenities in the village to support any more large developments
- spoil scenic view from back gardens (Not a material planning consideration)
- Camblesforth is a secondary village and not suitable for extensive additional housing.
- Adverse effect on wildlife

- This has already been dismissed on appeal – can't understand how applications can be submitted again and again. LPA has the power to decline to repeated applications
- new houses only for commuters not for locals
- Plans are made to look 'sweet' at this stage but will change.
- New occupants are unlikely to cycle due to the high speed and danger on the main road. the reality is more car users
- Development should be in towns and not turn villages into massive housing estates
- Hope that the numerical benefits don't outweigh the environmental losses
- Outside of development limits
- Adverse effect on the setting of a listed building
- Other brownland nearby would be more suitable
- Lack of demand for houses
- Overload on medical services
- Site is owned by the owners of the Hall who will then sell up leaving this blot on the landscape for others to live with

Grounds of Support

- shortage of housing in the Selby area
- site is well located to provide housing for some of the shortfall
- Camblesforth has excellent transport links, schools, shops, church and play areas
- village will benefit from injection of new people. New families will keep up school numbers. Education authority confirms the school can cope.
- Land is well drained and has never flooded

Comments from the Local Councillor on the revised scheme

The revised plans are better. Bonus of recreational space and other community benefits Outside development limits but reduced speed limit will improve and there is the potential for a level crossing to better access the bus stop.

2 Report

- 2.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP4- Management of Residential Development in Settlements
- SP5 - The Scale and Distribution of Housing
- SP8 - Housing Mix
- SP9 - Affordable Housing
- SP15 - Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency

SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements

2.1.3 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning. The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.2 Key Issues

2.2.1 The main issues to be taken into account when assessing this application are:

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
- 2) Specific policies of the NPPF which indicate development should be restricted.
 - a) Flood Risk
 - b) Heritage Assets
- 3) The impacts of the proposal:
 - a) Scale, layout, landscaping, design and Impact on the Character and form of the village and the locality
 - b) Highway Safety conditions
 - c) Drainage and climate change
 - d) Contaminated land and ground conditions
 - e) Recreational Open space

- f) Residential Amenity
- g) Education Healthcare and waste recycling
- h) Affordable Housing
- i) Nature Conservation and Protected Species
- j) Other matters

2.3 The Appropriateness of the Location of the Application Site for Residential Development in Respect of Current Housing Policy and Guidance on Sustainability Contained within the Development Plan and the NPPF.

- 2.3.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 2.3.3 Policy SP2 identifies Camblesforth as being a Secondary Village and states that limited amounts of residential development may be absorbed inside its development limits where it will enhance or maintain the vitality of rural communities. However, the application site lies outside the defined development limits of Camblesforth. Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances
- 2.3.4 In light of the above policy context the proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise. One such material consideration is the National Planning Policy Framework.
- 2.3.5 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. Having regard to the above, the Inspector's report for the appeal at Hodgson's Gate, Sherburn in Elmet on the 6th of December 2016, stated that the Council does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.3.6 In view of the above, Policies SP2, SP4 and SP5 of the CS are considered out of date in so far as they relate to housing supply. Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Policy SP1 of the CS is relevant.
- 2.3.7 This does not, however, lead to an automatic assumption that planning permission should be granted. Rather, paragraph 49 aims to ensure that in situations where the development

plan policies have failed to secure a sufficient supply of deliverable housing sites, the “presumption in favour of sustainable development” is applied.

Sustainability of the development

- 2.3.8 In respect of sustainability, the site is adjacent to the development limits of the village of Camblesforth which is a secondary village as identified in the Core Strategy where only limited amounts of residential development within development limits are appropriate.
- 2.3.9 The applicant has submitted supporting information that states that Background Paper Number 5, which provides evidence to support the Core Strategy highlights that a number of the villages within Selby District are considered to be Designated Service Villages. The applicant states that a number of these villages have been given the same sustainability score as Camblesforth. For example Carlton, Eggborough, Escrick, Brotherton, Monk Fryston and Ulleskelf are all recognised as having the same sustainability score as Camblesforth and are all recognised as being designated service villages. Of these villages, both Carlton and Eggborough have seen significant housing approvals in recent months, highlighting that large scale residential development is appropriate and considered sustainable in places which benefit from a similar level of services to those in Camblesforth. The applicant goes on to state that for example Camblesforth, Cawood and Ulleskelf are excluded because they are more vulnerable to flooding than other villages and fail the Sequential Test undertaken in connection with the Level 2 Strategic Flood Risk Assessment.” However, as the Core Strategy progressed, both Cawood and Ulleskelf were upgraded to Designated Service Villages and have the same sustainability score as Camblesforth.
- 2.3.10 The applicants provide information on the sustainability of the settlement. They point out that the village contains a general store and post office, a fish and chip shop, a further food takeaway, a hairdresser, village hall and chapel, two public houses (one currently to let), a beauty salon and spa, a primary school and separate nursery and out of schools club, community gardens, amenity open space, children’s play area and recreational area, and nearby Drax social club. In addition it is in close proximity to major employers including Drax power station, English village salads and Yorkshire fresh fruit with a footpath to both these employers. There are 4 bus stops providing access to Selby to Goole and Goole to Selby routes with stops to other settlements on route. The buses arrive every 40 minutes Monday to Saturday with a less frequent service on Sundays. In addition there are a number of public rights of way around the settlement connecting it with the wider countryside and the settlements of Carlton and Barlow. The village is in the catchment area for Brayton High school for which there is a school bus service. It is also stated that children from Camblesforth Primary school have other nearby secondary schools available to them including, Selby High, Holy Family School, Carlton and Snaith. The applicant concludes on the basis of this and their supporting evidence that the proposal site is within a sustainable location.
- 2.3.11 In The village has been given an overall ranking of 3 out of 4 for sustainability in ‘Background Paper 5 of the Core Strategy (in a range of 1-4 with 4 being the least sustainable). In terms of settlement size it ranks 3 out of 5 with a population of between 1400-1600 in 2006. In terms of basic services it ranks 2 out of 4 lacking only a doctors surgery to achieve the highest rank. In terms of accessibility by public transport it ranks 3 out of 4 compared with other settlements which is categorised as low. In terms of access to a range of employment opportunities the settlements are ranked according to distance from employment locations. In this respect Camblesforth ranks 2 out of 4.
- 2.3.12 This overall ranking is due to Camblesforth ranking lower in terms of access to local employment opportunities and in terms of accessibility by public transport due to distance and lower frequency of public transport. It is also one of the smaller settlements in terms of size, ranking 3 out of 5 levels of size. However, in terms of basic services it ranks highly

having the 3 out of 4 of the most essential and important services needed within villages. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Camblesforth, it is adjacent to the boundary and would be served by the some basic essential facilities within this secondary village.

- 2.3.13 The applicant has argued in their planning statement that Camblesforth is as sustainable as some of the Designated Service Villages and that therefore this means the level of development proposed is appropriate. Whilst it is true that Camblesforth does have a similar number of services to some of the DSV's, this village was not chosen as a DSV in the Core Strategy because of the level of flood risk that exists in and around the settlement. The entirety of the settlement and its surrounds, which includes this site, is situated in either a flood zone 2 or 3 area. Other DSV's such as Ulleskelf and Cawood also have areas of flood risk 2 and 3 in their vicinity, but crucially also have areas in flood zone 1 which are suitable for housing development. This is why these settlements were chosen in the Core Strategy as DSV's and why Camblesforth was not. The Inspector gave this factor weight in the recent appeal decision.
- 2.3.10 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The government has made clear that house building plays an important role in promoting economic growth. The proposal would generate some employment opportunities in both the construction and other sectors linked to the construction market and longer term in additional residents contributing to the local economy and supporting local facilities. Moderate weight should be afforded to this benefit.

Social

The proposal would deliver levels of both open market and affordable housing in Camblesforth and hence promote sustainable and balanced communities and would assist in the Council meeting the objectively assessed need for housing in the district. The proposals would provide 40% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would include provision for recreational open space through on-site provision. The proposals would also be Community Infrastructure Levy (CIL) liable, raising funds towards local services and infrastructure. The benefits in terms of housing provision, was attributed only moderate weight in the appeal decision but should now be given should be afforded significant weight given the current lack of a 5 year supply.

Environmental

In environmental terms the site is within Flood Zone 2. Further discussion on this issue is contained within this report. On the basis of the conclusions although the proposal would deliver high quality homes for local people and take into account environmental issues such impacts on climate change the proposal would carry increased flood risk. The impacts on the character and appearance of the area are also an environmental issue discussed later in this report.

Previous levels of growth and scale of the proposal

- 2.3.11 The Core Strategy designates levels of growth to settlements based on their character, infrastructure capacity and sustainability. When assessing whether the adverse impacts of a housing scheme would significantly and demonstrably outweigh the benefits, it is important to determine the impact a proposed scheme has on this level of growth, taking into account previous levels of growth since the start of the plan period and the scale of the proposal itself. To date, Camblesforth has seen 3 dwellings built in the settlement since the

start of the Plan Period in April 2011 and has extant approvals for 16 dwellings, giving an overall total of 19 dwellings.

- 2.3.12 The scale of this individual proposal, now at 70 dwellings, is not considered to be appropriate to the size and role of a settlement designated as a Secondary Village in the Core Strategy. When assessing the proposals effect on the settlements character, infrastructure capacity and sustainability, the individual scale of the proposal must also be considered in terms of the cumulative impact it has with previous levels of growth in this settlement since the start of the plan period.
- 2.2.13 Although policies are out of date in so far as they effect housing supply, on consideration of the above information, officers consider that the scale of this individual proposal at 70 dwellings is inappropriate to the size and role of the settlement in respect of guidance on sustainability from both local and national policies. The proposal would therefore conflict with Policy SP1 of the CS and with the NPPF

2.3 Specific policies of the NPPF which indicate development should be restricted.

Flood Risk

- 2.4.2 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan, and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.
- 2.4.3 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.4.4 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.
- 2.4.5 The Framework requires a sequential, risk based approach to the location of development. The Framework indicates that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. It also indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 2.4.6 Using the current Environment Agency Flood Maps (updated quarterly), the site lies entirely within Flood zone 2. Flood zones are defined as follows;
- Zone 2 – Definition medium probability flood risk
This zone comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year.
- Zone 3 – definition -high probability flood risk
This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- All proposals located in Flood zones 1 with identified drainage problems, 2 and 3 require a Sequential Test to determine whether there are any other reasonably available sites a lower probability of flooding that could reasonably accommodate the development.
- 2.4.7 Paragraph 101 of the NPPF states, ‘the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be

allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.’ Development should be directed to areas of Flood Zone 1 wherever possible, and then sequentially to Flood Zones 2 and 3, and to areas of least flood risk within Flood Zones 2 and 3.

- 2.4.8 Within Selby District, the appropriate Geographical Coverage Area for the Sequential Test is set out in ‘The Selby District Council Sequential Test Developer Guidance Note’ dated September 2016. This approach to sequential testing has been agreed in consultation with the Environment Agency. This sets out that for sites outside of the development limits the search area for sites should be District Wide. This approach has been consistently maintained by Selby District Council although the new guidance note now affords a narrower geographical search for Selby and the main service centres.
- 2.4.9 The source of sites to be used to inform the Sequential Test include allocated sites within the local plan, land availability studies and emerging DPD’s where relevant. The Council have published a list on the website. The Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016 that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. In the light of this the list of sites to inform the above SDC ST DGN was updated by the Council on 31 October.
- 2.4.10 This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 2.4.11 This site fails the Sequential Test because there are a number of sites (on the list of available and developable sites used to inform the Sequential Test) at a lower flood risk level whose capacity, when *combined*, exceeds the quantum of development proposed on this site. The Councils guidance note sets out that where the application fails the ST but is within settlement limits and is acceptable in all other respects, the Council will consider mitigation measures which have the full support of the EA. The EA provide information on appropriate mitigation measures in their consultation response but these are only applicable provided the site is within the settlement limits and fails the ST or is outside the limits but passes the ST. This does not. This site lies outside the Development limits of Camblesforth and fails the ST therefore the consideration of mitigation measures is not appropriate in this case.
- 2.4.12 The applicants have submitted their own report and assessment setting out a number of reasons why they believe the site passes the ST. They dispute the sites on the list can accommodate the development. However, this list has been updated following the Sherburn Inquiry and have therefore been agreed by the Inspector to be available and deliverable. Moreover, they do not accept that a different approach should be applied now when the previous scheme passed the ST. However, there are fundamental differences in the approach now taken. The NPPG sets out that for individual planning applications where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The recent Selby guidance note is designed to be more flexible and steer development to the more sustainable locations within development limits of settlements, within flood zones if acceptable flood risk mitigation measures can be agreed with the EA. However, for this site outside the development limits, the number of sites at a lower flood risk level whose capacity, when combined, exceeds the quantum of development proposed on this site. This differs from the previous approach where the individual rather than the combined capacity was assessed.

The applicants refers to the guidance which states that “For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives”. However, there is nothing to indicate that this development is needed by the community of Camblesforth. Comments from local residents indicating that the land is prone to extensive flooding witnessed over 25 years. Its flood plain 2 surrounded by flood plain 3 and that the land is very slow to drain are noted.

- 2.4.13 Therefore it is considered that the proposal would have a significant impact on flood risk and fails to accord with Policy SP15 of the SDCSLP and the NPPF in this respect. Since NPPF Policy at paragraph 103 indicates in these circumstances this type of development should be restricted, the application could be refused on these grounds alone without the need to weigh up whether the benefits of the development would be significantly and demonstrably outweighed by any adverse impacts, when assessed against the policies in this framework taken as a whole.

Heritage Assets

- 2.4.14 The application site is located adjacent to listed buildings, Camblesforth Hall Grade 1 and Dovecot Grade 2. Whilst considering proposals which affect a Listed Building regard is to be made to S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 2.4.15 Relevant policies in respect of the impact on heritage assets include Policies ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and Paragraphs 14, 64, 128 132 133 and 134 of the NPPF.
- 2.4.16 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, only limited weight should be given to Local Plan Policy ENV24 as it conflicts with the approach taken within the NPPF. The NPPF places emphasis on conserving the significance of designated heritage assets and the balancing of harm to heritage asset against the public benefits of the proposal.
- 2.4.17 The applicant has submitted a Heritage Statement alongside the application. This Statement confirms that the nearest heritage assets are as described above. The Hall is and Dovecote are immediately to the south west of the development proposal. The Statement stipulates that Camblesforth Hall is very much a hidden piece of historic townscape, only readily visible from a distance from the north west or close up from the adjacent bridleway/farm track and Brigg Lane. The Statement states that the reason being, is that views are restricted to glimpses due to mature deciduous vegetation that make up the garden curtilage to the south, west and east as well as single storey buildings to the north and west. It is also stated that distant views of Camblesforth Hall particularly from the south west are restricted due to the curtilage vegetation, field hedgerows and the flat topography of the land and where visible, the Hall is seen in context with the Drax Power Station, the existing Beech Grove residential estate and the new Barn Elm development.
- 2.4.18 The Heritage Statement concludes that the proposed development would at worst have a negligible impact on the Dovecot listed building due to it being screened by other buildings on Camblesforth Hall Estate. The Statement states that the proposed residential development, would have an impact on the setting of Camblesforth Hall. The Statement also emphasises that it is important to note that the Hall's principal facades overlook the Estates gardens to the north and east and would not be affected by the residential development as they would be screened by deciduous vegetation. It is concluded that the other facades were the 'working sides' of the building as they overlooked the farm buildings

and farm yard. It is argued that these buildings as well as the proposed new development block 4 (2011/0032/FUL) would partially screen the Hall from the development site. However it is stated that, as shown in the images submitted there are dormer windows and upper storey windows which enable residents to overlook the fields in which the Hall once farmed. It is considered that this relationship and the setting of these facades may potentially be affected by the proposed residential development but it is important to recognize that the wider setting is already affected by the Drax power station and the Barn Elms development. It is concluded in the Statement that this development would not be deemed unacceptable from a heritage perspective if the residential development is sensitively designed to ensure that the Hall's prominence within this locality is still retained.

- 2.4.19 Historic England (HE) have been consulted on the proposals and previously objected to the original proposals which showed housing to the north and west stating that it was considered that the proposed development would cause harm to Grade I listed building through the loss or erosion of elements of its setting which contribute to significance. Concerns were also raised in regards to the scale of the proposals and the proposed siting of the dwellings and infrastructure. As a result of the comments made by HE the scale of the indicative development was reduced down to 70 dwellings (although the actual quantum of development is not specified within the description of the development). Historic England has commented on the amended plans and has confirmed that they welcome the amended layout plan which removes the northern plot of houses on land to the north and west of the Hall, increases the area of undeveloped land within the application site and retains existing field boundaries and hedgerows. HE have commented that a full planning application should be submitted to enable the full extent and nature of the impact of the development upon the setting of Camblesforth Hall to be understood which would also allow any matters regarding the layout, design and materials proposed to be agreed prior to consent being granted. However given that the application is outline it is considered that these matters can be agreed at Reserved Matters stage.
- 2.4.20 HE point out that the application site consists of agricultural land which lies within the setting of Camblesforth Hall, the associated Dovecote. The landscape character of the application site positively contributes to the fortuitous aesthetic and historical illustrative significance of the Grade I listed Hall and its ancillary buildings.
- 2.4.21 HE identify that the amended plans are an improvement, but advise that there would still be harm to the Grade I listed hall through development within the currently open landscape that contributes to the significance of the hall. They consider this harm has been reduced, however any harm requires a 'clear and convincing justification' (NPPF paragraph 132). If the LPA considers such a justification exists, then the harm should be weighed against the public benefits of the scheme in accordance with paragraph 134 of the NPPF. In undertaking this weighing exercise regard needs to be given to the statutory duty of section 66 of the *Planning Listed Buildings and Conservation Areas) Act 1990* to have 'special regard' to the desirability of preserving the setting of the listed building.
- 2.4.22 Having taken all of the above into account Officers consider that this proposal would clearly result in some harm to the setting of these significant Heritage Assets. Whether this harm can be justified depends on whether it is outweighed by the public benefits. Therefore a final assessment on this issue cannot be made until conclusion is made on whether there are any public benefits and, if they exist, whether these would outweigh any adverse effects. This exercise is undertaken following a consideration of all the impacts of the proposal.

2.5 The Impacts of the Proposal

- 2.5.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole. This section looks at the impacts arising from the proposal.

2.6.1 Scale, layout, landscaping, design and Impact on the Character and form of the village and the locality

- 2.6.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) and ENV3 (external lighting) of the Selby District Local Plan, and Policies SP18 (Protecting and Enhancing the Environment) & SP19 “Design Quality” of the Core Strategy which taken together seek to safeguard the natural environment and ensure development proposals have regard to local character and identity and context of their surroundings. In addition Policy SP8 of the Core Strategy of the Local Plan requires an appropriate housing mix to be achieved.
- 2.6.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 as they are consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. Paragraphs 126 to 141 of the NPPF relate to conserving and enhancing the historic environment.
- 2.6.3 The application is outline with layout, appearance, scale and landscaping reserved for future consideration. Notwithstanding this a revised indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate up to 70 dwellings with provision for internal access roads and parking provision. The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. However, members’ attention is drawn to the fact that the actual number of houses is not specified in the description of the proposal and that the indicative drawings are merely that.
- 2.6.4 The Planning Supporting Statement states that it is proposed to develop the site with residential dwellings, comprising a mix of detached, semi-detached and terraced properties. Should the application be approved it would need to establish a substantial landscape belt around the western and northern periphery in order to establish a defensible boundary and to seek to integrate the site into the rural hinterland. The revised indicative layout provides housing to the west of the village and removes the housing on the northern section. The entire northern section is indicated to be recreation open space and also the northern section of the west area, both of these areas could accommodate landscaping. However, the indicative layout indicates housing up to the edge of the western boundary.
- 2.6.5 Setting aside the issue of the location of the site and quantum of development proposed on the character and form of the village as stated above and focussing on matters of detail of layout and design it is considered that the proposals could incorporate appropriate materials and detailed design finishes and internal layout at reserved matters stage which would respect and be in keeping with the character of the local area.
- 2.6.6 Local residents have expressed concerns that the scale of the proposed development would not be in keeping with the character of the local area. These in respect of the size, location and quantum of development proposed are accepted. However, setting such considerations aside it is considered that an appropriate internal layout and design of properties could be achieved at reserved matters stage if all other matters were acceptable.
- 2.6.7 Policy SP8 of the Selby District Core Strategy Local Plan (2013) states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. The Strategic Housing Market Assessment carried out in 2009 is the most up to date strategy. As this proposal is an outline scheme which is seeking to establish if the principle of development is acceptable there are limited details to what the proposed housing mix would comprise of. The supporting information submitted by the applicant stipulates that the indicative layout

shows a mix of terraces, semi and detached properties. Officers consider that an appropriate mix of housing could be achieved at reserved matters stage taking into account the housing needs identified within the Strategic Housing Market Assessment.

- 2.6.8 In terms of landscaping, this is reserved for future consideration. The Planning Supporting Statement stipulates that the application site currently benefits from landscaping along the western and northern boundaries and along the middle field boundary. This is unlikely to be sufficient to mitigate the scheme appropriately. However, it is considered in principle a suitable landscaping scheme could come forward at reserved matters stage but this would require some reworking of the indicative scheme.
- 2.6.9 Having had regard to all of the above elements it is considered that in terms of the internal arrangement an appropriate design could be achieved at reserved matters stage that would be acceptable in terms of the requirements of Policies ENV 1(1) and (4) and ENV3 of the Local Plan, policies SP8 and SP19 of the Core Strategy and the NPPF although this would not overcome, in itself, the poor relationship of the site as whole to the development limits and the harm due to encroachment onto the countryside.

Relationship of the Proposal to the Development Limit

- 2.6.10 When assessing whether the adverse impacts of a housing scheme would significantly and demonstrably outweigh the benefits, it is important to determine the impact the proposed scheme has on its surroundings. Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. The site is located in the countryside and outside of Development Limits. The proposal would spur out and encroach significantly into the open countryside. There are clear defensible boundaries to the south of the application site in the form of the A1041 and existing residential properties. Camblesforth Hall and its associated buildings and existing residential properties set a clear boundary to the east of the application site. However, to the north and west there are no clear defensible boundaries. Given that the application is outline a new defensible boundary could be established using substantial boundary treatment, such as woodland planting around the northern and western perimeter of the site. This would also help to reduce the visible impact of the proposal on the countryside and could be required through consideration of the reserved matters for landscaping. Nevertheless the proposed development would not read as a natural organic extension to the village and the effect of encroachment would be exacerbated by its poor and contrived relationship, particularly in respect to the location of the access, to the village as a whole and the size and scale of the development.
- 2.6.11 The Inspector on the previous appeal decision (APP/N2739/W/16/2148059) considered that the proposal would result in "*the encroachment of built development into the open countryside*" and a "*significant extension of the built form into the area of open countryside to the west of Camblesforth*". Further "*the proposed development would be served by an access at the westernmost extent of the ribbon of development on the A1041 and would therefore appear set apart from the rest of the village, an essentially nucleated settlement. Accordingly, notwithstanding that the development would be seen in the context of the nearby power station, it would appear as an alien and incongruent extension of the village into the open countryside*". The Inspector was not convinced planting around the northern and western perimeter would sufficiently mitigate and concluded the proposal would cause significant harm to the character and appearance of the area.
- 2.6.12 This appeal decision adds further weight to the officer's previous approach to this scheme. It is therefore considered the proposals would significantly encroach into the open countryside and harm the form and character of the village and its surroundings contrary to Policy ENV1(1) of the Local Plan and Policies SP18 and SP19 of the Core Strategy.

2.6.13 In conclusion it is considered that substantial harm arises from the proposal due to its conflict with Policy SP2 and SP4 in so far as they relate to the sustainable spatial strategy for the district and that additional harm arises due to the degree of encroachment into the countryside which is exacerbated by the development's poor relationship with the development limits of the village and the size and scale of the development.

2.7 Highway Safety conditions

2.7.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The Local Plan policies should be afforded significant weight.

2.7.2 The application seeks outline planning permission including access for residential development. The indicative layout shows that access to the application site is proposed from the A1041.

2.7.3 The application is accompanied by a Transport Assessment which assesses the existing highway situation, taking into account traffic flows, traffic speeds and accident records and states that a suitable access into the site can be achieved. The report also states that the development would not have a detrimental impact on the existing highway network.

2.7.4 The report goes on to state that the site is located adjacent to the existing urban fabric of Camblesforth, and the existing services and facilities, public transport services, existing walking and cycle routes this ensures that the site accords with the aims of the NPPF and local transport policies. It is stipulated that the location of the site and the availability of facilities and services would encourage the opportunity to walk and cycle for various journey purposes. In addition it is stated that the development site is well situated to encourage trips by public transport as a viable alternative to the private car.

2.7.5 Although the Planning Supporting Statement states that parking would be provided for each dwelling via individual spaces and garaging it is considered that the level of parking provision, including visitor spaces would be determined in detail at reserved matters stage, however there is nothing to suggest that an appropriate level of parking provision could not be achieved.

2.7.6 NYCC Highways have considered the above and have raised no objections to the proposals subject to conditions and a Section 106 agreement to secure an extension of the existing 30 mph speed limit and a Travel Plan. The proposals are therefore in accordance with Policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.7.7 Local residents have expressed concerns with respect to the impact on the highway network, however NYCC Highways have stated that they have no highway objections in principle. In light of the amended plans the NYCC Highways Officer has stated that a planning condition is included in relation to securing an emergency access.

2.7.8 Having had regard to the above, the proposals are considered acceptable with respect to their impacts on the existing highway network and are therefore in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.8 Drainage and climate change and Energy Efficiency

2.8.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.

2.8.2 With respect to surface water run-off this should be managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere and the

Internal Drainage Board should agree any discharge rates. Having consulted the Internal Drainage Board they have made recommendations and suggested conditions.

- 2.8.3 Yorkshire Water have confirmed that they have no objections in principle to the proposals subject to conditions
- 2.8.4 With respect to energy efficiency, in order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources a condition should be imposed on permission granted in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.
- 2.8.5 Having taken the above into account it is considered the proposed scheme can adequately address flood risk and drainage subject to appropriate conditions. In addition climate change and energy efficiency measures can be secured via condition to ensure that these are incorporated at reserved matters stage in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.9 Contaminated land and ground conditions

- 2.9.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is accompanied by a Preliminary Investigation Report prepared by Dunelm Technical and Environmental.
- 2.9.2 The Council's Contaminated Land Consultant reviewed the Preliminary Investigation Report on the previous scheme and confirmed that given the information available it is recommended that planning conditions are attached to any permission granted. The proposals, subject to appropriate contamination condition, are therefore acceptable in regards to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.10 Recreational Open Space

- 2.10.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.
- 2.10.2 The indicative layout plan demonstrates that the site could incorporate on-site recreational open and this would be secured in the inclusion of any Section 106 agreement.
- 2.10.3 It is therefore considered that the proposals, subject to a Section 106 agreement, are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.11 Residential Amenity

- 2.11.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1(1) of the Local Plan, as part of the Core Principles of the NPPF and within Paragraph 200 of the NPPF.
- 2.11.2 Residents have expressed concerns with respect to the impacts on residential amenity. On considering the indicative layout officers consider that the detailed design of the properties, orientation and relationship of windows to other properties would be fully established at reserved matters stage and it may be that a satisfactory scheme could come forward using aspect related design principles so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook.

- 2.11.3 The application site is not in a location which would be subject to significant noise impacts from roads or other sources within close proximity to the site. The Lead Officer-Environmental Health has stated that the proposed development is of a fairly large scale and as such would entail an extended construction phase. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration.
- 2.11.4 Concern has been expressed by local residents with respect to the noise, nuisance and general disturbance caused to existing residential properties. Whilst it is acknowledged that there would be some noise and disturbance during the construction phase, a scheme for mitigating noise, dust and vibration can be controlled via condition. Once occupied as residential properties the noise resultant from these would be akin to any residential scheme and as such would not be considered unduly detrimental to existing residents.
- 2.11.5 The Lead Officer-Environmental Health has raised no objections subject to the inclusion of a planning condition in relation to the generation of dust, noise and vibration.
- 2.11.6 Having taken into account the matters discussed above it is considered that an appropriate scheme can be designed at reserved matters stage which should not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF. However, for the reasons outlined previously in the report this is likely to result in a substantial amendment to the indicative design.

2.12 Education, Healthcare, Waste and Recycling

- 2.12.1 ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight.
- 2.12.2 Having consulted North Yorkshire County Council Education and the Primary Care Trust, a contribution towards education facilities has not been requested but in any case could not be levied due to CIL.
- 2.12.3 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this could therefore be secured via Section 106 agreement.

2.13 Affordable Housing

- 2.13.1 Policy SP9 states that the Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings.
- 2.13.2 The policy goes on to state that the actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.
- 2.13.3 The applicant has confirmed that they are prepared to provide 40% affordable units on site and that this would be secured via a Section 106 agreement. The Council's Lead Officer-Policy supports the provision of 40% affordable units and has provided guidance to the developers with respect to the tenure of any affordable units to be secured so that this can be considered for inclusion in any Section 106 agreement.
- 2.13.4 The proposals are therefore considered acceptable with respect to affordable housing provision having had regard to Policy SP9 subject to the completion of a Section 106 agreement.

2.14 Impact on Nature Conservation and Protected Species

- 2.14.1 Relevant policies in respect to nature conservation include Policies ENV1(5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy. Policy ENV1 should be afforded substantial weight as it is broadly consistent with the aims of the NPPF.
- 2.14.2 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 2.14.3 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 2.14.4 In respect of the requirements of the Habitats Regulations 2010 it is noted that as a competent authority the local planning authority should have regard to the requirements of the Directive so far as they might be affected by those functions. The directive allows “derogation” from the requirements of the Directive where there are reasons of “overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment” and provided that there is ‘no satisfactory alternative’ and the proposal would not be ‘detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’.
- 2.14.5 The NPPF recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and if significant harm results from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 2.14.6 The application is accompanied by a Preliminary Ecological Appraisal (including a walkover assessment of the application site, buildings, hedgerows and trees). The Study has confirmed that there are no statutory designated sites within 2km of the site, the closest being Barlow Common Local Nature Reserve, c.2.3km north west of the application site. The Appraisal confirms that the application site falls within the 5km SSSI impact risk zone for the River Derwent SSSI. The report highlights that in terms of (Sites of Importance for Nature Conservation) Cobble Croft Wood is within 470m, Common Plantation is within 1.1km, and Sand Pitt Wood and Barff’s Close Plantation are within 1.2km, all to the northwest and deleted SINC’s Jowland Whin near Quosquo Hall is 1.2km west and Kerrick Spring Wood is 1.5km southwest.
- 2.14.7 The Appraisal concludes that the majority of this site comprises agricultural land including arable fields and grazing pasture. These are found to be species poor habitats of low ecological value. The loss of these habitats to development, along with areas of rough grassland and competitive vegetation, would not be of ecological significance. It is confirmed that in the case of the plantation woodland this is shown to be retained and through proper protection during construction, enhancement and post development management, this habitat can provide an area of ongoing and increased ecological value within the development. It is stated that protection of plantation woodland should include the erection of tree protective fencing in accordance with BS5837:2012 to exclude all construction activities from the rooting zones, and the proper storage of any potential contaminant and management of surface water runoff.

2.14.8 The Appraisal also concludes that the proposed development would not impact upon any protected species. In order to protect habitats of ecological value the Appraisal recommends potential enhancements which could be considered in preparing plans for the site, which include:

- Public open space is shown on the proposed layout to include additional green infrastructure. This should utilise native species relevant to the site, notably oak but could also incorporate species such as silver birch, lime and alder.
- A band of open space is shown within the master plan along the site's southern and south eastern boundary. This is largely cut off from public access through the location of housing. Given the limited access this area it is ideal to be sown with a species rich seed mix which would be of greater ecological value than the hardy lawn mixes likely to be sown in "public recreation areas". Considering the larger green infrastructure shown in the area a shade tolerant mix would be most suitable.
- The band of plantation woodland is shown to be retained along the north western boundary of the site. This could be enhanced through selective clearance of the canopy layer allowing some light to penetrate beneficial for the development of a species rich woodland ground layer. This would require some management which could be included in the general management program for the developed site.

2.14.9 Natural England has not raised any objections. Yorkshire Wildlife Trust (YWT) have confirmed that they have no comments to make on the proposals.

2.14.10 Objectors have mentioned impact on bats at Camblesforth Hall, however no details or evidence has been submitted that justify these concerns and having had regard to the indicative layout it is considered that there would be no direct or indirect impact on bats

2.14.11 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal.

2.15 Other Matters

2.15.1 Comments received challenge whether the Council should accept repeated applications when this has already been rejected and an Appeal dismissed. However, applicants have the right to a free re-submission within 12 months of a previous refusal. Moreover, since the Council do not have a five year land supply at present, there is a material change which carries weight in assessing the proposal.

2.15.2 Regarding the concern that the plans indicate removal of hedgerows, the plans are indicative at this stage and, if approved, would be subject to a reserved matters application requiring full detailed plans to be submitted and agreed together with landscape surveys and plans. So this would be subject to careful scrutiny at that stage

2.15.3 Comments made about the loss of views are not material planning consideration. In relation to overlooking, and loss of amenity, it is considered that amenity of residents would be addressed through reserved matters. Moreover, the impact of construction on amenity could be controlled through a construction management plan condition.

2.16 Conclusion

2.16.1 The application seeks outline planning permission including access for residential development with layout, scale, appearance and landscaping reserved for future consideration at land to the north of the A1041 at Selby Road, Camblesforth. The indicative layout plan has been amended to reduce the number of dwellings 72.

- 2.15.2 It is considered that specific policies in the framework relating to flood risk indicate that the development should be restricted. Since NPPF Policy at paragraph 103 indicates in these circumstances this type of development should be restricted, the application could be refused on these grounds alone without the need to weigh up whether the benefits of the development would be significantly and demonstrably outweighed by any adverse impacts, when assessed against the policies in this framework taken as a whole.
- 2.16.3 Notwithstanding the above, it is acknowledged that the proposal would boost housing supply and deliver levels of both open market and affordable housing in Camblesforth and recreational open space. This social benefit should be afforded significant weight given the current lack of a 5 year supply.
- 2.16.4 The site is located in an area of open countryside immediately adjacent to the defined development limits of Camblesforth. Although policies are out of date in so far as they effect housing supply, officers consider that the scale of this individual proposal at 70 dwellings is inappropriate to the size and role of the settlement in respect of guidance on sustainability from both local and national policies. The proposal would therefore conflict with Policy SP1 of the CS and with the NPPF
- 2.16.5 The development of the application site would spur out significantly into the open countryside. There are clear defensible boundaries to the south of the application site in the form of the A1041 and existing residential properties. Camblesforth Hall and its associated buildings and existing dwellings within the village set a clear boundary to the east of the application site. The proposed scheme, by virtue of its size, scale and location would result in a substantial encroachment into the countryside that would be readily visible from public view points and which would appear as a discordant addition to the village. The proposal is therefore unacceptable with respect to its relationship to the development limits and the harms to the countryside. Therefore the proposals would be contrary to Policy ENV1 (1) of the Local Plan and Policies SP18 and SP19 of the Core Strategy.
- 2.16.6 The proposals are considered acceptable with respect to the design, impacts on residential amenity, highways, noise, drainage and climate change, protected species, contamination and would provide appropriate contributions towards affordable housing, recreational open space and waste and recycling in accordance with policy.
- 2.16.7 However, it is considered that the proposal is unacceptable in regards to the appropriateness of the location of the application site for residential development in respect of guidance on sustainability from both local and national policies. Together with the excessive and inappropriate individual scale of this proposal relative to the settlement it is considered that there are adverse impacts relating to the environmental role. On balance the moderate economic benefits taken together with the significant social benefits do not outweigh the significant adverse environmental impacts identified above.
- 2.16.8 Moreover, added to the balance of this harm is the need to restrict this form of development due to flood risk and on this basis the application is recommended to be refused. Given that the public benefits of the scheme do not outweigh the adverse effects, the harm to the setting of the Heritage Assets cannot be justified.

3.0 Recommendation

This application is recommended to be REFUSED for the following reasons:

- 01 The site is located in areas at risk of flooding in Flood Zones 2 on the Environment Agency's flood zone maps. Having considered the information submitted the Council has identified other sites which could contain the development in a lower flood risk zone. The application therefore fails the Sequential Test required by Paragraph 101 of the NPPF as there are other reasonably available sites at lower probability of flooding and the

proposal would therefore not accord with the aims of Policy SP15 of the CS or the specific policies of the NPPF in this respect.

02 The proposal due to the scale, at approximately 70 dwellings, is not considered to be appropriate to the size and role of Camblesforth, a settlement, which is designated a Secondary Village in the Core Strategy and therefore would conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposal therefore is contrary to Policies SP1 of the Selby District Core Strategy Local Plan and SP2 & SP4 in so far as they relate to a sustainable development.

03 The proposed development, due to its location and scale would not read as a natural organic extension to the village and would result in an encroachment into the countryside. Furthermore, the effect of encroachment would be exacerbated by its poor and contrived relationship, particularly in respect to the location of the access, to the village as a whole and the size and scale of the development. The proposal would therefore be harmful to the character and form of the area contrary to Policy ENV1 (1) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan.

04 The proposed development due to its location, scale and extent would detract from and harm the remaining open landscape character of agricultural land which lies within the setting of Camblesforth Hall, Grade I listed and the associated Dovecote, Grade II listed and which at present contributes positively to the fortuitous aesthetic and historical illustrative significance of the Grade I listed Hall and its ancillary buildings. The proposal would therefore be contrary to Policy SP18 of the CS and the NPPF.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

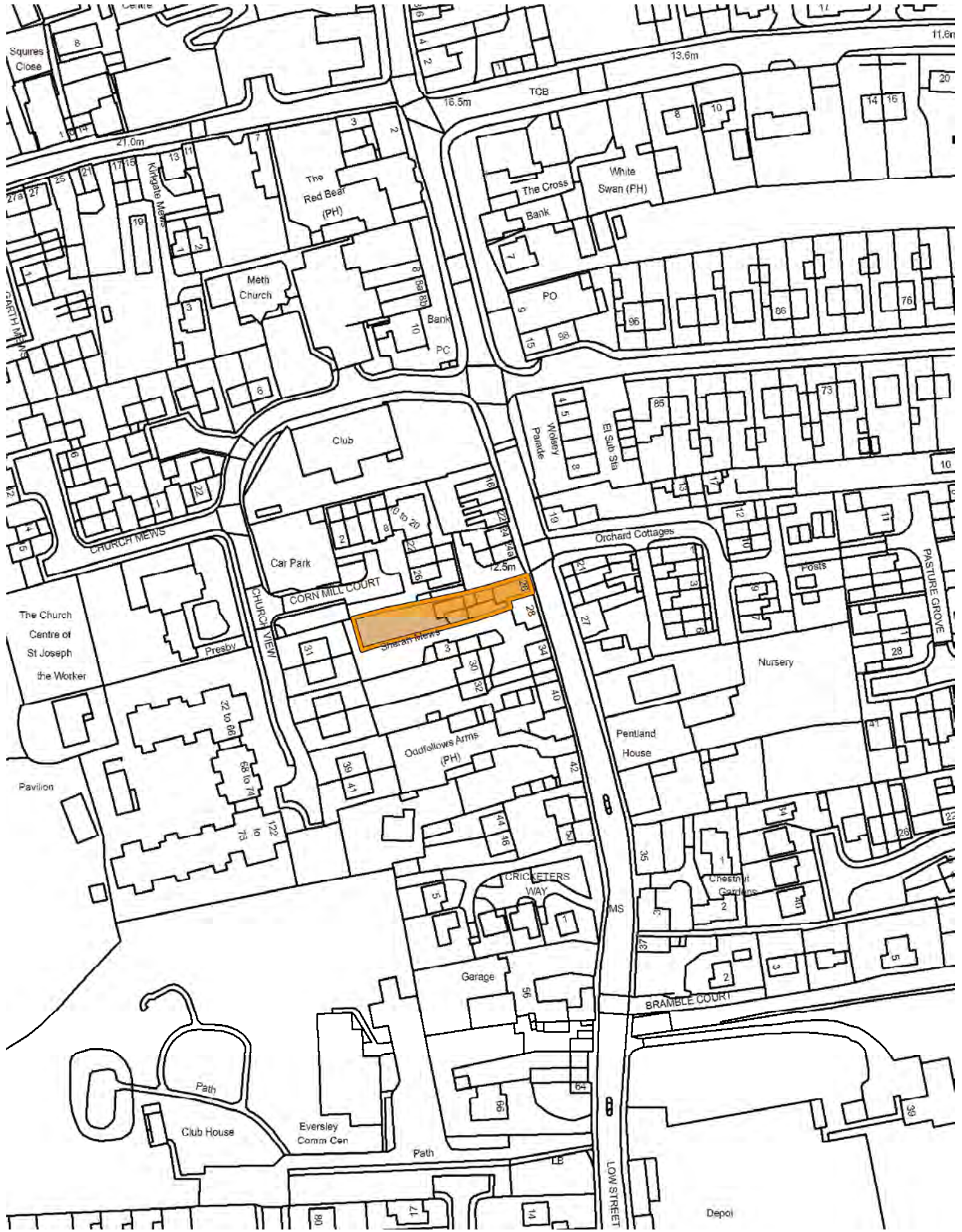
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1257/OUTM and associated documents.

Contact Officer: Fiona Elwood, Principal Planning Officer

Appendices: None

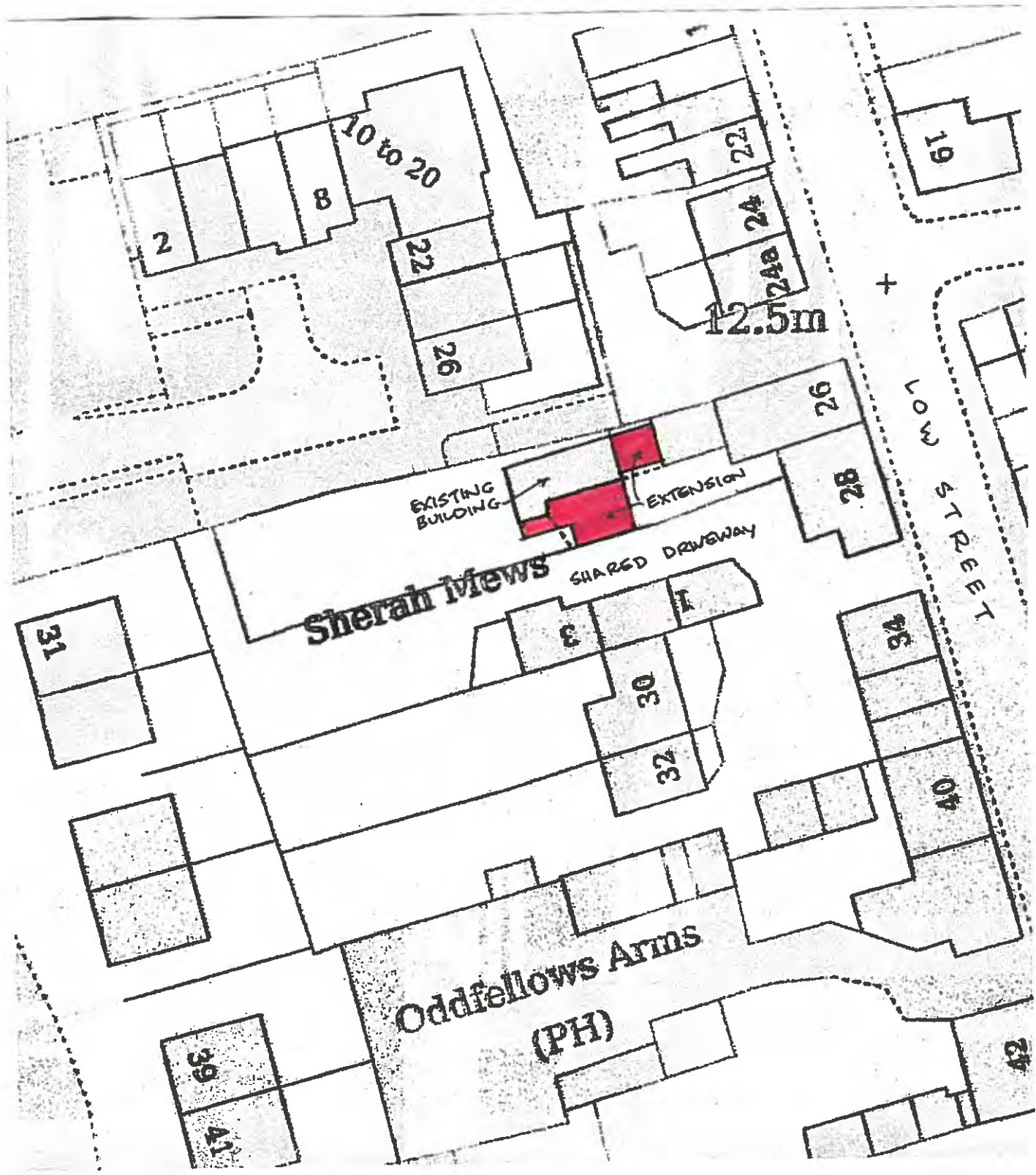


APPLICATION SITE

Item No: 2016/1008/HPA

Address: The Loft, 26A Low Street, Sherburn in Elmet

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MR MALCOLME ASKEY
 26A LOW STREET
 SHERBURN-IN-ELMET

BLOCK PLAN 1:5049



Report Reference Number: 2016/1008/HPA

Agenda Item No: 6.2

To: Planning Committee
Date: 8 February 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1008/HPA (8/58/1068/PA)	PARISH:	Sherburn in Elmet
APPLICANT:	Mr M Askey	VALID DATE:	2 September 2016
		EXPIRY DATE:	28 October 2016
PROPOSAL:	Proposed extension and alterations to outbuilding to form a domestic garage for ancillary use to host dwelling		
LOCATION:	26a Low Road Sherburn in Elmet		

This application has been brought before Planning Committee as there more are than 10 representations and therefore it is considered to be locally controversial and Officers are recommending approval contrary to these objections. .

Summary:

The application is for the proposed the alterations and extension to an outbuilding to create a domestic garage.

This application would re-configure the internal layout of the existing out building to the rear of 26a Low Street. The proposed works would include a new pitched roof, revisions of the external openings and a small extension.

It is considered that the proposed alterations and extension would be of an appropriate design and appearance which would preserve the character, appearance of Low Garth Road in accordance with the noted Local Plan policies, the Core Strategy and the NPPF.

Recommendation:

This application is recommended to be GRANTED subject to the noted conditions at Section 4.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the defined development limits of Sherburn in Elmet. The application site is to the rear of the host dwelling 26a Low Street.

1.1.2 The host dwelling is a semi-detached property situated along Low Road, where there are various house types. Access to the dwelling is taken from Low Road.

1.1.3 The properties in proximity to the site are mixed in design, materials and age.

1.1.4 The site lies within Flood Zone 1 a low risk of flooding.

1.2 The Proposal

1.2.1 The application is for the proposed extension and alterations to outbuilding to form a domestic garage for ancillary use to host dwelling

1.2.1 The proposal would provide a garage to serve the host dwelling

1.3 Planning History

1.3.1 The relevant planning history is as follows:

- PD/2009/0189 (PD - 26.05.2009) Render front of house
- 2011/1093/FUL (PER - 12.01.2012) Conversion of single dwelling into 2no dwellings
- PD/2013/0267 (ADVICE - 05.11.2013) R. Outbuilding. Not in CA in redline of previous. at 26/26A Low Street

1.4 Consultations

1.4.1 Parish Council

Raised objections with concerns of overdevelopment of the plot compared to that of the surrounding area.

1.4.2 NYCC Highways

No objections, subject to conditions.

1.5 Publicity

1.5.1 All immediate neighbours were informed by letter, advertisement in the local newspaper and a site notice was erected 11 letters of objection have been received in summary they are below:

- Concerns regarding the use of the proposed workshop regarding noise, dust and disturbances of retired people
- The plans show that access to the Sherah Mews is via a shared access however this is a private road therefore there is no vehicle access to the rear of this property.
- The design of the building is not suitable and vehicles ramp is not appropriate

- - This type of use is unacceptable within this location being close to residential properties
 - There would be an increase in vehicle traffic on a narrow road which would cause problems for local residents
 - The proposed development looks as though it could be used as a MOT centre, sales or repair centre

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1: Presumption in Favour of Sustainable Development
 SP15: Sustainable Development and Climate Change
 SP19: Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1: Control of Development
 T1: Development in Relation to the Highway Network

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (PPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Key Issues

2.5.1 The main issues to be taken into account when assessing this application are:

1. Principle of development.
2. Design and Impact of the Character of the Area
3. Impact on residential amenity.
4. Impact on highway and parking arrangements.
5. Other Matters

2.6 The Principle of the Development

2.6.1 Relevant policies in respect to the principle of development, the presumption in favour of sustainable development and reducing carbon emissions and the effect of climate includes Policies SP1 and SP15 (B) of the Core Strategy and Paragraph 14 of the NPPF.

2.6.2 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal for a single storey side extension and a side storey side and rear extension following the demolition of the existing garage. It is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.

2.6.3 Therefore having had regard to policy SP15 (B) it is considered that the proposal is acceptable.

2.6.4 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

- 2.6.5 The site is located within the defined development limits of Sherburn in Elmet and the proposal is for an extension and alterations to outbuilding to form a domestic garage for ancillary use to host dwelling. There is nothing within the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.
- 2.6.7 Therefore having had regard to policy SP1 it is considered that the proposal is acceptable.

2.7 Design and Impact of the Character of the Area

- 2.7.1 Relevant policies in respect to design and the impacts on the character of the area include policy ENV1 (1) and (4) of the Selby District Local Plan, and policy SP19 of the Core Strategy.
- 2.7.2 Significant weight should be attached to the Local Plan policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.7.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61,65.
- 2.7.4 The application site is located within the defined development limits of Sherburn in Elmet and within the local area of Low Street and Sherah Mews there are a number of various house types situated along the street and cul de sac. The existing outbuildings is not visible from Low Street, however the is visible from Sherah Mews.
- 2.7.5 The garage extension would project from the rear elevation of the and would measure approximately 13.0 metres in depth, 8.0 metres in width, and a ridge height of approximately 4.0 metres. Other works include the demolition of the existing elements of the existing garage to form part of the alterations to the garage. The roof design of the is of a hip roof construction which would appear subordinate in scale to the host dwelling.
- 2.7.6 There is an existing outbuilding on site and this proposal seeks consent for alterations and extensions of the existing outbuilding to form a garage for ancillary purposes to 26a Low Street. Following submitted amended plans it is considered that the proposal would have appropriate roof design, layout, materials would match those of the existing outbuilding and this could be controlled through condition. The outbuilding is to the rear of the host dwelling and can be accessed off Low Street. Sherah Mews is a small cul de sac area where a courtyard is set behind the existing outbuilding.
- 2.7.7 Given the nature of the site it is considered that there would still be sufficient amenity space surrounding the host dwelling to ensure that the proposal would not overdevelop this plot. It is considered that the proposal is acceptable against the host property, and would not be considered to result in an adverse impact on the visual amenities or character of the area

2.7.8 Having regard to all of the above, it is considered that the proposal has an appropriate design. With render materials and openings could be controlled through condition to ensure they are appropriate for the locality. It is considered that given the existing outbuilding is in need of repair the proposal sits well against the host property, and would not be considered to result in having an adverse impact on the visual amenities or character of the area.

2.7.12 It is therefore considered that the scale, design, of the proposed extension to the host dwelling would not have an impact on the character and form of the locality and is in accordance with policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.8 Residential Amenity

2.8.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

2.8.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.

2.8.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

2.8.4 Neighbour comments have been received objecting to the proposal and querying the intended purpose of the proposed development. Having sought further information from the applicant it is confirmed that that the proposal is to convert the existing out building to form a garage. The garage would be for ancillary purpose to the host dwelling 26 Low Street. For clarification purposes where the applicants wish to use the building for a commercial purpose then a planning application would need to be submitted for a change of use from a domestic garage to a commercial unit.

2.8.5 Boundary treatments surrounding the area consist of a high stone wall to the northern boundary. The proposals would not result in an increase in height, therefore the proposal would not be visible to neighbouring property 26 Corn Mill Court. Boundary treatments to the western elevation form a low timber fence, however as the proposed alterations and extensions would not extend further towards this boundary. It is considered that there would be no detrimental impact to the neighbouring property 31 Church View bounding.

2.8.6 There is an existing outbuilding garage structure to the rear of the host dwelling, this application seeks consent to alter and extend the existing outbuilding to form a domestic garage. The openings of the new proposal would consist of 3 windows facing on to neighbouring properties 2 Sherah Mews and 3 Sherah Mews. Other openings include a pair of timber doors which would open out onto the courtyard area.

- 2.8.7 There are no boundary treatments between the site and neighbouring properties 2 Sherah Mews and 3 Sherah Mews. It is noted that there are some windows in the existing garage facing on to neighbouring properties albeit set back. The proposal would result in the infilling of the existing car port and would include windows facing on to these respected neighbouring properties. The separation distance between the proposed extension element of the garage and the neighbouring properties is narrow.
- 2.8.8 Currently there lies a car port structure forward of the main outbuilding, the applicant wishes to infill this section to create additional space inside the garage area which faces onto the neighbouring properties.
- 2.8.9 With regard to the neighbour objections in terms of ramps, and the use of the building these comment are noted. However following amended plans it is considered that the garage has changed in form and has been reduced in height sufficiently.
- 2.8.10 Notwithstanding the objections, the outbuilding is an established old workshop which has been in existence for some considerable time. The current building could be used for its intended purpose without the requirement of planning permission for domestic purposes. In terms of overlooking the applicant could work on their vehicles and look directly in to the windows of the neighbouring property if the site was not altered or extended.
- 2.8.11 Furthermore it is noted that there are some windows in the existing building which look out on to neighbouring property 2 Sherah Mews and 3 Sherah Mews. The windows proposed in the proposed extension would be closer to the neighbouring properties than these existing windows. As noted above there is already an element of overlooking which currently exists however to reduce the overlooking impact which would occur it is considered that a condition is imposed for these to be obscure glazed to avoid any additional overlooking.
- 2.8.12 Given there is an existing car port area which is constructed from large timber beams close to the neighbouring properties, it is considered that the proposed extension would not significantly impact on the neighbouring properties enough to warrant refusal.
- 2.8.13 Therefore when taking into account all of the above, the existing building is a large unused structure, surrounded by cars and other paraphernalia. It is considered that the proposed alterations would improve the overall outlook for the neighbouring properties. The proposed alterations and extension to the existing outbuilding with conditions for fenestration and the ancillary use of the building can be controlled through condition.
- 2.8.14 Therefore it is considered that the proposed garage extension would not result in creating a detrimental impact to neighbouring properties 2 Sherah Mews and 3 Sherah Mews. 23 Church View, 26 Corn Mill Court.
- 2.8.15 Having had regard to all of the above it is considered that the proposals are acceptable with respect to the impacts on residential amenity in accordance with the NPPF and with Policy ENV1 of the Selby District Local Plan and SP19 of the Core Strategy and the advice contained in the NPPF.

2.9 Impact on Highways

- 2.9.1 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the Selby District Local Plan.
- 2.9.2 Significant weight should be attached to Local Plan Policies ENV1 and T1 as they are broadly consistent with the aims of the NPPF.
- 2.9.3 The existing garage lies to the rear of the host dwelling off Low Street which is set back off the carriageway, and the proposal is to alter and extend the existing garage. North Yorkshire Highway Officers have been consulted as part of this proposal and have raised no objections.
- 2.9.4 There have been concerns raised by neighbours that the proposed extension would result in an increase in vehicle movement on a narrow road which would cause problems for local residents. These concerns are noted however, it is considered that the garage is for a domestic use and not of a commercial use albeit there has been some confusion of its use throughout the period of this application. Having spoken to the applicant it is confirmed that the intended use is for domestic purpose and not one of a commercial nature.
- 2.9.5 The garage is set back from the highway and currently provides off street parking for the host dwelling. The proposal is to extend elements of the existing garage to bring it back in to use, given that the parking and use would remain and with no objections from the highway officer it is considered the proposal to be acceptable and not result in being prejudicial to highway safety.
- 2.9.6 It is therefore considered that these proposals would not have significant adverse impacts on highway safety and as such is considered to comply with Policies ENV1, T1 of the Selby District Local Plan, Core Strategy Policy SP19 and the advice contained within the NPPF.

2.10 Flood Risk, Drainage and Climate Change

- 2.10.1 Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 Design Quality” of the Core Strategy.
- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Relevant paragraphs within the NPPF, which relate to drainage, flood risk and climate change include paragraphs 94 and 95.
- 2.10.4 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of drainage the application form states that foul sewage measures would utilise an existing drainage system. The proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF.

2.10.5 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15(B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. In this respect it is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

2.10.6 It is therefore considered that the proposal is acceptable in terms of risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF subject to conditions.

2.11 Other Matters

2.11.1 Concerns regarding the use of the proposed workshop regarding noise, dust and disturbances of retired people and the plans show that access to the Sherah Mews is via a shared access.

2.11.2 As described above the proposal is to extend an existing garage / outbuilding for domestic use, any noise or disturbance would be that of a domestic nature. There would be no reason why the applicant could not continue to use the building with no extension. Therefore on this basis it is considered that there is no sufficient reason to refuse this application on this basis.

2.11.3 It is acknowledged that the access into Sherah Mews is a private access, however the applicant currently has right of way to this area. Right of way and access are not a planning matter they are considered to be of a civil nature. Therefore it is considered that these are not sufficient reasons to refuse the application.

3.0 Conclusion

3.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the form and character of the area, highway safety or the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policy ENV1, and T1 of the Selby District Local Plan, Policies SP1, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

4.0 Recommendation

This application is recommended to be APPROVED subject to the following conditions:

1. The development for which permission is hereby granted shall begin within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The materials to be used in the construction of the external surfaces of the proposed extension hereby permitted shall match that of the existing building in colour and texture.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

3. The windows in the proposed extension shall be of obscure glazed and remain so for the life time of the development.

Reason:

In the interest of residential amenity in order to comply with Policy ENV 1 of the Selby District Local Plan.

4. The timber doors to be constructed shall remain so for the life time of the development any replacement doors shall be of a similar design and material.

Reason:

In the interest of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

5. The garage/workshop hereby permitted shall only be occupied in connection with and ancillary to 26a Low Street Sherburn in Elmet. It shall not at any time be occupied as an independent dwelling or separated from the ownership or curtilage of the main dwelling.

Reason:

To preserve the amenity of the nearby residential property in accordance with Policy ENV1 of the Selby District Local Plan.

6. The garage/workshop hereby permitted shall only be used for ancillary use associated with the dwelling 26a Low Street Sherburn in Elmet and shall not be used for any commercial vehicle repairs or other commercial use.

Reason:

To preserve the amenity of the nearby residential property in accordance with Policy ENV1 of the Selby District Local Plan.

7. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below.

5.1 Legal Issues

5.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

4.2 Financial Issues

4.2.1 Financial issues are not material to the determination of this application.

5. Conclusion

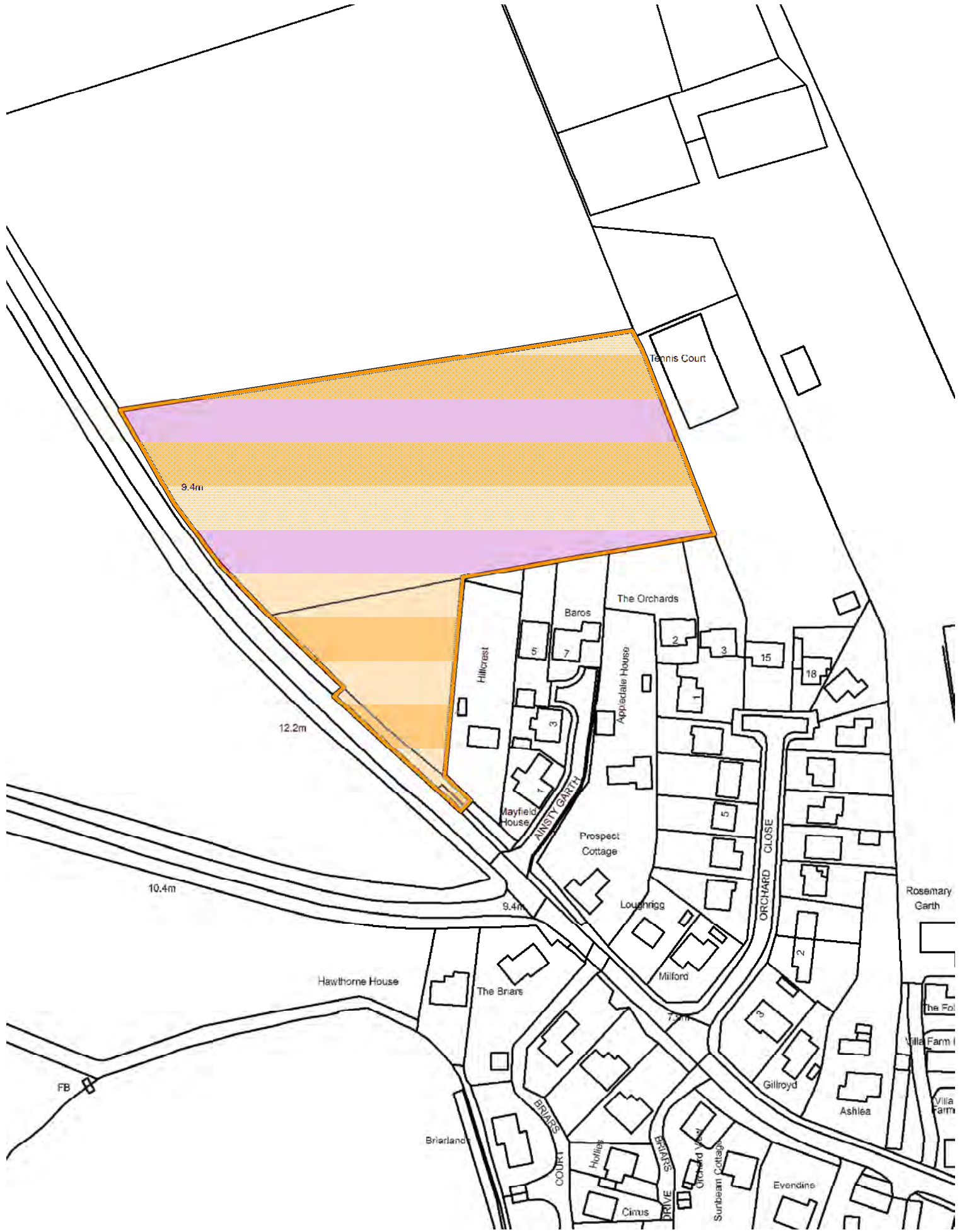
5.1 As stated in the main body of the report.

6. Background Documents

6.1 Planning Application file reference 2016/1008/HPA and associated documents.

Contact Officer: Diane Wilson Planning Officer

Appendices: None

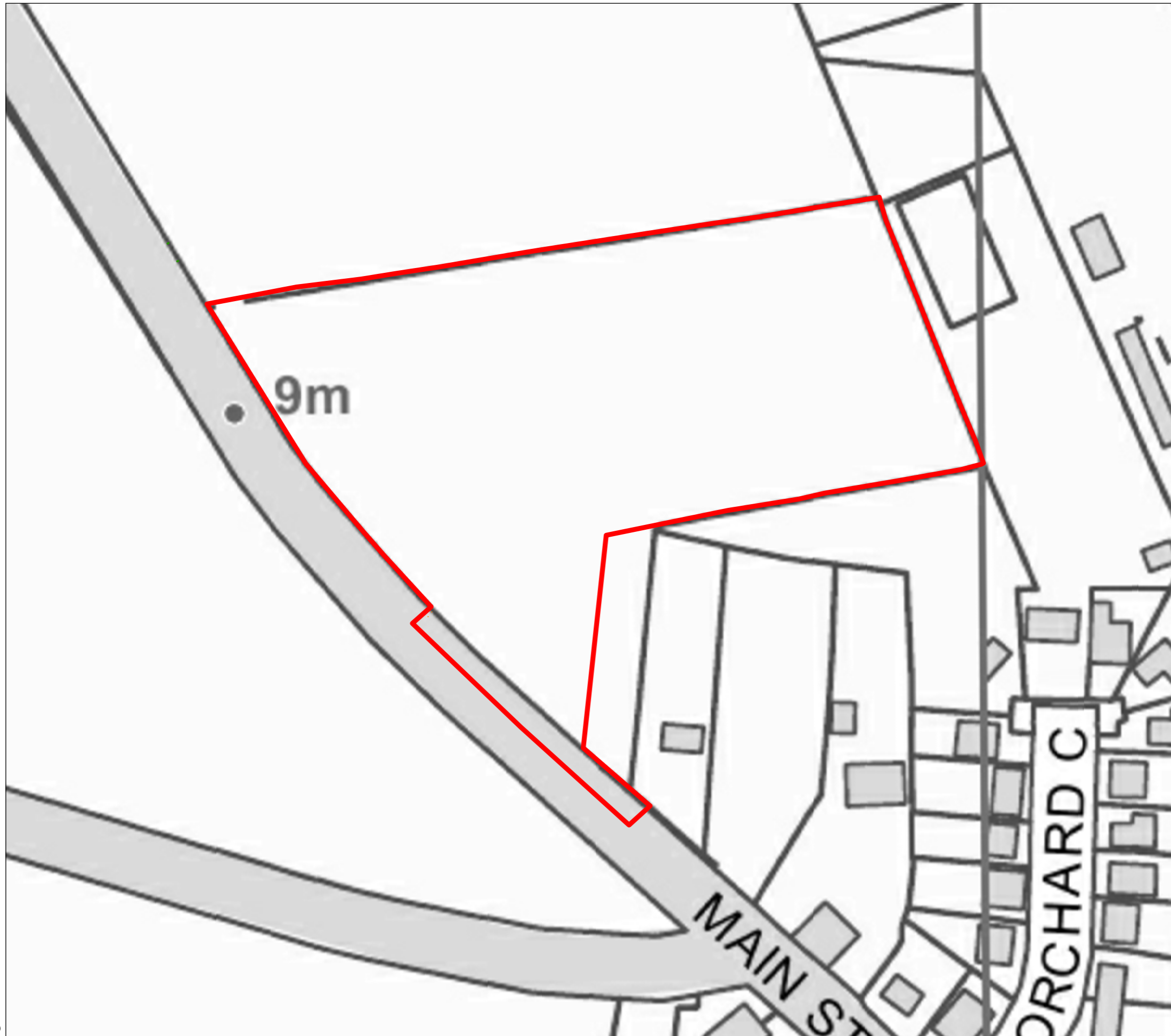


APPLICATION SITE

Item No: 2016/1322/OUTM

Address: Colton Lane, Appleton Roebuck

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— Site boundary (c.1.34ha)



Project
Hillcrest (land adj. to)
Appleton Roebuck
Drawing Title
Block Plan

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08 November 2016
BUSINESS SUPPORT

Date 27.04.15	Scale 1:1000@A3	Drawn by SW	Check by SG
Project No 24575	Drawing No 01	Revision A	

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Revision	Date	Drn	Chk
- A	- 21.04	- SW	- SG



Report Reference Number: 2016/1322/OUTM

Agenda Item No: 6.3

To: Planning Committee
Date: 8th February 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/1322/OUTM 8/79/233A/PA	PARISH:	Appleton Roebuck
APPLICANT:	Baylis & Baylis Ltd	VALID DATE:	9 th November 2016
		EXPIRY DATE:	8 th February 2017 (EOT 13 th March 2017)
PROPOSAL:	Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 dwelling with associated infrastructure and open space provision		
LOCATION:	Colton Lane, Appleton Roebuck		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approval of the application. There has also been a level of objections that mean the application is considered to be locally controversial.

Summary:

The proposed scheme is made in outline with all matters reserved for residential development on land abutting the development limits of Appleton Roebuck which is a Designated Service Village. The proposal is contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. On such material consideration is the NPPF.

The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policies SP2 and SP5 are out of date in so far as they relate to housing supply. However, in assessing the proposal, the development would bring economic, social and environmental benefits to the village of Appleton Roebuck.

The proposal is considered to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, ecology, drainage, impact on residential amenity, highway safety, contaminated land and protected species it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

Therefore the proposal is considered acceptable when assessed against the policies in the NPPF taken as a whole, Selby District Local Plan and the Core Strategy.

Recommendation

This application is recommended to be GRANTED subject to a S106 to secure the provision of 40% of units for affordable housing (at a mix of 70% rent and 30% intermediate), waste and recycling and provision of on-site recreational open space and the noted conditions at Section 2.21.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located within the countryside but sits in very close proximity to, and abuts in part, the defined development limits of Appleton Roebuck. It comprises an area of 1.34 hectares of land currently in use by the occupiers of Hillcrest House in association with the occupation of the dwelling and agricultural land.

1.1.2 The site is immediately to the west of Hillcrest House and has a defined boundary to this property. The frontage to Colton Lane is comprised of a low hedgerow with a number of trees in the highway verge, and a gated entrance serving the site at the eastern end of the site. The remainder of the boundaries are formed by a low hedgerow.

1.1.3 The properties in proximity to the site are mixed in design and materials and there is a single bungalow adjacent to the site, known as Hillcrest House.

1.1.5 The site is located within Flood Zone 1.

1.2. The Proposal

- 1.2.1 The application seeks outline planning permission for residential development with the means of access for approval and all other matters reserved. The application indicates a maximum of 28 dwellings with associated infrastructure and open space provision.
- 1.2.2 The application is accompanied by an indicative layout plan and a parameters plan. The indicative layout shows how the site could be laid out to provide a total of 28 dwellings, 11 of which are shown as affordable units and 17 for private sale, giving a density of 24 dph. The layout also shows provision of 1,697 square metres of onsite recreational open space.

1.3 Planning History

- 1.3.1 Application 2015/0448/OUT was for “Outline application with means of access for approval (all other matters reserved) for the erection of up to 28 no. dwellings with associated infrastructure and open space provision on land adjacent to Hillcrest House”. This application was initially considered by Planning Committee in September 2015 and planning permission was granted on the 1st December 2015 following signing of the required S106 Agreement. However, this decision was quashed as a result of Court submissions by Sam Smiths Old Brewery Tadcaster (SSOBT). As such the application was re-considered by Committee in September 2016 in the context of any changed circumstances or new material considerations since the original consent was issued and a new decision issued by the Authority accordingly on the application.

- 1.3.2 The application was therefore refused on 7th September 2016, on the basis that

01. The proposal would be located within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for 28 dwellings, when added to the 27 dwellings that have been built or approved in Appleton Roebuck since the start of the Plan Period in April 2011 would substantially exceed the minimum growth options of between 17 – 23 dwellings for Appleton Roebuck identified by research in connection various growth options for the Designated Service Villages as part of the development of PLAN Selby in July / August 2015. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Appleton Roebuck and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

02. The proposal would be located within the open countryside and approval of this application for housing is in conflict with the recently adopted Core Strategy’s spatial development strategy for this Designated Service Villages in Selby District Core Strategy Policies SP2 (A) (a) and SP5 (A)

and (E)

1.4 Consultations

1.4.1 Appleton Roebuck and Acaster Selby Parish Council

- Noted history of the site and the refusal of consent in September 2016
- Consider only resubmitted to there being some doubt over SDC's 5 year housing land supply
- Since September 2016 circumstances in the village remain unchanged in that Appleton Roebuck is still the least sustainable village in Selby District which accounts for it being ranked lowest in their list of 29 villages capable of sustainable growth.
- The 'substantial unsustainability' of the proposal has been accepted, inter alia, by SDC in its previous refusal, therefore the application should fail for this reason alone.
- The application is contrary to ENV 1, SP18, SP19, 3.4 & 4.21 of the Core Strategy. These all require new development to fit in with the current form and character of a settlement, reinforcing its distinct identity and contributing to its heritage in terms of scale, density and layout. This proposed development would do the opposite, and increase the size of the village by 9%.
- In June 2016 the draft PLAN Selby evidence document "Settlement Setting, Landscape Assessment" changes the status of the landscape to "High sensitivity to development due to the distinctive picturesque rural settlement. Large scale development entirely up to the boundary of AR would be very visually intrusive to the existing distinctive view as it would change the existing mature and dense wooded rural setting to the village. These areas should be protected and enhanced." Concluding that that the entire settlement boundary should be protected from development.
- If this proposal were to go ahead, up to 28 houses would be built on a rise just before the entrance to the village, clearly visible from a distance, thus changing the form and character of the settlement. This is completely contrary to SP18 of the Core Strategy.
- The impact of the development cannot be mitigated by planting
- There is no need for further affordable housing in the settlement
- The application is also Contrary to the NPPF sustainable transport policy
- The proposal will take out productive arable land.
- The application recognises that from examination of the site soakaways are not viable and still plans to use Brumber Carr Drain as its surface water drainage strategy. However, the adjacent landowner has refused permission for access across his land, therefore the drainage strategy is out of date.
- The development would put further unacceptable strain on a failing infrastructure
- Since September 2016 is that Appleton Roebuck and Acaster Selby Neighborhood Development Pan has now been approved by Selby DC,

and submitted for examination. As such it is considered an emerging plan (Para 216 NPPF) and must be given weight when considering planning applications. In our NDP it clearly states that whilst the parish is in favor of sustainable small scale development it does not support groups of more than 10 houses. In fact, the NDP household survey revealed support for groups of 5 houses or fewer, but the number was increased to 10 to align our policy with those of SDC whereby 'small scale development' is considered to be 10 houses.

1.4.2 Yorkshire Water Services Ltd

No objections subject to conditions on

- Provision of satisfactory outfall
- Implementation in accordance with the submitted Flood Risk Assessment (prepared by Royal Haskoning DHV - Report RDCPB3578R001F03 dated 24/06/2015) is satisfactory from Yorkshire Water's viewpoint which confirms that the Sub-soil conditions may support the use of soakaways and therefore that all surface water will discharge to watercourse (Brumber Car Drain) which exists near to the site.

1.4.4 Sustainable Drainage Officer

No objection subject to conditions on submission of a detailed design and associated management and maintenance plan of surface water drainage.

1.4.5 Ainsty Internal Drainage Board

- Noted that the Board does have assets adjacent to the site in the form of various watercourses; these watercourses are known to be subject to high flows during storm events.
- Request a condition on any consent that requires submission and agreement of a scheme and notes that the following criteria should be considered:
 - Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
 - Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
 - Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
 - Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
 - A 20% allowance for climate change should be included in all calculations.
 - A range of durations should be used to establish the worst-case scenario.
 - The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.
 - The suitability of soakaways

- Evidence that surface water from the existing site currently discharges to the adjacent watercourse and shall provide details of those points of discharge and the ability of the watercourse to accept this flow should be determined by the Applicant prior to works commencing.

1.4.6 NYCC Highways

Note that concerns raised on the previous application (2015/0448/OUT) were addressed during the life of that application and this was not refused on highways grounds, Officers have noted that “The Village sign and tree were placed in the highway with the approval of the County Council at the request of the Parish Council, but to date, I have not been provided with written agreement of any conditions which prevent its relocation, so as long as the County Council as well as the District Council have been consulted and a new location has been agreed for the tree and Village sign as well as the relocation of the 30mph limit with all the interested parties, an appropriate condition should ensure they are placed in a safe location”. In this context, the Local Highway Authority recommends Conditions in relation to:

- Detailed plans of road and footway layout
- Construction of Roads and Footways prior to occupation of dwellings
- Discharge of Surface Water
- Visibility Splays
- Approval of Details for Site Works in the Highway
- Construction Management Plan

And an informative on Traffic Order requirements to secure works.

1.4.7 Council’s Contaminated Land Consultants

Advised on the earlier application for the site (Reference 2015/0448/OUT) and confirmed that the submitted report was acceptable there are no significant contaminant linkages that are likely to impact receptors associated with residential development with gardens. As such noted that “it would be prudent for the consultant to maintain a watching brief and if necessary prepare a report detailing and assessing any currently unknown issues with contamination and standard conditions would cover the potential requirement for such reporting and assessment.

The same information and report has been submitted as part of this application and there has been no intervening land use.

1.4.11 North Yorkshire Bat Group

Referred officers back to their comments on 2015/0448/OUT where they noted

- Concern that the ecologists have not carried out a data search for existing records of bats in the area, nor have they done any bat activity surveys of the site.
- Agreed that the development site itself is very unlikely to support roosting bats and note that the ecologists acknowledge the likely importance of hedgerows to commuting and foraging bats and recommend their retention and enhancement.

- We support the inclusion of built-in bat roost features into any new properties built on the site and would also suggest the inclusion of nesting boxes for Swifts; conditioning inclusion of these features would be appropriate. We also support the proposals to restrict exterior lighting, though how this would be done is rather vague

1.4.12 NYCC Education

Note a requirement for a contribution to be sort, if appropriate in the context of CIL Schedule.

1.4.9 Primary Care Trust

No response in the statutory consultation period

1.5 **Publicity**

- 1.5.1 The application was advertised by site notices, press notices and neighbour notification letter resulting in 13 letters of objection (as received by the 9th January 2017). The issues raised can be summarised as follows:

Principle of Development

- The development is outside the village envelope / development limits
- There have been numerous residential developments in the village over recent years and the settlement has grown significantly, providing more than its fair share of additional housing
- Will set a precedent for more development outside the development limits
- Unsustainable location for development – no employment, no transport and no services
- Benefits of the development, such as affordable housing / open space monies, do not outweigh the harm
- The settlement should not be a Designated Service Village (DSV)
- Development should not be supported simply because there is a lack of 5 year housing land supply
- If and to what extent the District is underperforming on housing supply, is clearly material to the determination of the application but the issue is not fully understood and it is not possible to correctly apply weight to this consideration when reaching the planning balance
- The applicant's approach to the application of guidance within the NPPF is flawed and should not be relied upon in the determination of the proposal The failure to provide adequate information in support of the application directly leads to the applications failure to trigger the guidance within paragraph 14 of the NPPF
- Development outside the settlement would provide a level of growth entirely inappropriate for the settlement and its role within the emerging spatial strategy, and its overarching aim of achieving sustainable development patterns in the district.
- The proposal is fundamentally an unsustainable type of development to be developed in this location, therefore doesn't represent any of the

special circumstances set out within the guidance and as such the proposal is directly contrary to the policies within the NPPF and development plan policies SP1, SP2, SP6 and SP15.

- The sustainability of the development in the open countryside is the main issue at the heart of this application and it must be refused planning permission.
- The PLAN Selby strategy envisages a series of growth scenarios for the settlement which for Appleton Roebuck is noted a between 17 and 23 dwellings during the plan period.

Character

- Visual impact of the development would harm the nature and character of the entrance to this conservation village
- Development will significantly increase the size of the village
- The scheme is to dense a form of development
- Development of this scale will impact on character of the settlement
- Will have significant impact on the landscape character

Highways

- Would impact on highway safety given the location of the site on the edge of the settlement and as a result of interactions with other users
- Road network is congested particularly A64 on race day
- The layout plans show inadequate parking provision for the number of dwellings
- Will result in unsafe overtaking and parking issues

Effect on Services and Amenities

- School is oversubscribed and landlocked
- The village lacks open space provision which would be an issue for new occupiers
- There are no facilities in walking distance of the site.
- Unclear how waste and recycling will be accommodated and where they would be collected from by the Council

Other Matters

- Existing issues with sewerage capacity will be exacerbated and instances of flooding will increase
- Submission of the application just before Christmas is tactical
- Development should not be supported ahead of the progression of the Local Development Plan and at this scale the development is not in accordance with this Plan
- The views of the local community should be considered in the context of the Localism Act 2010
- Will result in loss of agricultural land and Officers have insufficient information to assess this impact
- The proposal is premature to both the emerging Sites and Policies Plan and the Parish Neighbourhood Plan. Approval of the proposal would be pre-judge not only the quantum of development to be housed within the settlement, but also the location of growth (if any is identified). On

this basis, the grant of planning permission for the proposals would render the plan making process of both components of the development plan academic exercises with no value to guiding the approach to development in the settlement.

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

2.2.1 The relevant Core Strategy Policies are as follows:

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Development Strategy
Policy SP5	Scale and Distribution of Housing
Policy SP8	Housing Mix
Policy SP9	Affordable Housing
Policy SP15	Sustainable Development and Climate Change
Policy SP16	Improving Resource Efficiency
Policy SP18	Protecting and Enhancing the Environment
Policy SP19	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

:

Policy ENV1: Control of Development

- Policy ENV2: Environmental Pollution and Contaminated Land
- Policy T1: Development in Relation to Highway
- Policy T2: Access to Roads
- Policy T7: Provision of Cyclists
- Policy RT2: Recreational Open Space
- Policy CS6: Developer Contributions to Infrastructure and Community Facilities

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Other Policies/Guidance and Local Authority Guidance Notes

- Affordable Housing Supplementary Planning Document, February 2014.
- Appleton Roebuck Village Design Statement, February 2012
- Five Year Supply Guidance Note for Applicants, January 2017

2.6 Key Issues

2.6.1 The main issues to be taken into account when assessing this application are:

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF
2. Impacts arising from the development:
 1. Impact on the character, form, locality and landscape
 2. Impact on residential amenity
 3. Impact on the highway network
 4. Loss of agricultural land
 5. Flood risk, drainage and climate change

6. Impact on nature conservation interests and protected species
 7. Contaminated land and ground conditions
 8. Affordable housing
 9. Recreational open space
 10. Education / healthcare and waste and recycling
 11. Other matters
3. Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.7 The Appropriateness of the Location of the Application Site for Residential Development in Respect of Current Housing Policy and Guidance on Sustainability Contained within the Development Plan and the NPPF.

- 2.7.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.7.2 The site lies outside the defined development limits of Appleton Roebuck and therefore is located in open countryside.
- 2.7.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.7.4 Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 2.7.5 In light of the above policy context the proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise. One such material consideration is the National Planning Policy Framework.
- 2.7.6 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the

case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016 that it did not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. The Appeal Decision confirms that the level of supply in December 2016 was around 4.3 years supply.

- 2.7.7 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 2.7.8 Paragraph 14 is therefore relevant to the assessment of these proposals and states that “at the heart of the framework is a presumption in favour of sustainable development”, and for decision taking this means, unless material considerations indicate otherwise,

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.

- 2.7.8 In the footnote to paragraph 14 it indicates that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any special landscape designation and is not Green Belt, and the site is located within Flood Zone 1. Therefore, in this case, the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

- 2.7.9 As set out above the development plan policies with respect to housing supply (SP2 and SP5) are out of date so far as they relate to housing supply and therefore the proposals should be assessed against the criteria set out above.

2.7.10 The Council's Guidance Note "Five Year Supply Guidance Note for Applicants January 2017" describes how proposals will still be assessed for their economic and social benefits and environmental impacts and in accordance with the adopted Core Strategy and saved policies from the 2005 Selby District Local Plan. In particular, the settlement hierarchy remains a key consideration in the determination of planning applications for housing; in terms of the level of services and facilities within the settlement i.e. education and health, shops, transport services and sports and recreational facilities. Policies which are 'out of date' can still be given weight in the planning balance however the adverse impacts identified must 'significantly and demonstrably' outweigh the benefits of the development when assessed against the policies in the NPPF as a whole including the need to increase housebuilding, provide for identified housing need and maintain a supply of deliverable sites. As such each application will be judged on its own merits and take into account factors such as :

- Visual impact on the character and form of the area
- Flood risk, drainage and climate change
- Residential amenity & availability of services
- Impact on highways & capacity of public transport
- Impact on heritage assets
- Affordable housing
- Recreational open space
- Nature conservation and protected species
- Contamination
- Impact on the Green Belt
- The deliverability of the scheme and its likelihood of adding to the 5 year supply of housing

2.7.11 In respect of sustainability, the site is in part adjacent to the development limits of the village of Appleton Roebuck which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village has a primary school, two public houses, a petrol filling station that does MOT's, two churches and village hall. There is also a mobile library service into the village and recreational opportunities including a tennis club and a riding stables and a local playgroup. The village also benefits from a bus service, the bus stop is within 375m of the site entrance which provides a Monday to Saturday services linkage to York and Selby. It is therefore considered that the settlement is served by local services which weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.

2.7.12 In addition to the above it is noted that the village of Appleton Roebuck has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. Although the

village is considered to be “least sustainable” in Background Paper 5 “Sustainability Assessment of Rural Settlements” of the Core Strategy this does not mean that the village is an unsustainable location. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Appleton Roebuck it is noted that it abuts the boundary and would be served by the facilities within this settlement and as such it is considered that the site performs appropriately on balance with respect to its sustainability credentials in these respects.

2.7.13 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. In response to this the applicant has commented as follows: -

Social

The proposal would deliver both open market and affordable housing in Appleton Roebuck and hence promote sustainable and balanced communities and would assist in the Council meeting the objectively assessed need for housing in the district. The proposals would provide 40% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would incorporate an area of recreational open space on-site.

Environmental

The proposal would deliver high quality homes for local people and take into account environmental issues such as flooding and impacts on climate change.

Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities and services. Any loss of agricultural land would be marginal, both within a parish or at a district level.

2.7.14 These considerations weigh in favour of the proposal.

2.7.15 A number of comments have been made by local residents as to the size of the development in relation to the scale of the village. As set out above, the policies in the Core Strategy which relate to housing provision within each of the settlements are considered out of date due to the lack of a five year supply. As such the proposals are assessed on their own merits with respect to the impacts of this size of development on the existing services and facilities which are considered in detail below and concluded to be acceptable.

2.7.16 Objectors have also referenced that the PLAN Selby strategy envisages a series of growth scenarios for the settlement which for Appleton Roebuck is

noted a between 17 and 23 dwellings during the plan period. In any instance the settlement has seen new net completions in the settlement between 1 April 2011 and 31st March 2016 have equated to 20 units and as of the 31/03/2016 there were 3 dwellings with outstanding permissions. However, a recent Appeal decision (Ref APP/N2739/W/16/3151448 – Land North of Weeland Road Eggborough dated 28th December 2016) noted that these growth options do not form part of the development plan and therefore have only limited weight.

2.7.16 It is therefore concluded that the location of the site is appropriate for residential development in respect to current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.

2.8 The Impacts of the Proposal

2.8.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This sections looks at the impacts arising from the proposal.

2.9 Impact on the Character and Form of the Locality

2.9.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 “Protecting and Enhancing the Environment” and SP19 “Design Quality” of the Core Strategy.

2.9.2 Significant weight should be attached to the Local Plan Policy ENV1(1) and (4) as it is broadly consistent with the aims of the NPPF.

2.9.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.

2.9.4 The proposed scheme seeks outline consent with means of access for approval and all other matters reserved. The description of development states that up to 28 units would be provided alongside associated infrastructure and open space provision. The application is also accompanied by a Design and Access Statement and a Landscape and Visual Appraisal. The applicants have also submitted a Parameters Plan and Indicative Layout Plan.

2.9.5 In terms of landscaping, the submitted Landscape and Visual Assessment has assessed the scheme in terms of the relationship with landscape context of the area and the topography of the site and context. The report accepts that there will be some visual change in the landscape context as a result of the development of the site for residential development, however it concludes that the development would not result in an uncharacteristic or unacceptable

impact on the landscape. Having reviewed the submitted information and visited the site Officers would advise that given the site's location on the edge of the settlement then subject to landscaping and the retention of existing hedgerows in line with the parameters plan it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that the scheme has an acceptable impact on the character and form of the area. In this instance given the sites relationship to the open countryside it is consider prudent to utilise a condition on the outline consent to ensure that a landscape buffer and planting is secured as part of the reserved matters submissions for the northern boundary of the site.

- 2.9.6 The emerging PLAN Selby evidence on the sensitivity of the landscape to development has yet to be published and therefore it carries limited weight at this stage, in addition further assessments / reviews are still to be undertaken to underpin this base information. This information will now not be published in its current form and will be formally reviewed in due course.
- 2.9.7 On balance, it is considered that the even though the proposal extends into the countryside, when looking at the development limit boundary this site would effectively create a defensible landscaped boundary which would ensure that the development would be neither visually prominent, nor discordant within the landscape. Having reviewed the submitted information, had an independent review and visited the site Officers would advise that given the site's location on the edge of the settlement then subject to landscaping and the retention of existing hedgerows in line with the parameters plan it is considered that a suitable landscaping scheme and boundary treatment could be achieved at reserved matters stage to ensure that the scheme has an acceptable impact on landscape and the character and form of the area and accords with Policy SP18.
- 2.9.8 The design and materials on the surrounding properties are a mixture and as such it is considered that proposals could incorporate appropriate materials and detailed design finishes at reserved matters stage which would respect the character of the surroundings reflective of the approaches outlined in the Village Design Statement and the submitted Design and Access Statement.
- 2.9.9 Having taken all of the above into account it is considered that the site could provide an appropriate layout, appearance, scale and landscaping at reserved matters stage. Furthermore it is considered that an appropriate design, could be achieved that would be in accordance with the provisions of Policies ENV1(1) and (4) of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.10 Impact on Residential Amenity

- 2.10.1 Relevant policies in respect to impacts on residential amenity include Policy ENV1 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.

- 2.10.2 In respect to the NPPF it is noted that one of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 200 of the NPPF relates to the removal of national permitted development rights which should be limited to situations where this is necessary to protect local amenity.
- 2.10.3 The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing.
- 2.10.4 With respect to other residential properties surrounding the application site then the only potential impact would be on Hillcrest, Orchard Close and on Ainsty Garth. The indicative layout shows no direct overlooking of Hillcrest and appropriate separation distances to Ainsty Court and Orchard Close. As such it is considered that a scheme could be designed to provide appropriate separation distances from these properties. It is therefore considered that an appropriate scheme could be designed at reserved matters stage which would ensure that no significant detrimental impact is caused to existing residents through overlooking, overshadowing or creating an oppressive outlook in accordance with policy ENV1(1) of the Local Plan and the NPPF.
- 2.10.5 It is therefore considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area and that a good standard of residential amenity would be achieved in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

2.11 Impact on the Highway Network

- 2.11.1 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and Paragraphs 34, 35 and 39 of the NPPF.
- 2.11.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.11.3 The application seeks agreement of the access to the site and the applicants have submitted a Highways Plan (Ref 15/105/001 Rev A) which would be a listed plan on any consent. The submitted highways plan shows provision of a single access point into the site, visibility splays of 2.4m by in excess of 200m to the south east (into the village) and 2.4m x 88m to the south west (out of the village). The plan confirms that the existing hedgerow will be maintained by agreement, that the new access will be constructed to adoption standards, the provision of pedestrian cross tactile paving to allow crossing of the access road within the site, the provision of a 2.0m footway on Colton Lane towards the village along the frontage of Hillcrest House, the relocation of the village sign to outside the visibility splay and provision of 30mph road marking and signs. The internal layout and parking provision for the units will be confirmed at the reserved matters stage.

2.11.4 North Yorkshire County Council Highways have confirmed that they have no objections to the application and have noted a series of conditions which given that the application is seeking approval of access are supported by the Officers. It is also noted that appropriate cycling provision could be made at the reserved matters stage.

2.11.5 Having had regard to the above it is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1, T2 and T7 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

2.12 Loss of Agricultural Land

2.12.1 Policy in respect to the loss of agricultural land is provided by Policy SP18(9) of the Core Strategy and paragraph 112 of the NPPF. Paragraph 112 of the NPPF states local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Such land comprises grade 1-3a agricultural land.

2.12.2 The Parish Council and objectors have raised the issue of the potential loss of agricultural land through the proposed development.

2.12.3 The application is accompanied by an assessment of the agricultural land prepared by Soil Environment Services, dated April 2105. This shows that although the site is shown as Grade 2 on the MAFF (1983) Maps the testing has shown the site to constitute 1 hectare of Grade 3b and 0.3 hectare non-agricultural grade land. The proposal would therefore not result in the loss of best and most versatile agricultural land and in this respect the proposal is not contrary to Paragraph 112 of the NPPF.

2.12.4 Members are also advised that the majority of land within the district is Grade 3 also.

2.12.5 Therefore, having had regard to Policy SP18(9) of the core Strategy and paragraph 112 of the NPPF, it is considered that although the loss of agricultural land and associated loss of economic and other benefits weighs against the proposal, given the size of the application site and the agricultural grading of the land, only very limited weight should be afforded to this matter.

2.13 Flood Risk, Drainage and Climate Change

2.13.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. These policies should be afforded significant weight.

2.13.2 The application site is located in Flood Zone 1 thus is considered to be at a low probability of flooding.

- 2.13.3 The application is accompanied by a Flood Risk Assessment prepared by Royal Haskoning DHV which examines potential flood risks from a series of sources and outlines discussions with statutory bodies. The report notes that there is a low level of flood risk to the site and that there is no specific need for any flood risk mitigation measures.
- 2.13.4 The Report also considers the approach to the site drainage strategy and notes the need for separate systems with surface water not being discharged to public sewers and foul sewerage connected to the main sewer.
- 2.13.5 The SUDs Officer, Yorkshire Water and the Internal Drainage Board have been consulted on the proposals and have raised no objections subject to a series of drainage conditions.
- 2.13.6 With respect to energy efficiency, the supporting statement confirms in terms of Policy SP16 then the applicants would be prepared to accept a condition to require that 10% of the total predicted energy requirements to the development be provided from renewables, low carbon or decentralised energy sources as part of the development. It is considered that this can be secured via condition and as such the proposals accord with Policies SP15 and SP16 of the Core Strategy.
- 2.13.7 Other matters in respect of policy SP15 and SP16 can be met either compliance with current buildings regulations or through the reserved matters stage wherein the layout, design and landscaping would be considered (with the exception of criterion A which relates to plan making and wherein issues raised are, where appropriate, dealt elsewhere in this report).
- 2.13.8 Having taken the above into account it is therefore considered that the proposals adequately address flood risk and drainage subject to appropriate conditions and that climate change and energy efficiency measures can be secured either via condition to ensure that these are incorporated at reserved matters stage, or specifically dealt with at reserved matters stage, in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.14 Impact on Nature Conservation and Protected Species

- 2.14.1 Protected Species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 2.14.2 Relevant policies in respect to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy. These Local Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

2.14.3 The application included an Ecological Appraisal prepared by Tyler Grange which assesses the site. The report states that the site is not covered by, or adjacent to, any sites that are the subject of statutory or non-statutory protection, however several such sites are located within the study area. The report also notes that the closest non statutory site lies 1.2km to the north, the site boundaries offer suitable foraging and commuting habitat for bats and nesting birds and there are marginal habitats which offer potential to support badgers and hedgehogs. The Report notes that “the most significant issue with respect to development of the site is the loss of the hedgerows and the potential for adverse effects on bats. As such it is recommended that development designs retain and enhance the existing hedgerows and include the creation of new native species rich hedgerows. This will increase the ecological value of habitat on site and increase the foraging opportunities for bats”. In addition it notes that “during construction the retained hedgerows should be adequately buffered to reduce the risk of disturbance and or damage to a key feature of the site” and that the “lighting layout of the future development should be designed to retain dark, unlit corridors and avoid lighting the existing hedgerows, especially hedges H1 and H4 which connect the site to the wider area”.

2.14.5 The comments of the North Yorkshire Bat Group are noted. However, officers note that the applicant’s Ecological Appraisal states that the applicant has carried out a data search using the North and East Yorkshire Ecological Data Centre which returned that they had no bat records within 1km of the site. Whilst the records provided by the bat group are accepted, it is clear from the site visit, and the proposed plans, that only a small part of a species poor and heavily flail cut hedgerow would be removed. This would have no significant impact on bats. In addition officers note that the ecological appraisal does accurately assess the importance of the site for bats (and other species of conservation concern) and contains adequate proposals for enhancement, protection and mitigation. These can be controlled via a condition to ensure the above measures are secured.

2.14.6 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal.

2.15 Affordable Housing

2.15.1 Policy SP9 states that the Council will seek to achieve a 40/ 60% affordable/ general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at, or above, the threshold of 10 dwellings.

2.15.2 The policy goes on to state that the actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.

2.15.3 The applicant has confirmed that they are prepared to provide 40% affordable units and that this would be secured via a Section 106 agreement. The Council's Rural Housing Enabler has advised that the developer should identify a partner Registered Provider at an early state to confirm the number, size and tenure of the units. The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bedroom affordable homes with a required tenure split of 30-50% Intermediate and 70-50% Rented as a starting point for negotiation.

2.15.4 The Section 106 agreement would secure the 40% provision on-site and would ensure that a detailed Affordable Housing Plan is provided setting out the size and tenure mix based on a split of 70% rent and 30% intermediate provision.

2.15.5 The proposals are therefore considered acceptable with respect to affordable housing provision having had regard to Policy SP9 subject to the completion of a Section 106 agreement.

2.16 Recreational Open Space

2.16.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.16.2 The proposed indicative layout demonstrates that there would be on-site provision for recreational open space, although the detailed position and type of provision to be provided would be established in detail at reserved matters stage. It is noted that Policy RT2 sets out the requirements for provision to equate to 60sqm per dwelling and as such it would be appropriate to ensure that this is secured by Section 106 agreement given that the detailed layout and design could alter at reserved matters stage.

2.16.3 It is therefore considered that subject to a Section 106 agreement to secure the on-site provision of Recreational Open Space, the proposals are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.17 Contamination

2.17.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.

- 2.17.2 The Council's Contamination Consultant has assessed the submitted report from Royal Haskoning DSV, dated April 2014, and has advised that it would be prudent for the consultant to maintain a watching brief and if necessary prepare a report detailing and assessing any currently unknown issues with contamination to the Environmental Health Officer who may refer the matter to them for further review and as such they have proposed use of a Condition to cover the potential requirement for such reporting and assessment.
- 2.17.3 The proposals, subject to the attached conditions are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.18 Education, Healthcare, Waste and Recycling

- 2.18.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight but considered in the context of the CIL requirements.
- 2.18.2 Having consulted North Yorkshire County Council Education they have confirmed that a contribution of £95,172 would be required towards education provision at Appleton Roebuck Primary School and this would be secured via Section 106 agreement. NYCC Education has confirmed that no contribution would be sought for secondary school facilities from the development. However it is considered that such a contribution cannot be sought in this instance now that the Council has CIL in place.
- 2.18.3 A consultation has been sent to the Healthcare Service in relation to this application and an update will be provided to Committee, if a response is received, however, it is considered that such a contribution cannot be sought in this instance now that the Council has CIL in place.
- 2.18.4 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via Section 106 agreement.
- 2.18.5 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.19 Neighbourhood Plan

- 2.19.1 The "Appleton Roebuck and Acaster Selby Neighbourhood Development Plan" (AR&AS NDP) was subject of a pre-submission consultation between 6th June 2016 and the 24th July 2016 and at present the "Publication Consultation" is underway which closes on the 15th February 2017. The AR & AS NDP will then be submitted to the Planning Inspectorate for scheduling of an Examination.

2.19.2 At any examination the Examiner will determine whether the plan meets the basic conditions and recommends whether it proceeds to referendum or not and the Examiner may also require changes to be made to the plan.

2.19.3 NPPG Neighbourhood Planning paragraph 7 states that

“An emerging neighbourhood plan may be a material consideration.Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies....Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan.It is for the decision maker in each case to determine what a material consideration is and what weight to give it.’ (NPPG Neighbourhood Planning para 07)

2.19.4 The weight that should be attached to the AR&AS NDP in considering application for development is considered to be increased should be given to the plan once it has been submitted for examination, however account also needs to be taken of the comments made during the consultation and the fact that the Examiner can require changes to the plan and the Councils position in terms of the position of the 5 year housing land supply.

2.19.4 The AR&AS NDP considers the scale, location and density culminating in Policy H1, this states that

- “a) New housing developments should be small in scale (under 10 units) and not overwhelm their surroundings. Support will be given for small developments that integrate with their immediate neighbours in terms of:
- Design of new homes
 - Design of the overall development
 - Car parking arrangement
 - Appropriate landscaping, greenspace and green infrastructure
 - Non-vehicular links, including public rights of way linking the development to other parts of the village and the surrounding countryside, where practicable.
- b) New developments should be located wherever possible to minimise through traffic in Appleton Roebuck village.
- c) Density of new housing developments should reflect that of their immediate surroundings.
- d) Development must be located in an acceptable location in relation to the highway network and must not generate a level of vehicle movements that would result in a loss of residential amenity for neighbours in relation to safety, noise and air quality.”

2.19.5 As noted above the scheme is an Outline Application with all matters reserved, the details of the detailed design of the scheme will come forward at the reserved matters stage. Consultations on the application have confirmed no objections to the scheme from the drainage bodies or North Yorkshire County Council Highways as consultees. In addition Officers consider that an appropriate scheme could be submitted at the Reserved Matters stage to reflect the design characteristics of the area, secure appropriate car parking, landscaping, greenspace and green infrastructure.

2.19.6 In terms of the proposed 10 unit level noted in Policy H1 then SDC Officers have advised the Parish Council (as the body preparing the NDP) that they “advise the explanation of this policy is expanded and that there is evidence and background documents to support the proposed numbers”. It is considered without such evidence and background in place an Examiner would be unlikely to support the approach as draft in Policy H1.

2.19.2 As such, although the Neighbourhood Plan does have some weight in terms of the determination of the application given its stage of progression. It is considered that the scheme even at 28 units is still acceptable, when balanced against the approach of the Core Strategy in defining the settlement as a Designated Service Village, the approach of the Local Plan and the Councils position 5 year housing land supply

2.20 Other Matters

2.20.1 A series of other matters have been raised by Objectors in relation to the proposed development, taking these in turn.

2.20.2 Objectors have argued that the settlements should not have been classified as a Designated Service Village and should have remained as a Secondary Village and they have thus requested that the settlement designation be re-examined by an independent body and no applications determined till this has been done. The Core Strategy which is part of adopted policies utilised for decision making has been subject of independent examination and the settlement is included as a DSV. There is no requirement for a re-examination of this matter and a decision on this application cannot be delayed in the context of these comments.

2.21 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.211 In assessing the proposal, the development would bring economic, social and environmental benefits to Appleton Roebuck and Selby. There would not be any further significant impact on the highway from the proposed development and there would not be a significant impact on the amenity of neighbouring residential properties or significant harm to the character of the area. Although there would be some loss of agricultural land, this would not result in loss of best and most versatile land and given the grading and size of the site it is considered that only limited weight should be afforded to this issue. Subject to conditions there would not be any significant impact on nature conservation issues.

2.21.2 Having assessed the proposal, it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

2.22 Conclusion

2.22.1 The proposed scheme is made in outline with all matters reserved for residential development on land abutting the development limits of Appleton Roebuck which is a Designated Service Village. The proposal is contrary to Policy SP2A(c) of the Core Strategy and should be refused unless material considerations indicate otherwise. On such material consideration is the NPPF.

2.22.2 The Council accepts that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF. Having had regard to paragraph 49 of the NPPF, it is considered that Policies SP2 and SP5 are out of date in so far as they relate to housing supply. However, in assessing the proposal, the development would bring economic, social and environmental benefits to the village of Appleton Roebuck.

2.22.3 The proposal is considered to be acceptable in principle. In respect of matters of acknowledged importance such as climate change, flood risk, ecology, drainage, impact on residential amenity, highway safety, contaminated land and protected species it is considered that any harms arising from the development would not significantly and demonstrably outweigh the benefits of the application when assessed against the NPPF taken as a whole.

2.22.4 Therefore the proposal is considered acceptable when assessed against the policies in the NPPF taken as a whole, Selby District Local Plan and the Core Strategy.

2.23 Recommendation

This application is recommended to be Granted subject a S106 Agreement in relation to the provision of 40% of units for Affordable Housing (at a mix of 70% rent and 30% intermediate), Waste and

Recycling and Provision of On Site Recreational Open Space and the following conditions:

01. Approval of the details of the (a) appearance, b) landscaping, c) layout of the site, and d) scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

02. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

03. The development hereby approved shall be designed at the reserved matters stage in accordance with the principles of Section 6.0 and Section 11 of the submitted Design and Access Statement dated April 2015.

Reason:

To ensure that the proposal is carried out in accordance with the design parameters on which the outline application has been assessed.

04. The landscaping details as to be submitted at the Reserved Matters stage shall include a planting and landscape buffer to the northern boundary of the site.

Reason:

To ensure that the proposal is carried out in accordance with the parameters of the Design and Access Statement and in the interest of securing a long term boundary to the open countryside.

05. The development hereby approved on the area of land off Colton Lane Appleton Roebuck (Application Site Boundary Ref 24575/02/A as received 8th November 2016) shall be restricted to a maximum of 28 dwellings.

Reason:

In order to ensure that the development is carried out in accordance with the scale noted in the Description of Development.

06. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the public sewer, for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

07. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

08. 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.

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.

09. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

10. No dwelling shall be occupied until a scheme to demonstrate that at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources including details and a timetable of how this is to be achieved, including details of physical works on site, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

11. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.

- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details.

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 12. No dwellings to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason

In accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 13. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety

- 14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 88 metres (north west) and 215 metres (south east) measured along both channel lines of the major road (Colton Lane) from a point measured 2.4 metres

down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - a. Provision of 2 metres wide footway linking the site with the existing footway on the north west side of Colton Lane
 - b. Relocate the Village Sign/ Tree in the Public Highway (position to be agreed)
 - c. Relocate (after undertaking the Statutory Procedure) the 30mph speed limit signs and provide all appropriate road markings
 - (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

16. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works

h. HGV routes

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and in the interests of highway safety.

17. The development hereby approved shall be carried out in accordance with the conclusions of the Ecological Appraisal prepared by Tyler Grange, dated 28th April 2015, and in particular the development shall not commence until

- (1) A scheme for the retention and improvement and subsequent management of hedgerows is submitted to and approved in writing by the local planning authority
- (2) A scheme to ensure that adequate buffers are retained between hedgerows and construction activities
- (3) A scheme for external lighting
- (4) A scheme to avoid impacts on retained habitats of value, bats and nesting birds and hedgehogs

The development shall be carried out in accordance with the approved schemes.

Reason:

In the interests of protecting bats nature conservation interest in accordance with Policy ENV1, SP18(3)(b) and the National Planning Policy Framework.

18. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Application Site Boundary Ref 24575/02/A as received 8th November 2016
- Parameters Plan Ref 24575/04/A as received 8th November 2016
- Proposed Access Arrangements Plan Ref 15/105/001/A as 8th November 2016

Reason:

For the avoidance of doubt.

Informatives

Informative on Condition 11

In imposing Condition 11 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Informative to Condition 16

There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until information (under the requirements of the Road Traffic Regulation Act 1984) showing the proposed position of the 30mph extension for consultation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1322/OUTM and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None.



APPLICATION SITE

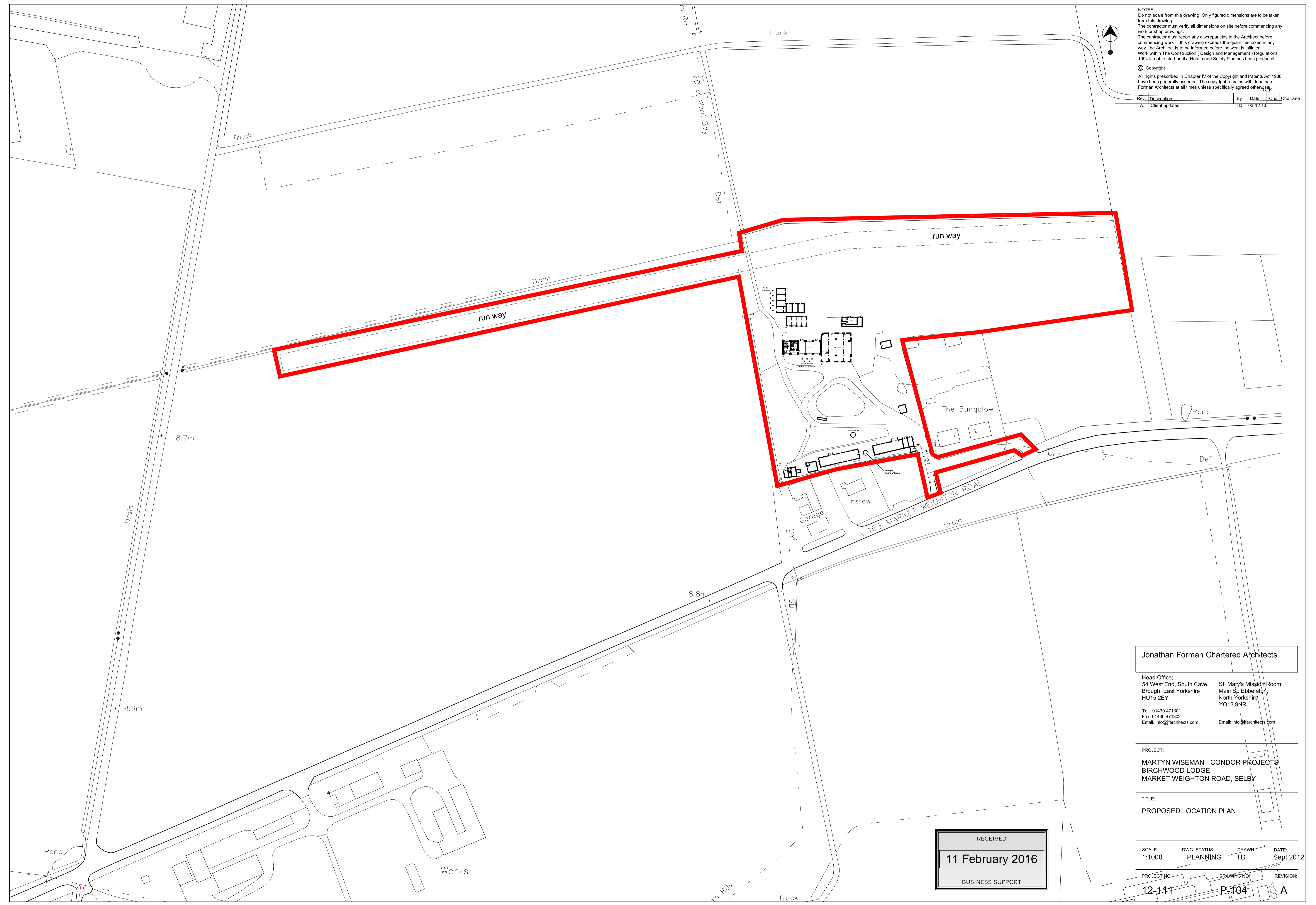
Item No: 2016/0141/COU

Address: Birchwood Lodge, Market Weighton Road, Barlby

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Rev.	Description	By	Date	Chd	Chd Date
A	Client updates	TD	03-12-13		



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PROJECT:
**MARTYN WISEMAN - CONDOR PROJECTS
 BIRCHWOOD LODGE
 MARKET WEIGHTON ROAD, SELBY**

TITLE:
PROPOSED LOCATION PLAN

SCALE: 1:1000 DWG. STATUS: PLANNING DRAWN: TD DATE: Sept 2012

PROJECT NO: 12-111 DRAWING NO: P-104 REVISION: A

RECEIVED
11 February 2016
 BUSINESS SUPPORT

To: Planning Committee
Date: 8 February 2017
Author: Tom Webster (Principal Planner)
Lead Officer: Johnathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/0141/COU	PARISH:	Cliffe Parish Council
APPLICANT:	Condor Projects Ltd	VALID DATE:	11th February 2016
		EXPIRY DATE:	7th April 2016
PROPOSAL:	Proposed change of use to form grass runway		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 6LE		

This application has also been bought forward as the ward member, Cllr Karl Arthur, has requested the application be heard at Planning Committee as the proposals could have the following impacts:

- 1) Impact on Residential Amenity;
- 2) The Environmental Impact of the move and increase in traffic activity;
- 3) Intrusion into the openness of the countryside;
- 4) Noise pollution impacting on neighbouring properties and areas; and
- 5) Air pollution impacting on the neighbourhood with particular regard to vulnerable people and children.

Summary:

The application seeks permission to change the use of land to form a grass runway. The application site is located outside the defined Development Limits and inside open countryside. Under General Permitted Development Order, 2016 (GDPO), the applicants have used their permitted development rights to convert part of the field to a grass runway, which has facilitated 15 flights a year. As the applicants now

seek to increase the number of flights beyond what is permissible under the GDPO, planning permission is required.

Having assessed the proposals against the relevant policies, the proposals are considered to be acceptable in respect of their design and effect upon the character of the area, flood risk, drainage and climate change, highway safety, residential amenity, land contamination and nature conservation.

It is recommended that planning permission is granted for a two year period, after which, the applicants will need to submit another application if they are to continue with the use

1. Introduction and background

1.1 The Site

1.1.1 The application site is located outside the defined Development Limits of Barlby. The application site is located 6km north east of Selby Town Centre, approximately 3km east of the junction of the A19 and A163. To the north and west of the application site the land is in agricultural use. To the east are the rear gardens and dwellings to two recently erected bungalows, whilst to the south of the application site there is a petrol filling station and a dwelling.

1.1.2 The site is currently used by Condor Projects who have as a company become increasingly involved in the construction and repair of light aircraft. In tandem with this the Company has become increasingly involved with the construction of the Modify aeroplane, which allows people with disabilities to build their own aeroplanes. Condor Projects and Modify are now working in partnership to provide the skills, facilities and experience together on one site to “build assist” light aircraft for people with disabilities.

1.1.3 The site comprises a number of buildings, some of which are converted RAF buildings with permission for B1, B2 and B8 uses. The building to be used as manager’s accommodation is a single storey rendered building. The building to be used for residential accommodation is a prefabricated former RAF barracks building the main large barn type building on the site is used for B1, B2 and B8 purposes. There is substantial screening around the site from mature woodland that severely restrict views into the site from the Market Weighton Road.

1.2. The Proposal

1.2.1 The application is for the change of use of land to form a runway. The runway would only be used to allow planes to land and take off in association with the main use of the application site and aircraft movements would be limited to those only having a direct involvement with the operations of the site.

1.2.2 Given the length of the runway, only single engine light aircraft can use the site. The airstrip would allow light non-commercial leisure aircraft to take off and land during restricted daylight hours (08.00 to 20.00). The operation of the airstrip would be limited to an average of 3 days per week and an

average of 4 take-off and landing manoeuvres per day. The use of the land as a runway would require no operational development.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application.
- 1.3.2 Application 2007/0408/FUL for the retrospective application for the retention of livery stables was granted approval on 25th May 2007.
- 1.3.3 Application 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings which was permitted on 21st May 2012.
- 1.3.4 Application 2012/0926/DPC for the discharge of condition 2 (materials) of approval 2012/0248/COU (8/17/312A/PA) for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was permitted on the 23rd October 2012.
- 1.3.5 Application 2013/0349/DPC for the discharge of condition 2 (materials) to substitute previously approved materials of approval 2012/0248/COU (8/17/312A/PA) for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was permitted on 8th May 2013.
- 1.3.6 Application 2014/0959/FUL for the proposed conversion of an existing building to form a manager's dwelling, conversion of existing building to disabled living accommodation was permitted on 12th March 2015.
- 1.3.7 An application 2015/0763/FUL for the proposed erection of 2 m high fence was permitted on 11th September 2015.
- 1.3.8 An application 2015/0768/FUL for the proposed conversion of building to allow disabled accommodation (amendment to previously approved application 2014/0959/FUL) was permitted on 9th December 2015.

1.4 Consultations

- 1.4.1 Cliffe Parish Council
Strong objections relating to:

- 1) Concern regarding the impact on residential amenity as the proposed runway would be in very close proximity to residential properties.
- 2) Concern regarding noise pollution.
- 3) Intrusion into the openness of the countryside.
- 4) Concern regarding air pollution and health & safety concerns especially in relation to children and vulnerable adults.

1.4.2 Yorkshire Wildlife Trust

YWF advise that the applicant contacts themselves and Natural England in order to fully assess the potential impacts on Skipwith Common.

1.4.3 North Yorkshire Fire & Rescue Service

At this stage in the planning approval process the fire authority have no objection/observation to the proposed development. The fire authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the fire authority.

1.4.4 Designing Out Crime Officer

No comments to make.

1.4.5 Civil Aviation Authority

No comments received.

1.4.6 Humber Nature Partnership

No comments received.

1.4.7 North Lincolnshire Council

No comments received.

1.4.8 Lincolnshire Wildlife Trust

No comments received.

1.4.9 NYCC Highways

The car parking provision is increasing. No mention has been made as to why there is a need for the additional parking, which includes 5 light goods vehicles parking spaces. The proposed car parking has not been annotated on the submitted plans.

1.4.10 Environmental Health

The application proposal includes the use of land to form a grass runway; the applicant has identified noise as a material consideration and has submitted an acoustic report reference A/34/14, prepared by Blue Sky Acoustics Ltd, in order to assess the likely significance of the development in terms of noise. The report concludes that the impact of the proposal will be acceptable based on certain restrictions.

The applicant has stated that use of the runway will be on an infrequent and occasional basis to allow only single engine light aircraft to land and take-off when serviced. The applicant proposes that only light non-commercial leisure aircraft will use the runway during daylight hours (08:00 to 20:00) and that the operation of the air strip will be limited to an average of 3 days per week and 4 take-off and landing manoeuvres per day. The acoustic report predicts that the maximum sound level for take-off and landing will be 63.2dB LAmax measured 50m from the centre line of the runway.

The applicant has indicated that they will work with the local authority to safeguard the existing levels of amenity by means of an appropriately worded condition. Concern has been expressed by neighbouring residents

that the development could give rise to a loss of amenity due to noise disturbance. In order to protect the residential amenity it is recommended that the use of the airstrip be restricted to week days between the hours of 08:00 to 17:00 and conditions are attached to any permission granted.

1.4.11 Natural England

Natural England confirm that they have been in discussion with the applicant and have agreed that there will be no impact on the qualifying species of the Lower Derwent Valley SPA / Ramsar sites provided that the flight activities are carried out as follows:

- All flights will be conducted under CAA e-conditions and a minimum altitude of 1000m will be maintained for any flights within 1km of the Lower Derwent Valley SPA / Ramsar site.
- Flights will take place on no more than 100 days per year.

The applicant has agreed to abide by these measures, and it is recommended that the Council take this into account when carrying out the HRA screening assessment. It is also advised that planning permission, if granted, is limited to the current operator and to a period of two years initially.

1.4.12 East Riding Of Yorkshire Council

No comments received.

1.4.13 Riccall Parish Council

No comments received.

1.4.14 Skipwith Parish Council

No comments received.

1.4.15 National Air Traffic Safety (NATS)

No objections to the proposals.

1.5 Publicity

1.5.1 The application was advertised by site notice and neighbour notification letter resulting in three letters of representation being received. The following concerns have been raised:

- Concerns regarding the proximity of the proposed airstrip to residential properties, which would result in loss of amenity.
- Fears for children playing in gardens that sit 25 metres away.
- Increases in noise levels due to the commercial use of the runway and the testing of engines on the application site.
- Concerns regarding deliveries of light aircraft made in shipping containers and on articulated vehicles because the access road is not fit for purpose.
- These vehicles also block the A163 and bring traffic to a stand-still.
- The proposals would result in a loss of privacy for neighbouring properties.
- Questions raised as to whether the applicant intends to store and use aviation fuels on the site.

- Concerns regarding increased numbers of people on site, pollution levels –both atmospheric and noise which will dramatically increase.

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

2.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

The relevant Core Strategy Policies are as follows:

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Development Strategy
Policy SP13	Scale and Distribution of Economic Growth
Policy SP15	Sustainable Development and Climate Change
Policy SP16	Improving Resource Efficiency
Policy SP18	Protecting and Enhancing the Environment
Policy SP19	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer

the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

Policy ENV1	Control of Development
Policy ENV2	Environmental Pollution and Contaminated Land
Policy T1	Development in Relation to Highway

2.4 National Policy

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the guidance in the Technical Guidance Note, and Policy for Traveller Sites, provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Key Issues

2.5.1 The main issues to be taken into account when assessing this application are:

1. Principle of development
2. Visual impact on the character and form of the locality
3. Impact on highways
4. Residential amenity
5. Nature conservation and protected species
6. Aircraft Safety

2.6 Principle of Development

2.7.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

2.7.2 Relevant policies in respect of the principle of this proposal include Policies SP1 "Presumption in Favour of Sustainable Development" and SP2 "Spatial Development Strategy" of the Selby District Core Strategy Local Plan (2013).

2.7.3 The proposal seeks permission for the proposed change of use to form grass runway. The application site lies well outside of the defined development

limits of the village of Barlby and therefore in the open countryside. Policy SP2 of the Core Strategy allows for development in the countryside such as the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it would enhance or maintain the vitality of rural communities.

- 2.6.4 Policy SP13 of the Selby District Core Strategy (2013) provides that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprises will be supported. Policy SP13 of the Selby District Core Strategy (2013) allows for the redevelopment of existing and former employment sites and commercial premises; and rural tourism and leisure developments, small scale rural offices or other small scale rural development.
- 2.6.5 The proposal would also see the sustainable economic growth through local employment opportunities as detailed above and would see the expansion of the current aviation enterprise on the site.
- 2.6.6 Policy EMP2 of the Selby District Local Plan (2005) set out the provision for the location of future economic development across the district. The policy states that encouragement will be given to proposals for small-scale development in villages and rural areas in support of the rural economy. Paragraph 28 of the National Planning Policy Framework (NPPF) is clear that in order to promote a strong rural economy support should be given to the expansion of all types of businesses and enterprises in rural areas through the conversion of existing buildings and well-designed new buildings.
- 2.6.7 Given the above it is considered that having had regard to Policy EMP2 of the Selby District Local Plan (2005), Policies SP2 and SP13 of the Selby District Core Strategy (2013) and the provisions of the NPPF the proposal is, on balance, acceptable in principle.

2.7 Impact on the Character and Form of the Locality

- 2.7.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1(1) and (4) and EMP8 (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy.
- 2.7.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.7.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.7.4 The grass landing strip, which was created under Permitted Development Rights, has a nominal impact on the character and appearance of the area. In terms of its visual impact, the proposed airfield is well integrated into the landscape and is not harmfully prominent, intrusive or incongruous in its setting. Therefore considered to be acceptable and would not have a

detrimental impact on the character of the area. The proposal is therefore considered to be in accordance with Policies ENV1 and EMP8 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

2.8 Highways

- 2.8.1 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and Paragraphs 34, 35 and 39 of the NPPF.
- 2.8.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.8.3 The Highway Authority have considered the proposal in relation to parking provision, access and the impact on the existing highway network. The Highways Officer has asked for clarification in regards to additional parking proposed for 5 light goods vehicles. Given there is a large area of hardstanding currently used for car parking to the front of the existing buildings it is considered by Officers that there is sufficient parking available on site.
- 2.8.4 Having had regard to the above it is considered that the scheme is acceptable and in accordance with Policies ENV1(2), EMP8 (6) and T1 of the Local Plan and Paragraph 39 of the NPPF.

2.9 Residential Amenity

- 2.9.1 Policies ENV1(1) and ENV2 of the Local Plan requires development to take account of the effect upon the amenity of adjoining occupiers and should be given significant weight as it is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 2.9.2 The nearest residential property to the application site lies approximately 110 metres from the proposed site users' accommodation block. There are two bungalows (1 The Oaks and 2 The Oaks) which lie to the east of the application site. Number 1, which is the nearest residential property to the application site would sit at approximately 110 metres from the proposed disabled accommodation block. There is a further property (Instow) which sits approximately 110 metres to the south of the application site.
- 2.9.3 Local residents and the Parish Council have raised concerns in regards to the impact of the proposals on the amenity of local residents, particularly in regards to potential noise. The applicants have submitted an acoustic report reference A/34/14, prepared by Blue Sky Acoustics Ltd, in order to assess the likely significance of the development in terms of noise. The report concludes that the impact of the proposal would be acceptable based on certain restrictions. The Lead Environmental Health Officer has been consulted on the proposals and has concluded that they have no objections subject to the inclusion of conditions attached to any permission granted to preserve local amenities.

2.9.4 Having taken into account the matters discussed above it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policies ENV1(1) and ENV2 of the Local Plan and the NPPF.

2.10 Impact on Nature Conservation and Protected Species

2.10.1 The site itself is located in close proximity to Skipwith Common Special Area of Conservation (SAC) and National Nature Reserve (NNR). The operation of the site will come in close proximity to the Lower Derwent Valley Special Protection Area (SPA), SAC and Ramsar site, and the Humber Estuary SPA, SAC and Ramsar site. All three of these sites are also notified at a national level as Sites of Special Scientific Interest (SSSI), and the Lower Derwent Valley and Skipwith Common as National Nature Reserves.

2.10.2 The application site is not designated for any nature conservation purposes and is not known to support any habitat that is protected or considered to have special nature conservation value. Natural England have not raised any objection to the development subject to the inclusion of conditions attached to any permission granted.

2.10.3 In accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the “Habitats Regulations”) (SI 2010 No 490) a competent authority (in this instance the Council), must make an appropriate assessment of the implications on a European site. The assessment must assess, before deciding to give any consent, any significant effect of the development on the site(s) conservation objectives. This assessment has been carried out and concludes that an appropriate assessment is not required and this judgement is made with the assumption that the following measures will be secured through appropriately worded conditions on planning permission;

- All flights will be conducted under CAA e-conditions
- A minimum altitude of 1000m will be maintained for any flights within 1km of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.
- Flights will take place on no more than 100 days per year.
- The planning permission is limited to the current operator and to a period of two years initially.

2.10.4 Therefore, on the basis that the development will not create any direct or indirect significant impacts on any National or European designations the proposal is considered to be in compliance with Policy ENV1 of the Selby District Local Plan and the NPPF.

2.11 Aircraft Safety

2.11.1 Consultations have been undertaken with the Robin Hood Airport, Leeds Bradford International Airport, , National Air Traffic Service (NATS – provide air traffic control services to aircraft flying in the UK airspace), and the Civil Aviation Authority. No objections have been raised by these bodies in relation to the scheme in terms of aviation safety subject to conditions.

2.13 Conclusion

The application seeks permission for a change of use of land to form a grass runway. The application site is outside the defined Development Limits and located in open countryside.

Having assessed the proposals against the relevant policies the proposals are considered to be acceptable in respect of their design and effect upon the character of the area, flood risk, drainage and climate change, highway safety, residential amenity, land contamination and nature conservation.

3.0 Recommendation

This application is recommended to be APPROVED subject to the following conditions:

01. This permission for the use of the land as a runway shall last for a period of 2 years from the date of this permission and the permission is limited to the Condor Projects Ltd.. After a period of 2 years from the date of this permission the use of land as a runways shall be discontinued and the site reinstated to its former use.

Reason:

The Planning Authority is prepared to allow the development to be carried out for a limited period having regard to the particular circumstances of this case as set out in the submitted application.

02. The A weighted fast response maximum sound pressure level LAFmax resultant from the take-off or landing of aircraft measured at a distance of 50m from the centre line of the runway shall not exceed 63.2dB.

Reason:

To protect the residential amenity of the area.

03. The use of the airstrip shall be limited to Monday to Friday between the hours of 08:00 and 17:00, no take-off or landing manoeuvres shall take place outside the specified times.

Reason:

To protect the residential amenity of the area.

04. The airstrip shall not be used for take-off or landing of aircraft for more than 3 days in any one week.

Reason:

To protect the residential amenity of the area.

05. The number of landing and take-off manoeuvres shall not exceed a total of 4 manoeuvres in any one day.

Reason:
To protect the residential amenity of the area.

06. Flights shall take place on no more than 100 days per year.

Reason:
To protect the residential amenity of the area.

07. All flights shall be conducted under CAA e-conditions.

Reason:
To ensure aviation safety.

08. A minimum altitude of 1000m shall be maintained for any flights within 1km of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.

Reason:
To protect the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

- 3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

- 4.1 As stated in the main body of the report.

5. Background Documents

- 5.1 Planning Application file 2016/0141/COU and associated documents.

Contact Officer: Thomas Webster, Principal Planning Officer
Appendix 1: Application Site Context.



APPLICATION SITE

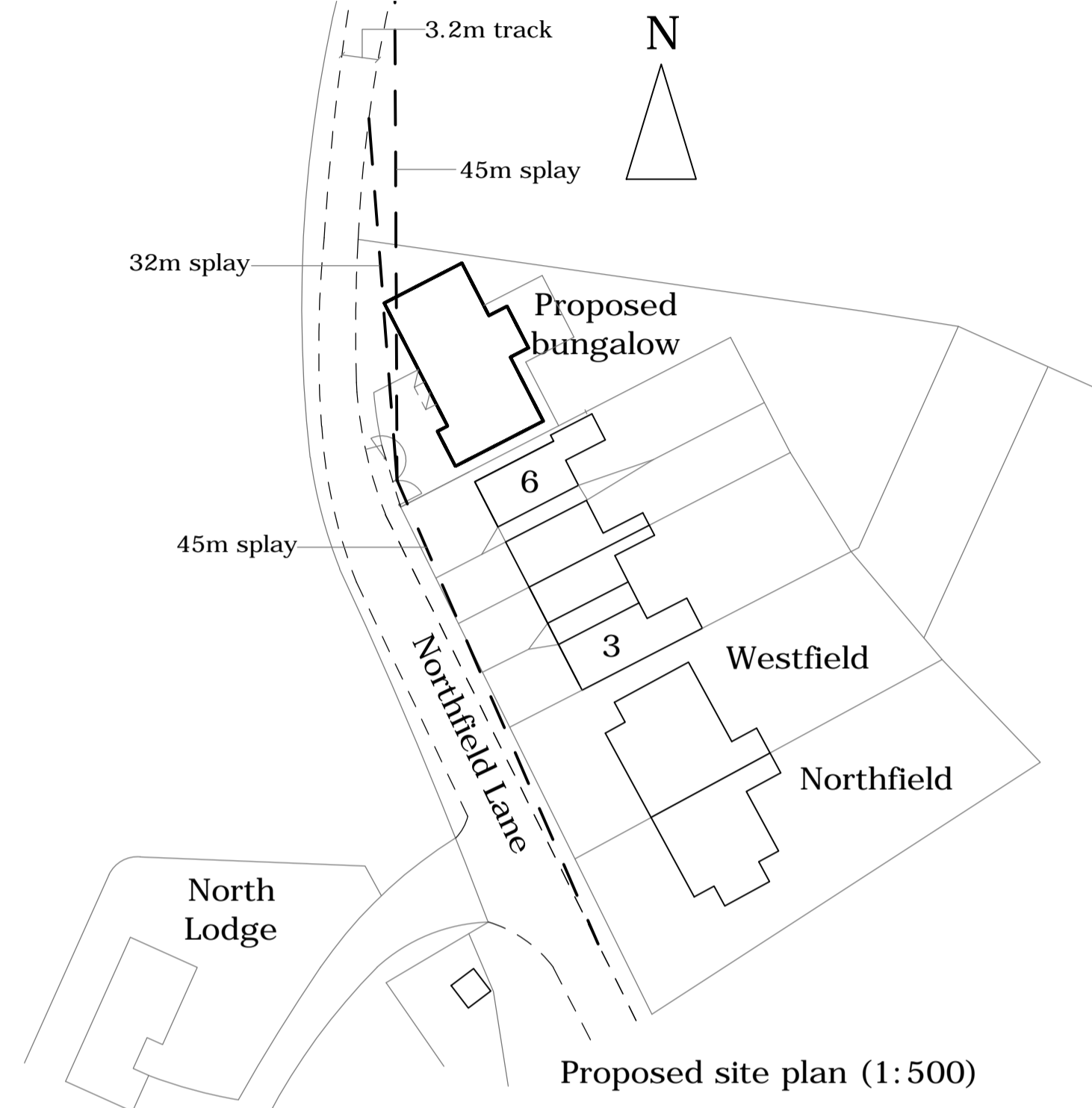
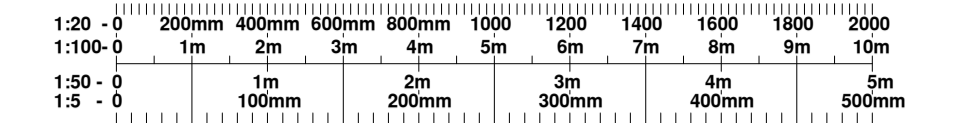
Item No: 2016/0716/FUL

Address: 6 Northfield Lane, Church Fenton

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21.10.2016
 BUSINESS SUPPORT

B 21/10/16 Sight lines added & wire fence removed
 A 26/9/16 Footpath extended as requested by 'Highways Department'

Revision	
Scale	1:50 & 1:500
Date	27th March 2016
Status	planning
Drawing No.	1950/1012
Revision	B
Charles Pacey	
Architectural and Interior Design Ltd.	
Tel/Fax 01937557694 Mob: 07949 105564 Charlespacey@aol.com Main Street, Church Fenton, North Yorkshire, LS24 9RF	

Project	Proposed bungalow on land adjacent to No.6, Northfield Lane
Client	Mr & Mrs Mason
Title	Proposed plans



Report Reference Number: 2016/0716/FUL

Agenda Item No: 6.5

To: Planning Committee
Date: 8 February 2017
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0716/FUL (8/62/209A/PA)	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G & J Mason	VALID DATE:	16 June 2016
		EXPIRY DATE:	10 February 2017 (EOT)
PROPOSAL:	Proposed erection of a detached bungalow with integral garage		
LOCATION:	Land Adjacent To 6 Northfield Lane, Church Fenton, Tadcaster, North Yorkshire		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

Summary:

The application proposes the erection of a detached bungalow with integral garage on a site which is located outside of, but immediately adjacent to the defined development limits of Church Fenton.

Whilst it is noted that the proposed scheme fails to comply with Policy SP2A(c) of the Core Strategy, this Policy, in addition to Policies SP4 and SP5 are out of date in so far as they relate to housing supply due to the fact that the Council does not have a 5 year housing land supply.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable

development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

Matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination are considered to be acceptable.

In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.17 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is located adjacent to but outside of the defined development limits of Church Fenton and is location in Flood Zone 1.
- 1.1.2 To the south of the site it is residential in nature with land to the north, east and west being agricultural.
- 1.1.3 There is a mixture of residential designs and layouts in the surrounding area with properties being predominantly two storeys in height.

1.2. The Proposal

- 1.2.1 The proposal seeks the erection of a detached bungalow with integral garage on land that to the north of 6 Northfield Lane which is located outside but adjacent to the defined development limits of Church Fenton and is therefore within the open countryside.
- 1.2.2 The proposed dwelling would be 5.4 metres in height, 15.7 metres in width and 10.5 metres in depth.
- 1.2.3 The application site is located within Flood Zone 1 which is at the lowest risk of flooding and a sequential test is not required in this instance.

1.3 Planning History

- 1.3.1 An outline application (2005/1448/OUT) for the erection of 1 No dwelling to include siting and means of access was refused on 18 August 2006 for the following reason:

"The application site is located outside any development limit as defined within the adopted Selby District Local Plan. The proposal does not relate to a category of housing development falling within those specified in Policy H9 of the adopted local plan, which are considered to be appropriate beyond development limits. The proposal is therefore contrary to Policy DL1, which states:-

"Development in the countryside, outside the Green Belt and development limits, will only be permitted where the proposal complies with all other relevant policies and the proposal:

- 1) *Would be appropriate in a rural area; or*
- 2) *Involves the re-use, adaptation or extension of an existing building; or*
- 3) *Is required to meet the identified social or economic needs of a rural community; or*
- 4) *Would be of direct benefit to the rural economy including additional small-scale employment development and the expansion of existing firms.*

Where development is considered appropriate, it must be located and designed so as not to have a significant adverse effect on residential amenity or the character and appearance of an area and must not harm acknowledged nature conservation interests."

1.4 Consultations

1.4.1 Parish Council

No response within the statutory consultation period.

1.4.2 NYCC Highways

There were previous highway concerns regarding the above, but amended drawing 1 (No 1950/1012 Rev B) removes these concerns, albeit that the sight lines are slightly shorter than required. However, the applicant has removed the boundary treatment fronting Northfield Lane (large hedge) which will have the effect of improving the existing sight lines and therefore the requirement for sight lines of 2m x 45m (North) can be relaxed. Several conditions are recommended.

1.4.3 Yorkshire Water

No response within the statutory consultation period.

1.4.4 Selby Area Internal Drainage Board

The application intends the additional surface water run-off to use a sustainable drainage system and discharge into a soakaway. Advise that ground conditions may not be suitable for soakaway drainage and it is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

1.4.5 Ainsty Internal Drainage Board

The Board has assets adjacent to the site in the form of Mires Dyke and Mires Lane Dyke and these watercourses are known to be subject to high flows during storm events. The proposal will create a large area of impermeable surface on the site and will significantly increase the rate of surface water run-off if this is not effectively controlled. The Board welcomes the soakaways as an approach to surface water disposal however the application does not indicate if this is an existing facility or to be newly constructed for the purpose.

Recommends that conditions are attached in respect of soakaways and SuDS which have been indicated as a means of surface water disposal.

1.4.6 WPA Environmental (Council's Contaminated Land Advisors)

A Screening Assessment Form was submitted with the application and members will be updated of comments at the meeting.

1.5 **Publicity**

1.5.1 All immediate neighbours were informed by letter and a site notice was erected which has resulted in 3 individual letters of objection being received. Concerns have been raised in regards to the following:

- The site is outside development limits and there has been a previous refusal on this land due to this;
- The proposed dwelling would be isolated by its design as Northfield Lane consists of terraced and semi-detached properties constructed out of red brick;
- Chapel Close is not comparable to the application site;
- The land is agricultural in nature rather than domestic;
- Concerns over the Contaminated Land Screening Assessment Form and the information within it;
- Issues with drainage and flooding;
- The proposed development does not correspond to a linear village design;
- The proposal does not meet the aims of the NPPF.

2.0 **Report**

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless

material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to Highway
T2:	Access to Roads

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.5 Key Issues

2.5.1 The main issues to be taken into account when assessing this application are:

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
- 2) The impacts of the proposal:
 - a) Visual impact on the Character and Form of the Area
 - b) Impact on Residential Amenity
 - c) Flood Risk, Drainage and Climate Change
 - d) Impact on the Highway
 - e) Affordable Housing Assessment
 - f) Impact on Nature Conservation and Protected Species
 - g) Land Contamination
- 3) The Benefits of the Proposal

2.6 The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.

2.6.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

2.6.2 Relevant policies in respect of the principle of this proposal include Policies SP2 and SP5 of the Core Strategy.

2.6.3 The application site lies outside of, but immediately adjacent to the defined development limits of Church Fenton which is identified as a Designated Service Village in Policy SP2 of the Core Strategy. Policy SP2A(c) of the Core Strategy states:

"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or

maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

- 2.6.4 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise. One such material circumstance is the NPPF.
- 2.6.5 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. Having regard to the above, the Inspector's report for the appeal at Hodgson's Gate, Sherburn in Elmet on the 6th of December 2016, stated that the Council does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.6.6 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.6.7 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.

- 2.6.8 The examples given of specific policies in the footnote to paragraph 14 include those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of

whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

Sustainability of the Development

- 2.6.9 In respect of sustainability, the site is adjacent to the development limits of a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village contains two public houses, a village hall, two churches, a general store including Post Office and sport and recreation facilities. It also benefits from a railway station and bus services between Tadcaster and Pontefract (hourly) and a Monday only bus service between Tadcaster and Selby. Notwithstanding this in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.
- 2.6.10 In addition to the above it is noted that the village of Church Fenton has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. The village is considered to be “less sustainable” in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, however this is due to the settlement not being close to a major employment location and public transport to a Local Service Centre. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Church Fenton, it is adjacent to the boundary and would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects.
- 2.6.11 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows:

Economic

The proposal would contribute to the local economy providing additional funds through CIL which would contribute to local services and facilities as well as providing employment during the construction period.

Social

The proposal would support the existing local facilities in the village, such as the church, shop and public house, helping to maintain their viability. It would also provide additional housing within the District.

Environmental

The proposed dwelling would be located in an area considered to be at the lowest risk of flooding and the dwellings would also be required to meet the latest building regulations standards.

The above factors weigh in favour of the development.

2.6.12 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies. The impacts of the proposal are considered in the next section of the report.

2.7 The Impacts of the Proposal

2.7.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This sections looks at the impacts arising from the proposal.

2.8 Visual impact on the Character and Form of the Area

2.8.1 Relevant policies in respect of design and impact on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.

2.8.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.

2.8.3 The surrounding area to the south is residential in nature characterised by predominantly two storey dwellings and to the north, east and west is agricultural land. The proposed dwelling would be 5.4 metres in height, 15.7 metres in width and 10.5 metres in depth and located on a similar building line to the existing properties along Northfield Lane.

2.8.4 In regards to materials, although the application form states that these details would be agreed by condition, the proposed materials have been shown on drawing number 1950/1013 stating Weber render for the external walls (with a low brick) and pantiles for the roof. Although the neighbouring properties on the terrace are constructed of red brick, there is a mixture of external wall materials along Northfield Lane including render and it is considered that the proposed materials would be acceptable subject to an appropriate condition.

2.8.5 In addition, the submitted layout plan suggests the retention and extension of the existing hawthorn hedge to the northern boundary, the retention of the wire mesh fence to the western boundary fronting Northfield Lane and a timber fence on the southern boundary. An area of permeable block paving to the front and rear of the proposed dwelling is also proposed with the remaining areas lawned. It is considered that this scheme of landscaping is acceptable subject to an appropriately worded condition and would be in accordance with the landscaping of the surrounding residential properties.

- 2.8.6 The comments from objectors have been noted regarding the proposed dwelling being isolated by virtue of its design and not following a linear pattern of development. It is considered that Northfield Lane does not follow a linear form of development and there are several developments within Church Fenton which are not linear in nature. Further to this, although there are no bungalows along Northfield Lane, it is considered that the proposal would add to the housing mix in this area where there are 11 no properties which are accessed directly from Northfield Lane with seven properties located on Northfield Court.
- 2.8.7 As such, it is considered that subject to the aforementioned conditions, the proposals would not result in a significant or adverse impact on the character or form of the area. Therefore, the proposal is considered to accord with Policy ENV1(1) of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.9 Impact on Residential Amenity

- 2.9.1 Policy ENV1 (1) requires that the District Council take account of "The effect upon... the amenity of adjoining occupiers". It is considered that Policy ENV1 (1) of the Selby District Local Plan should be given significant weight as one of the core principles of the NPPF is to ensure that a good standard of residential amenity is achieved in accordance with the emphasis within the NPPF.
- 2.9.2 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 2.9.3 On the southern elevation facing 6 Northfield Lane no windows are proposed to serve the garage or utility room and as such, the impact on the residential amenity of 6 Northfield Lane is considered to be minimal. No properties are located to the front, rear or north of the proposed dwelling and it is therefore considered that no other residential property would be affected by the proposed development.
- 2.9.4 Furthermore, given the proposed scale of the dwelling, it is not considered that the proposal would result in a loss of light to neighbouring properties nor would it be overbearing or oppressive. However, given the location of the dwelling and proposed curtilage, it is considered reasonable and necessary to remove permitted development rights for outbuildings within the site.
- 2.9.5 As such, the proposed development is considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties, and to provide a good standard of amenity subject to the attached conditions and the proposal is therefore in accordance with Policy ENV1 (1) of the Selby District Local Plan and the NPPF.

2.10 Flood Risk, Drainage and Climate Change

- 2.10.1 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to flood risk, drainage and climate change include paragraphs 94 and 95.
- 2.10.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 2.10.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.
- 2.10.4 The application site is located within Flood Zone 1 which is at a low probability of flooding and as such, a Sequential Test is not required. The application forms states that surface water would be directed to a soakaway/sustainable drainage system and foul water would be directed to the main sewer.
- 2.10.5 Yorkshire Water has not responded to the consultation and the Ainsty and Selby Area Internal Drainage Boards have requested a condition regarding the suitability of ground conditions for a soakaway. Having taken the above into account it is therefore considered that subject to conditions, the proposal is in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.
- 2.10.6 The comments from objectors regarding drainage has been noted. However the site is located within Flood Zone 1 which is the lowest probability of flooding and consultees have not objected to the scheme of flood risk or drainage grounds subject to appropriate conditions.
- 2.10.7 Having taken the above into account it is therefore considered that the proposal is acceptable and is in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

2.11 Impact on the Highway

- 2.11.1 Policies ENV1(2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network and that parking and access arrangements are satisfactory. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.

- 2.11.2 With respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 2.11.3 The application proposes utilising an existing access into the site and cutting down a hedge to improve sight lines. The Highways Officer had raised concerns which have been overcome through discussions and the submission of an amended plan. The Highways Officer recommends several conditions to be attached to any permission. However it is considered that the Construction Management Plan condition recommended would be unreasonable and disproportionate given the scale of development on the site.
- 2.11.4 On the basis of the above, It is considered that the proposed scheme is acceptable and is in accordance with policies ENV1(2), T1 and T2 of the Local Plan and the NPPF subject to one condition.

2.12 Affordable Housing Assessment

- 2.12.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.12.2 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 2.12.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.13 Impact on Nature Conservation and Protected Species

- 2.13.1 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF.
- 2.13.2 Having had regard to the above it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation. It is therefore considered that the proposal would accord with Policy ENV1 of the Local Plan and the NPPF with respect to nature conservation.

2.14 Land Contamination

- 2.14.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.
- 2.14.2 The application is accompanied by a Contamination Screening Assessment Form which sets out that there is no past or existing contamination issues associated with the site. This form has been sent to the Council's Contaminated Land Advisors for assessment and the comments from objectors have been noted. Members will be updated on the comments of the Council's Contaminated Land Advisors at committee.

2.15 The Benefits of the Proposal

- 2.15.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Church Fenton. Matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination are considered to be acceptable.
- 2.15.2 It is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.
- 2.15.3 The proposals accord with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF and it is on this basis that permission should/ be granted subject to the attached conditions.

2.16 Conclusion

- 2.16.1 The application proposes the erection of a detached bungalow with integral garage on a site which is located outside of, but immediately adjacent to the defined development limits of Church Fenton.
- 2.16.2 Whilst it is noted that the proposed scheme fails to comply with Policy SP2A(c) of the Core Strategy, this Policy, in addition to Policies SP4 and SP5 are out of date in so far as they relate to housing supply due to the fact that the Council does not have a 5 year housing land supply.
- 2.16.3 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

2.16.4 Matters of acknowledged importance such as the impact on the character of the area, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination are considered to be acceptable.

2.16.5 In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.17 Recommendation

This planning application is recommended to be APPROVED subject to the following conditions.

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The materials to be used in the construction of the exterior walls and roof(s) of the dwelling hereby permitted shall be those as stated on drawing number 1950/1013 which was received by the Local Planning Authority on 16 June 2016.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a) The crossings of the highway verges and/or footways shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b) Any gates or barriers shall not be able to swing over the existing or proposed highway.
- c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies T1 and T2 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

04. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres south east and 32 metres north measured along both channel lines of the major road (Northfield Lane) from a point measured 2 metres down the centre line of the access road. The object height shall be no higher than 1 metre and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

INFORMATIVE

An explanation of the terms used above is available from the Highway Authority.

Reason:

In accordance with Policies T1 and T2 of the Local Plan and in the interests of road safety.

05. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 1950/1012 Rev B)

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason:

In accordance with Policies T1 and T2 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:
- a) Extent existing footway as per local highway specification A1.
 - (i) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.

Reason:

In accordance with Policies T1 and T2 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

07. The scheme of hard and soft landscaping, as shown on Drawing number 1950/1012B, received by the Local Planning Authority on 21.10.2016 shall be carried out in its entirety prior to the occupation of the dwelling hereby approved. All trees, shrubs, bushes and other boundary treatments shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

08. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

09. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Planning Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

10. The suitability of the SuDS system should decrease the volume and rate of surface water discharge from the site into the adjacent watercourse to the satisfaction of the Local Planning Authority. If this suitability is not proven, amended proposals shall be submitted showing how the site is to be drained.

The use of rain water butts as the method of providing a sustainable system should be in conjunction with other sustainable methods, as their ability to store water is limited.

Reason:

To decrease the volume and rate of surface water discharge from the site In an adjacent watercourse and so reduce the risk of flooding to property.

11. Notwithstanding the provisions of Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order (2015) no outbuildings are permitted within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

12. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan: LOC01
- Planning Layout: 1950/1010
- General: 1950/1012B
- Elevations as Proposed: 1950/1013

Reason

For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0716/FUL and associated documents.

Contact Officer: Calum Rowley (Senior Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/1368/FUL

Address: Old Forge Cottage, Main Street, Church Fenton

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Surface water taken to soakaway, min 5 m from buildings and subject to percolation test

1.2 m Close boarded timber fence

New planting along western boundary. Tree and hedge species to be agreed with Planning Officer

Foul drainage taken to existing mains sewer in highway

Adoptable turning area shown shaded. Soakaway to accept surface water from access road.

2.4 m x 33 m visibility splay

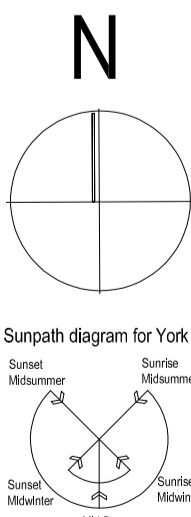
6 m wide unbuilt buffer

4 m wide landscaped border

Approx 9 m listed tree buffer

5 m wide road

2 m (min) path



Site Plan
Scale 1:200 @ A1

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THE PARTY WALL ACT 1996:
The Party Wall Act does not affect any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not exempt the requirements under the Party Wall Act. The Party Wall Act 1996 gives you rights and responsibilities whatever the side of the wall you are on i.e. whether you are planning doing work on a relevant structure or if your neighbour is.

The Party Wall Act comes into effect if someone is planning to do work on a relevant structure, for the purposes of the Act 'party wall' does not just mean the wall between two semi-detached properties, it covers:

- * A wall forming part of only one building but which is on the boundary line between two (or more) properties.
- * A wall which is common to two (or more) properties, this includes where someone builds a wall and a neighbour subsequently builds something butting up to it.
- * A garden wall, where the wall is outside the boundary line for both or either #1 and it is used to separate the properties but is not part of any building.
- * Floors and ceilings of flats etc.
- * Excavation near to a neighbouring property.

As with all work affecting neighbours, it is always better to reach a friendly agreement rather than resort to any law. Even where the work requires a notice to be served, it is better to negotiate because the neighbour will consider the neighbour's comments, and amend any plans if appropriate before serving the notice. If there is any doubt please consult planning & design partnership or a party wall surveyor.

Schedule Of Accommodation

6 HOUSES TOTAL

House Type A - 1, 2 and 5 - 3 bed
132.4 m² / 1,425 sq ft each, excluding garage

House Type B - 3, 4 and 6 - 4 bed
164.7 m² / 1,773 sq ft each, excluding garage

Total Accommodation
891.3 m² / 9,594 sq ft

Site Area - 0.45 HA approximately
excluding Old Forge Cottage plot

13 houses per ha approximately

Refuse & Cycle Provision
With Individual Houses & Gardens



The Planning & Design Partnership
PLANNING ARCHITECTURE INTERIORS LANDSCAPE
The Chicory Barn Studio,
The Old Brickyards, Moor Lane, Stamford Bridge,
York, The East Riding Of Yorkshire, YO41 1HU.
Telephone 01759 373656 Fax 01759 371810
E-mail: chicorybarn@the-pdp.co.uk
website: www.the-pdp.co.uk

Client	Mr & Mrs K. Ellis Old Forge Cottage, Busk Lane, Church Fenton LS24 9RF	
Project	Proposed 6 No. Dwelling Development Old Forge Cottage, Busk Lane, Church Fenton LS24 9RF	
Drawing	Site Plan	
Date	November 2016	Drawn SD
Scale	1:100, 1:200 @ A1	Rev.
Status	Planning	
Drwg. No.	YEW-277-40-21	



Report Reference Number 2016/1368/FUL (8/62/35J/PA)

Agenda Item No: 6.6

To: Planning Committee
Date: 8th February 2017
Author: Jenny Tyreman (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1368/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Keith Ellis	VALID DATE:	22nd November 2016
		EXPIRY DATE:	17th January 2017
PROPOSAL:	Erection of 6No Dwellings		
LOCATION:	Old Forge Cottage Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		

This application has been brought before Planning Committee as the application has been made by a District Councillor.

Summary:

The application seeks planning permission for the erection of 6 dwellings. The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy” of the Core Strategy. The principle of the proposed development is considered to be unacceptable having regard to Policy SP2A(c) of the Core Strategy, as the proposal is not for rural affordable housing need and there are no special circumstances. However, this policy is considered to be out of date in so far as it relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable

development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species, land contamination, recreational open space, education and healthcare and waste and recycling.

The proposal is considered contrary to Policy SG1 of the Selby District Local Plan. The application site is located within a Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG, which would have an adverse effect on the open character of the countryside and compromise the gap between settlements.

The proposal is considered contrary to Policy ENV1 (4) of the Selby District Local Plan. The proposal would fail to provide an adequate amount of usable external amenity space for the occupiers of plot 4.

The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Having regard to all of the above, it is considered that there are adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered unacceptable, on balance, when assessed against the policies in the NPPF taken as a whole. On this basis, it is considered that planning permission should be refused.

Recommendation

This planning application is recommended to be REFUSED for the reason(s) detailed in Paragraph 2.17 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. In addition, the application site is located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton.

1.1.2 The application site is located to the north west of the junction between Main Street and Busk Lane. The application site comprises an existing detached triple garage and area of garden land associated with the residential property to the south east, Old Forge Cottage. The application site fronts Busk Lane to the east, with residential development to the east and south, a cricket pitch, pavilion and parking with open fields to the north and a football pitch with open fields to the west.

- 1.1.3 To the northern and eastern boundaries of the application site are a region of Tree Preservation Order (TPO) trees (reference: 8/1985), comprising Ash and Sycamore.
- 1.1.4 The application site is located within Flood Zone 1.

1.2 The Proposal

- 1.2.1 The application seeks planning permission for the erection of 6 dwellings.
- 1.2.2 The proposed dwellings are to be a mixture of two house types (A and B) providing either three or four bedroomed accommodation.
- 1.2.3 Plots 1, 2 and 5 would comprise house type A, a three bedroomed accommodation. Each proposed dwelling would measure a maximum of 10.6 metres in width by 9.4 metres in depth and would have a pitched roof with eaves to a height of 5.5 metres above ground floor level and ridge to a height of 8 metres above ground floor level. Plots 1 and 2 would benefit from an attached garage and plot 5 would benefit from a detached garage, which would measure a maximum of 6.3 metres in width by 6.3 metres in depth and would have a pitched roof with eaves to a height of 2.6 metres above ground floor level and ridge to a height of 4.2 metres above ground floor level.
- 1.2.4 Plots 3, 4 and 6 would comprise house type B, a four bedroomed accommodation. Each proposed dwelling would measure a maximum of 10.9 metres in width by 6.9 metres in depth and would have a pitched roof with eaves to a height of 5.3 metres above ground floor level and ridge to a height of 7.8 metres above ground floor level. The proposed dwelling would have subservient two storey projections which would measure a maximum of 4.5 metres in width by 3.5 metres in depth and would have a pitched roof with eaves to a height of 5 metres above ground floor level and ridge to a height of 6.8 metres above ground floor level. Plots 3, 4 and 5 would benefit from an attached garage, which would measure 6.3 metres in width by 6.3 metres in depth and would have eaves to a height of 2.5 metres above ground floor level and ridge to a height of 4.2 meters above ground floor level.
- 1.2.5 The proposed dwellings would benefit from a vehicular access onto Busk Lane and would each benefit from an area of hardstanding to the front of the dwelling and an amenity area.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application.
- 1.3.2 An outline application (reference: 2005/0222/FUL) for the erection of 4 No. dwellings and garages to include siting and means of access was refused on 07.06.2005.
- 1.3.3 An application (reference: 2005/0484/COU) for the proposed conversion of an existing smithy to provide additional living accommodation was permitted on 14.06.2005.

- 1.3.4 An application (reference: 2013/0825/TPO) for permission to carry out works to Ash and Sycamore trees within group A2 of TPO 8/1985 including lifting by 5 metres over highway, 4 metres over footpath & 4 metres garden side to balance the trees was permitted on 30.09.2013.
- 1.3.5 An application (reference: 2015/0835/FUL) for the proposed erection of 9 No dwellings was refused on 23.11.2015. The application was refused for the following reason:
1. The proposal would have an adverse effect on the open character, form and purpose of the Strategic Countryside Gap between the two separate settlements of Church Fenton. The proposed development does not constitute a use with minimal intrusion and does not enhance the overall open character by the removal of existing structures. The proposal is therefore contrary to Policy SG1 of the Adopted Selby District Local Plan.
- 1.3.6 An application (reference: 2016/1384/FUL) for the proposed erection of 1 No dwelling is pending consideration.

1.4 Consultations

1.4.1 Parish Council

No response within statutory consultation period.

1.4.2 NYCC Highways

It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer under section 106 of the Town and Country Planning Act 1990,16 which requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

Therefore as long as the applicant is mindful of the above, the Local Highway Authority has no objections to the proposals, subject to five conditions relating to detailed plans of road and footways layout, construction of roads and footways prior

to occupation of dwellings, use of existing access, discharge of surface water and construction management plan.

1.4.3 Yorkshire Water

No response within statutory consultation period.

1.4.4 Selby Area Internal Drainage Board

The application will increase the impermeable area therefore the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

Detailed plans of the surface water discharge could not be found within this application.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the IDB.

1.4.5 Development Policy

No response within statutory consultation period.

1.4.6 Environmental Health

No objections.

1.4.7 Natural England

No comments.

1.4.8 HER Officer

There are no known archaeological sites in the area indicated or within the immediate vicinity. Therefore, no objections.

1.4.9 North Yorkshire Bat Group

No response within statutory consultation period.

1.4.10 Contaminated Land Consultants

1. The report contains the necessary components of a Phase 1 Desk Study Report, however since a risk classification matrix has not been presented for the risk assessment it is not fully compliant with current technical guidance. For completeness, a risk classification matrix such as that found in CIRIA C552 is necessary, to provide context for the risk ratings in the risk assessment, to explain the consequence and severity of risk.

2. Recommendations in section 6.0 of the report are for a Phase 2 investigation to assess "geohazards" identified for the site. However, no recommendations are made for the assessment of the site for potential contamination linked to historical and current land uses. This contradicts information and recommendations in section 5.0 of the same report. This should be clarified by the Consultant.

3. Further assessment is recommended to determine whether historical activities within surrounding areas, specifically, the former garage to the south east of the site, may have had an impact on the environmental site conditions and whether this should be considered for the Phase 2 investigation.

4. It is therefore recommended 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, followed by any necessary remediation, prior to the commencement of development on site.

5. Based on information provided in the Phase 1 Desk Top Study Report, the preliminary risk assessment element of the conditions is only partially met and additional information is required as included in items 1 to 3 above to meet this part of the conditions.

6. Prior to the Phase 2 Site Investigation, an Investigation Strategy is recommended to be submitted to the LPA for comment and approval. This to ensure that ground conditions are appropriately assessed by the Consultant and environmental risk identified for the development. Following this, a Phase 2 report is anticipated, followed by a remediation strategy and verification of remediation works is applicable.

1.5 Publicity

1.5.1 All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press.

1.5.2 Ten letters of representation have been received from neighbouring properties as a result of this advertisement with concerns raised in respect of: (1) the principal of the proposed development, which is contrary to Policy SP2A of the Core Strategy and Policy SG1 of the Local Plan; (2) the design and impact of the development on the character of the area, which is not linear development and therefore not in compliance with the Village Design Statement; (3) the removal of trees from the site and the impact of the proposed development on the TPO region of trees to the northern and eastern boundaries of the application site, as the proposed development does not allow for the future growth of the trees; (4) the potential conflict between the occupiers of the proposed dwellings and the users of the existing adjacent football and cricket clubs; (5) the lack of infrastructure and

concerns regarding existing school capacity; (6) the impact on drainage and the potential for flooding; (7) the increase in traffic and highway safety concerns; (8) too many properties proposed when the housing need are being addressed elsewhere in the District; (9) two previous applications have been refused and the reasons for refusal have not been addressed in this application.

2 Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

SG1:	Strategic Countryside Gap
ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
RT2:	Open Space Requirements for New Residential Development

CS6:	Developer Contributions to Infrastructure and Community Facilities
T1:	Development in Relation to the Highway Network
T2:	Access to Roads

2.1.3 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.1.4 Other Policies and Guidance

Affordable Housing Supplementary Planning Document

Developer Contributions Supplementary Planning Document

2.2 Key Issues

The main issues to be taken into account when assessing this application are:

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF
- 2) The impacts of the proposal:
 - a) Strategic Countryside Gap
 - b) Design and Impact on the Character and Appearance of the Area
 - c) Impact on Residential Amenity
 - d) Impact on Highway Safety
 - e) Flood Risk, Drainage and Climate Change
 - f) Nature Conservation and Protected Species
 - g) Land Contamination
 - h) Affordable Housing
 - i) Recreational Open Space
 - j) Education and Healthcare, Waste and Recycling
- 3) Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole

2.3 The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF

- 2.3.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 2.3.3 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.
- 2.3.4 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."
- 2.3.4 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise. One such material consideration is the NPPF.
- 2.3.5 Paragraph 47 of the NPPF is particularly relevant to the application and states that Local Planning Authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". Having regard to the above, the Inspector's report for the appeal at Hodgson's Gate, Sherburn in Elmet on the 6th of December 2016, stated that the Council does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.3.6 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

2.3.7 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

"Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

Specific policies in this framework indicate development should be restricted."

2.3.8 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

2.3.9 In respect of sustainability, the site is adjacent to the development limits of the village of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, where there is scope for additional residential growth to support rural sustainability. The village contains a number of local services, including a primary school, general store and post office and also benefits from train station and bus services to York, Leeds, Selby and Tadcaster. In terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.

2.3.10 In addition to the above, it is noted that the village of Church Fenton has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location. The village is considered to be "least sustainable" in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, however this is due to the distance of the settlement to employment opportunities. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Church Fenton, it is adjacent to the boundary and would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects.

2.3.11 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs in the construction of the proposed dwellings. The construction workers may also use the local services within the villages.

Social

The proposal would assist in the Council meeting the objectively assessed need for housing in the district.

Environmental

The proposal would deliver high quality homes for local people and takes into account environmental issues such as flood risk, climate change, nature conservation and protected species.

The above factors weigh in favour of the development.

- 2.3.12 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies. The impacts of the proposal are considered in the next section of the report.

2.4 Impacts of the Proposal

- 2.4.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This section looks at the impacts arising from the proposal.

2.5 Strategic Countryside Gap

- 2.5.1 The application site is located within a Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. Policy SG1 of the Selby District Local Plan states "Proposals for development affecting Strategic Countryside Gaps, as defined on the proposals map, will not be permitted where there would be an adverse effect on the open character of the countryside or where the gap between settlements would be compromised".
- 2.5.2 The supporting text of Policy SG1 states "Proposals for development in these gaps would only be acceptable where there would be no risk of physical intrusion such as certain types of recreational use, or where the overall open character of the land would be enhanced through the removal of existing structures". It goes on to state "Proposals for other forms of development, including agricultural dwellings and affordable housing, which may in other circumstances be acceptable Outside Development Limits will not normally be permitted".
- 2.5.3 Policy SG1 is not primarily concerned with the supply of housing, but rather with protecting specific areas of land. Therefore, it is not rendered out of date by reason of the Council not being able to demonstrate a 5 year supply of deliverable housing land. As such, it is considered that significant weight should be attached to Local Plan Policy SG1.

- 2.5.4 The application has been supported by a Landscape and Strategic Gap Appraisal prepared by Randall Thorp in November 2016. The appraisal considers the proposals visual relationship with the SCG, the effects of the proposal on the character of the landscape and the effects of the proposal on the functionality of the SCG.
- 2.5.5 The appraisal sets out that “In terms of perception of the gap therefore the open fields to the south of Main Street are essential in the perception of a gap between the two parts of the village. The land to the north of Main Street opposite to the open fields is also important in ensuring that the two parts of the settlement are perceived as separate. The land to the north of Main Street opposite where there is existing built form is of lesser importance because from public viewpoints within this area there is a perception of being within a village rather than an open gap. The part of the SCG which falls within the [application] site is of no consequence to the perception of the gap between the two parts of the village”. The appraisal goes on to state “Whilst the physical gap would be narrowed by the proposal to remove the [application] site from within the SCG this narrowing would not be perceived and would not result in any coalescence of the two parts of the village”. The appraisal concludes that “There would be no adverse effects on the landscape character as a result of the proposed development. Visual effects would be insignificant and the perception of the SCG would remain unaltered by the proposals” and that “The proposed development would not be in conflict with any of the roles of the SCG and there would be no effects on the overall functionality of the SCG as a result of the proposals”.
- 2.5.6 It is acknowledged that the part of the SCG within the application site represents a small proportion of the overall SCG designation for Church Fenton East/West. However, it is considered that any encroachment by urban form into the SCG would be harmful to its form, character and function. In this instance, the scale of the proposal is for 6 dwellings and the proposal would be located in a prominent position, close to the junction of Buck Lane and Main Street. It is noted that Old Forge Cottage is the only dwelling on the west side of Busk Lane on the north side of Main Street and the proposal would impact on the openness in views, in particular when travelling South along Busk Lane and east and west along Main Street.
- 2.5.7 Having regard to the above, it is considered that the proposal is contrary to Policy SG1 of the Selby District Local Plan and that significant weight should be attached to the harm to the form, character and function of the SCG.

2.6 Design and Impact on the Character and Appearance of the Area

- 2.6.1 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 2.6.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 56 to 64.
- 2.6.3 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy. In

addition, the application site is located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. The application seeks planning permission for the erection of 6 dwellings.

- 2.6.4 The application site is located to the north west of the junction between Main Street and Busk Lane. The application site comprises an existing detached triple garage and area of garden land associated with the residential property to the south east, Old Forge Cottage. The application site fronts Busk Lane to the east, with residential development to the east and south, a cricket pitch, pavilion and parking with open fields to the north and a football pitch with open fields to the west.
- 2.6.5 Residential development within the vicinity of the application site is varied, with dwellings of differing size, scale and design. The dwelling to the immediate south east, Old Forge Cottage is a bungalow. To the east are two storey detached dwellings and a two storey terrace of dwellings. To the south are two storey detached and semi-detached dwellings.
- 2.6.6 The application proposes the erection of 6 detached two storey dwellings, which would each benefit from attached or detached single storey garage. The proposed dwellings would utilise an existing upgraded vehicular access onto Busk Lane, with an internal access road to serve the existing bungalow and proposed dwellings. Each dwelling would benefit from an area of hardstanding to the front of the dwelling and an amenity area.
- 2.6.7 The layout of the proposed scheme demonstrates three dwellings to the west of Busk Lane in line with Old Forge Cottage, and three dwellings set further back from Busk Lane. The character of the area is predominantly linear in form; however, there are dwelling and buildings set back from the road within the vicinity of the application site. Therefore, it is considered that the layout of the proposed scheme is acceptable. The proposed dwellings are to be a mixture of two house types (A and B) providing either three or four bedroomed accommodation. The proposed dwellings would be detached two storey dwellings with a pitched roof form and are considered to be of traditional design. As stated above, dwellings within the vicinity of the application site are varied in terms of their size, scale and design, with a bungalow, detached two storey dwellings and a terrace of dwellings to the immediate east, and detached and semi-detached two storey dwellings to the immediate south. As such, it is considered that the size, scale, height and design of the proposed dwellings would respect the character of the locality. Furthermore, the submitted application form states that the external construction of the proposed dwellings would be stone walls with a pantile roof, which, given the mix of materials in the vicinity of the application site including, brick, render, stone, clay and slate tiles, is considered acceptable and can be secured by way of condition.
- 2.6.8 The submitted plans show the region of trees to the northern and eastern boundaries of the application site, protected by Tree Preservation Order (reference: 8/1985), comprising Ash and Sycamore, would be retained. Furthermore, existing planting to the western boundary of the site would be retained and additional planting, to be agreed by condition, is proposed. The submitted plans also show a proposed 1.2 metre high timber fence between each plot, which is considered acceptable and can be secured by way of condition.

2.6.9 Subject to the aforementioned conditions, it is therefore considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

2.7 Impact on Residential Amenity

2.7.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

2.7.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.

2.7.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

2.7.4 The layout of the site, in combination with the size, scale, siting and design of the proposed dwellings would ensure that the proposal would not result in any adverse effects of oppression, overshadowing, or overlooking between the existing and proposed dwellings, which would have any adverse impact on the amenities of the occupiers of the properties.

2.7.5 The proposals make provision for an adequate amount of usable external amenity space for the occupiers of the existing dwelling and the proposed dwellings on plots 1, 2, 3, 5 and 6. However, it is considered that the proposal would fail to provide an adequate amount of usable external amenity space for the occupiers of plot 4.

2.7.6 Having regard to the above, it is considered that the proposals are unacceptable in terms of residential amenity in accordance with Policy ENV1 (4) of the Local Plan and the advice contained within the NPPF.

2.8 Impact on Highway Safety

2.8.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.

2.8.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.

2.8.3 The proposed dwellings would benefit from a vehicular access onto Busk Lane. Each dwelling would benefit from an attached or detached double garage and an area of hardstanding to the front of the dwelling. North Yorkshire County Council Highways raise no objections to the proposal subject to five conditions relating to detailed plans of road and footways layout, construction of roads and footways prior to occupation of dwellings, use of existing access, discharge of surface water and construction management plan.

2.8.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

2.9 Flood Risk, Drainage and Climate Change

2.9.1 Relevant policies in respect to climate change, flood risk and drainage include Policy ENV1 (3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to climate change, flood risk and drainage include paragraphs 94 and 95.

2.9.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

2.9.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.

2.9.4 Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

2.9.5 The NPPF, paragraph 94, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The NPPF, paragraph 95, states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions and which actively support energy efficiency improvements to existing buildings.

2.9.6 The application site is located within Flood Zone 1, which has a low probability of flooding.

2.9.7 The application form states that foul sewage would be disposed of via mains sewer and surface water would be disposed of via soakaway. Yorkshire Water and Selby Area Internal Drainage Board have not made any objections to the proposal, subject to a condition relating to soakaways. In addition, Officers consider that a condition in relation to drainage for foul and surface water should be attached to any permission granted.

2.10 Nature Conservation and Protected Species

2.10.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy.

- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 2.10.4 The application site is not a designated protected site for nature conservation.
- 2.10.5 An updated ecological assessment undertaken by MAB Environment & Ecology Ltd, dated November 2016, has been submitted with the application. The assessment includes an updated ecological appraisal and a Phase 1 Habitat Survey, following that undertaken in June 2015. The survey concludes that the site conditions remain much the same as in June 2015 and therefore the site remains to be of low ecological value and the proposed works would not impact on any protected species or habitats. The report does include mitigation and compensation measures and a method statement.
- 2.10.6 Subject to a condition requiring the proposed development to be carried out in accordance with the mitigation and compensation measures and method statement contained within the ecological assessment, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.11 Land Contamination

- 2.11.1 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 2.11.2 The application has been supported by a Phase 1 Desk Top Study Report. This has been assessed by the Council's Contaminated Land Consultant who has advised that contaminated land planning conditions should be applied to any planning permission granted, to ensure that intrusive site investigation is carried out, followed by any necessary remediation, prior to the commencement of development on site.
- 2.11.3 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.12 Affordable Housing

- 2.12.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.12.2 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

2.12.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.13 Recreational Open Space

2.13.1 Relevant policies in respect of the provision of recreational open space are Policy RT2 of the Selby District Local Plan. Policy RT2 should be afforded limited weight given it conflicts, in part, with the Council's Community Infrastructure Levy (CIL) Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.13.2 Policy RT2 states "Proposals for new residential development comprising 5 or more dwellings will be required to provide recreational open space at the rate of 60 square metres per dwelling on the following basis". Policy RT2(a) states "For schemes of more than 4 dwellings up to and including 10 dwellings, a commuted payment [is] required to enable the district council to provide new or upgrade existing facilities in the locality". However, it is noted that under the CIL, a contribution is made which can be spent by the Parish Council on improving existing recreational open space areas. As such, it is considered that the proposals are appropriate and accord with Policy RT2 of the Selby District Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions Supplementary Planning Document and the advice contained within the NPPF.

2.13.3 Having regard to the above, it is considered that the proposal would be acceptable in respect to recreational open space and is therefore in accordance with Policy RT2 of the Selby District Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions Supplementary Planning Document and the advice contained within the NPPF.

2.14 Education and Healthcare, Waste and Recycling

2.14.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare and waste and recycling are required.

2.14.2 In respect of contributions towards education and healthcare, these policies should be afforded limited weight due to their conflict with the CIL. It is considered that no direct contribution is required due to the adoption of the CIL.

2.14.3 In respect of contributions towards waste and recycling, the Council will seek provision or a contribution from the developer to ensure that, prior to the occupation of any dwelling, storage bins and boxes are provided. This could be secured by way of condition.

2.14.4 Having regard to the above, it is considered that the proposal would be acceptable in respect to education and healthcare, waste and recycling and is therefore in accordance with Policy CS6 of the Selby District Local Plan, Policy SP19 of the

Core Strategy, the Developer Contributions Supplementary Planning Document and the advice contained within the NPPF.

2.15 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole

2.15.1 A weighing up exercise is required to determine whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.15.2 The harm of the proposal is that it would result in an encroachment by urban form into the SCG, which would be harmful to its form, character and function, contrary to Policy SG1 of the Selby District Local Plan. Significant weight should be attributed to the harm to the form, character and function of the SCG. In addition, the proposal would fail to provide an adequate amount of usable external amenity space for the occupiers of plot 4. Significant weight should be attributed to the harm to the residential amenity of the occupiers of the proposed dwelling. In addition, the proposal would not provide an affordable housing contribution required through Policy SP9 and the Affordable Housing Supplementary Planning Document to meet the objectively assessed affordable housing need in the district. Little weight should be attributed to this harm given the amended guidance in the PPG in respect to affordable housing and tariff style contributions.

2.15.3 The proposal would bring about economic, social and environmental benefits. Matters of acknowledged importance, such as, design and impact on the character and appearance of the area, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species, land contamination, recreational open space, education and healthcare and waste and recycling are considered to be acceptable.

2.15.4 Having regard to the above, it is considered that there are adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered unacceptable, on balance, when assessed against the policies in the NPPF taken as a whole. On this basis, it is considered that planning permission should be refused.

2.16 Conclusion

2.16.1 The application seeks planning permission for the erection of 6 dwellings. The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

2.16.2 Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy” of the Core Strategy. The principle of the proposed development is considered to be unacceptable having regard to Policy SP2A(c) of the Core Strategy, as the proposal is not for rural affordable housing need and there are no special circumstances. However, this policy is considered to be out of date in so far as it relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.

- 2.16.3 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.
- 2.16.4 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species, land contamination, recreational open space, education and healthcare and waste and recycling.
- 2.16.5 The proposal is considered contrary to Policy SG1 of the Selby District Local Plan. The application site is located within a Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG, which would have an adverse effect on the open character of the countryside and compromise the gap between settlements.
- 2.16.6 The proposal is considered contrary to Policy ENV1 (4) of the Selby District Local Plan. The proposal would fail to provide an adequate amount of usable external amenity space for the occupiers of plot 4.
- 2.16.7 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.
- 2.16.8 Having regard to all of the above, it is considered that there are adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered unacceptable, on balance, when assessed against the policies in the NPPF taken as a whole. On this basis, it is considered that planning permission should be refused.

2.17 Recommendation

This application is recommended to be REFUSED for the following reason(s):

01. The proposal would have an adverse effect on the open character, form and purpose of the Strategic Countryside Gap between the two separate settlements of Church Fenton East and Church Fenton West. The proposed development would not constitute a use with minimal intrusion and does not enhance the overall open character by the removal of existing structures. The proposal is therefore contrary to Policy SG1 of the Selby District Local Plan.
02. The proposed development would fail to provide an adequate amount of usable external amenity space for the occupiers of plot 4. The proposal is therefore

contrary to Selby District Local Plan Policy ENV1 (4) and the advice contained within the NPPF.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1368/FUL and associated documents.

Contact Officer: Jenny Tyreman, Planning Officer

Appendices: None



APPLICATION SITE

Item No: 2016/1384/FUL

Address: Old Forge Cottage, Main Street, Church Fenton

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Report Reference Number 2016/1384/FUL (8/62/35K/PA)

Agenda Item No: 6.7

To: Planning Committee
Date: 8th February 2017
Author: Jenny Tyreman (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1384/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Keith Ellis	VALID DATE: EXPIRY DATE:	23rd November 2016 18th January 2017
PROPOSAL:	Proposed erection of 1 No dwelling		
LOCATION:	Old Forge Cottage Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		

This application has been brought before Planning Committee as the application has been made by a District Councillor.

Summary:

The application seeks planning permission for the erection of a detached dwelling. The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy” of the Core Strategy. The principle of the proposed development is considered to be unacceptable having regard to Policy SP2A(c) of the Core Strategy, as the proposal is not for rural affordable housing need and there are no special circumstances. However, this policy is considered to be out of date in so far as it relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable

development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species and land contamination.

The proposal is considered contrary to Policy SG1 of the Selby District Local Plan. The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG. However, in this instance, the proposal for one dwelling located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements.

The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Having regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable, on balance, when assessed against the policies in the NPPF taken as a whole.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.15 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. In addition, the application site is located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton.

1.1.2 The application site is located to the north west of the junction between Main Street and Busk Lane. The application site comprises an existing detached triple garage and area of garden land associated with the residential property to the south, Old Forge Cottage. The application site fronts Busk Lane to the east, with residential development to the east and south, a cricket pitch, pavilion and parking with open fields to the north and a football pitch with open fields to the west.

1.1.3 The application site is located within Flood Zone 1.

1.2 The Proposal

- 1.2.1 The application seeks planning permission for the erection of one dwelling.
- 1.2.2 The main two storey element of the proposed dwelling would measure a maximum of 10 meters in width by 7.4 metres in depth and would have a pitched roof with eaves to a height of 5.5 metres above ground floor level and ridge to a height of 8.8 metres above ground floor level. The proposed dwelling would have a subservient two storey projection to the west elevation which would measure a maximum of 4.5 metres in width by 3.7 metres in depth and would have a pitched roof with eaves to a height of 5.5 metres above ground floor level and ridge to a height of 7.9 metres above ground floor level.
- 1.2.3 The proposed dwelling would benefit from a vehicular access onto Busk Lane and would benefit from an area of hardstanding to the north and an amenity area to the west.
- 1.2.4 The majority of the proposed dwelling would be located outside of the Strategic Countryside Gap (SCG), however, a small proportion of the proposed dwelling and the garden land to the rear of the proposed dwelling would be located within the SCG.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application.
- 1.3.2 An outline application (reference: 2005/0222/FUL) for the erection of 4 No. dwellings and garages to include siting and means of access was refused on 07.06.2005.
- 1.3.3 An application (reference: 2005/0484/COU) for the proposed conversion of an existing smithy to provide additional living accommodation was permitted on 14.06.2005.
- 1.3.4 An application (reference: 2013/0825/TPO) for permission to carry out works to Ash and Sycamore trees within group A2 of TPO 8/1985 including lifting by 5 metres over highway, 4 metres over footpath & 4 metres garden side to balance the trees was permitted on 30.09.2013.
- 1.3.5 An application (reference: 2015/0835/FUL) for the proposed erection of 9 No dwellings was refused on 23.11.2015. The application was refused for the following reason:
 - 1. The proposal would have an adverse effect on the open character, form and purpose of the Strategic Countryside Gap between the two separate settlements of Church Fenton. The proposed development does not constitute a use with minimal intrusion and does not enhance the overall open character by the removal of existing structures. The proposal is therefore contrary to Policy SG1 of the Adopted Selby District Local Plan.

- 1.3.6 An application (reference: 2016/1368/FUL) for the proposed erection of 6 No dwellings is pending consideration and is also reported to Committee under this agenda.

1.4 Consultations

1.4.1 Parish Council

No response within statutory consultation period.

1.4.2 NYCC Highways

No objections, subject to a condition requiring a construction management plan.

1.4.3 Yorkshire Water

No response within statutory consultation period.

1.4.4 Selby Area Internal Drainage Board

The application will increase the impermeable area therefore the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

Detailed plans of the surface water discharge could not be found within this application.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the IDB.

1.4.5 Contaminated Land Consultants

1. The Phase 1 Desk Top Study Report was prepared for a development site, with boundaries shown on Site Location Plans, Appendix I. WPA comments for 2016/1384/FUL are for one dwelling development, with the development area being considerably smaller than the area considered in the Phase 1 Report. As the development boundaries differ significantly, on-site contaminative land uses identified by the preliminary CSM in the Phase 1 Report are likely to differ and be

considered as potential off-site contaminative sources rather than on-site features. This is most likely to subsequently affect conclusions and recommendations included in the report and the strategy for a Phase II Investigation, which is recommended for the site.

2. WPA therefore requests that the Phase 1 Desk Top Study Report is reviewed and amended for planning application 2016/1384/FUL and related development area. WPA has already reviewed the Phase 1 Report for the development of the site with 6 new dwellings (planning application 2016/1368/FUL) and comments included in the WPA response dated 03-01-2017, are also applicable for this planning application and should also be considered for the updated report. I attach WPA comments dated 03-01-17 for your information, with emphasis to WPA Comments and Advice, last section.

3. As per WPA advice for planning application 2016/1368/FUL, WPA 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, followed by any necessary remediation, prior to the commencement of development on site. Based on information provided in the Phase 1 Report and WPA comments above, additional information and reporting is required to meet any part of the conditions.

1.5 Publicity

1.5.1 All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press.

1.5.2 Nine letters of representation have been received from neighbouring properties as a result of this advertisement with concerns raised in respect of: (1) the principal of the proposed development, which is contrary to Policy SP2A of the Core Strategy and Policy SG1 of the Local Plan; (2) the design and impact of the development on the character of the area, which is not linear development and therefore not in compliance with the Village Design Statement. Also the proposed dwelling is a much taller two storey dwelling than the existing bungalow on site; (3) the removal of trees from the site; (4) the potential for the proposed development to impact on future development of the existing adjacent football and cricket clubs; (5) the lack of infrastructure and concerns regarding existing school capacity; (6) the impact on drainage and the potential for flooding; (7) the increase in traffic and highway safety concerns; (8) too many properties proposed when the housing need are being addressed elsewhere in the District; (9) two previous applications have been refused and the reasons for refusal have not been addressed in this application; (10) the approval of the application could set a precedent; (11) the proposal cuts the garden for the existing dwelling in half, with the resulting garden for the existing dwelling having an unusual layout and lending itself to future development of the northern part.

2 Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for

decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

SG1:	Strategic Countryside Gap
ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to the Highway Network
T2:	Access to Roads

2.1.3 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.1.4 Other Policies and Guidance

Affordable Housing Supplementary Planning Document

2.2 Key Issues

The main issues to be taken into account when assessing this application are:

- 1) The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF
- 2) The impacts of the proposal:
 - a) Strategic Countryside Gap
 - b) Design and Impact on the Character and Appearance of the Area
 - c) Impact on Residential Amenity
 - d) Impact on Highway Safety
 - e) Flood Risk, Drainage and Climate Change
 - f) Nature Conservation and Protected Species
 - g) Land Contamination
 - h) Affordable Housing
- 3) The Benefits of the Scheme

2.3 The appropriateness of the location of the application site for residential in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF

2.3.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

2.3.3 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

2.3.4 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

- 2.3.4 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise. One such material consideration is the NPPF.
- 2.3.5 Paragraph 47 of the NPPF is particularly relevant to the application and states that Local Planning Authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Having regard to the above, the Inspector’s report for the appeal at Hodgson’s Gate, Sherburn in Elmet on the 6th of December 2016, stated that the Council does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.3.6 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- 2.3.7 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- “Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.”
- 2.3.8 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations including those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. In this case the site does not fall within any of the specific policies listed, the proposals should therefore be considered on the basis of whether any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

- 2.3.9 In respect of sustainability, the site is adjacent to the development limits of the village of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, where there is scope for additional residential growth to support rural sustainability. The village contains a number of local services, including a primary school, general store and post office and also benefits from train station and bus services to York, Leeds, Selby and Tadcaster. In terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.
- 2.3.10 In addition to the above, it is noted that the village of Church Fenton has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location. The village is considered to be “least sustainable” in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, however this is due to the distance of the settlement to employment opportunities. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Church Fenton, it is adjacent to the boundary and would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects.
- 2.3.11 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs in the construction of the proposed dwellings. The construction workers may also use the local services within the villages.

Social

The proposal would assist in the Council meeting the objectively assessed need for housing in the district.

Environmental

The proposal would deliver a high quality home for local people and takes into account environmental issues such as flood risk, climate change, nature conservation and protected species.

The above factors weigh in favour of the development.

- 2.3.12 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies. The impacts of the proposal are considered in the next section of the report.

2.4 Impacts of the Proposal

- 2.4.1 Paragraph 14 of the NPPF requires the decision taker to determine whether any adverse impact of granting planning permission would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This section looks at the impacts arising from the proposal.

2.5 Strategic Countryside Gap

- 2.5.1 The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. Policy SG1 of the Selby District Local Plan states “Proposals for development affecting Strategic Countryside Gaps, as defined on the proposals map, will not be permitted where there would be an adverse effect on the open character of the countryside or where the gap between settlements would be compromised”.
- 2.5.2 The supporting text of Policy SG1 states “Proposals for development in these gaps would only be acceptable where there would be no risk of physical intrusion such as certain types of recreational use, or where the overall open character of the land would be enhanced through the removal of existing structures”. It goes on to state “Proposals for other forms of development, including agricultural dwellings and affordable housing, which may in other circumstances be acceptable Outside Development Limits will not normally be permitted”.
- 2.5.3 Policy SG1 is not primarily concerned with the supply of housing, but rather with protecting specific areas of land. Therefore, it is not rendered out of date by reason of the Council not being able to demonstrate a 5 year supply of deliverable housing land. As such, it is considered that significant weight should be attached to Local Plan Policy SG1.
- 2.5.4 The application proposes the replacement of an existing detached triple garage with a two storey detached dwelling, which would be located part within and part outside the SCG. It is acknowledged that the part of the SCG within the application site represents a small proportion of the overall SCG designation for Church Fenton East/West. However, it is considered that any encroachment by urban form into the SCG would be harmful to its form, character and function. In this instance, the proposal would be located part within and part outside the SCG and would involve the replacement of an existing building; albeit the replacement building would be larger in size and scale and would have a greater impact on openness. However, in this instance, the proposal for one dwelling located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements, such that a reason for refusal could be sustained.
- 2.5.5 Having regard to the above, on balance, it is considered that while the proposal is not strictly in compliance with Policy SG1 of the Selby District Local Plan, only limited weight should be attached to the harm to the form, character and function of the SCG, given the scale of the proposal for one dwelling, which is located part within and part outside the SCG.

2.6 Design and Impact on the Character and Appearance of the Area

- 2.6.1 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.

- 2.6.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 56 to 64.
- 2.6.3 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy. In addition, the application site is located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. The application seeks planning permission for the erection of a detached two storey dwelling.
- 2.6.4 The application site is located to the north west of the junction between Main Street and Busk Lane. The application site comprises an existing detached triple garage and area of garden land associated with the residential property to the south, Old Forge Cottage. The application site fronts Busk Lane to the east, with residential development to the east and south, a cricket pitch, pavilion and parking with open fields to the north and a football pitch with open fields to the west.
- 2.6.5 Residential development within the vicinity of the application site is varied, with dwellings of differing size, scale and design. The dwelling to the immediate south east, Old Forge Cottage is a bungalow. To the east are two storey detached dwellings and a two storey terrace of dwellings. To the south are two storey detached and semi-detached dwellings.
- 2.6.6 The application proposes the erection of a detached two storey dwelling. The proposed dwelling would utilise an existing vehicular access onto Busk Lane and would benefit from an area of hardstanding to the north of the dwelling and an amenity area to the west.
- 2.6.7 The layout of the proposed scheme demonstrates the dwelling would be sited where the existing detached triple garage is located to the north of the existing bungalow, and as such, it is considered to follow the predominant linear form of the locality. Therefore, it is considered that the layout of the proposed scheme is acceptable. The proposed dwelling would be detached two storey dwelling with a pitched roof and is considered to be of traditional design. As stated above, dwellings within the vicinity of the application site are varied in terms of their size, scale and design, with a bungalow to the immediate south, detached two storey dwellings and a terrace of dwellings to the immediate east, and detached and semi-detached two storey dwellings to the immediate south. As such, it is considered that the size, scale, height and design of the proposed dwelling would respect the character of the locality. Furthermore, the submitted application form states that the external construction of the proposed dwelling would be stone walls with a pantile roof, which, given the mix of materials in the vicinity of the application site including, brick, render, stone, clay and slate tiles, is considered acceptable and can be secured by way of condition.
- 2.6.8 The submitted plans show the existing planting to the western boundary of the site would be retained and additional planting, to be agreed by condition, is proposed. The submitted plans also show a proposed 1.2 metre high timber fence to the north and south sides of the dwelling, which is considered acceptable and can be secured by way of condition.

2.6.9 Subject to the aforementioned conditions, it is therefore considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

2.7 Impact on Residential Amenity

2.7.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

2.7.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.

2.7.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

2.7.4 The proposed dwelling would be located a minimum of approximately 1.8 metres from the common boundary with the neighbouring property to the south, Old Forge Cottage, and a minimum of approximately 12.4 metres from the north elevation of the neighbouring property to the south, Old Forge Cottage. It is noted that Old Forge Cottage is a bungalow, while the proposed dwelling would be two storey.

2.7.5 Given the size, siting and design of the proposed dwelling and the separation distance to the neighbouring residential property, it is considered that the proposal would not result in any significant adverse effects of oppression or overshadowing when viewed from the neighbouring residential property.

2.7.6 The proposed dwelling has no windows proposed in the south side elevation of the main two storey dwelling facing Old Forge Cottage; however, it does have ground and first floor windows proposed in the south elevation of the subservient two storey rear projection. Given the location of the windows and the separation distance of approximately 21 metres to the north elevation of the neighbouring residential property, it is considered that the proposal would not result in any significant adverse effects of overlooking. However, it would be considered reasonable and necessary to remove permitted development rights for the insertion of any additional windows in the south side elevations of the proposed dwelling.

2.7.7 Subject to the aforementioned condition, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF.

2.8 Impact on Highway Safety

2.8.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.

2.8.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.

- 2.8.3 The proposed dwelling would benefit from a vehicular access onto Busk Lane and would benefit from an area of hardstanding to the north. North Yorkshire County Council Highways raise no objections to the proposal subject to a condition requiring a construction management plan.
- 2.8.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

2.9 Flood Risk, Drainage and Climate Change

- 2.9.1 Relevant policies in respect to climate change, flood risk and drainage include Policy ENV1 (3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to climate change, flood risk and drainage include paragraphs 94 and 95.
- 2.9.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 2.9.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.
- 2.9.4 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 2.9.5 The application form states that foul sewage would be disposed of via mains sewer and surface water would be disposed of via soakaway. Yorkshire Water and Selby Area Internal Drainage Board have not made any objections to the proposal, subject to a condition relating to soakaways. In addition, Officers consider that a condition in relation to drainage for foul and surface water should be attached to any permission granted.

2.10 Nature Conservation and Protected Species

- 2.10.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy.
- 2.10.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.

2.10.4 The application site is not a designated protected site for nature conservation.

2.10.5 An updated ecological assessment undertaken by MAB Environment & Ecology Ltd, dated November 2016, has been submitted with the application. The assessment includes an updated ecological appraisal and a Phase 1 Habitat Survey, following that undertaken in June 2015. The survey concludes that the site conditions remain much the same as in June 2015 and therefore the site remains to be of low ecological value and the proposed works would not impact on any protected species or habitats. The report does include mitigation and compensation measures and a method statement.

2.10.6 Subject to a condition requiring the proposed development to be carried out in accordance with the mitigation and compensation measures and method statement contained within the ecological assessment, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.11 Land Contamination

2.11.1 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.

2.11.2 The application has been supported by a Phase 1 Desk Top Study Report. This has been assessed by the Council's Contaminated Land Consultant who has advised that contaminated land planning conditions should be applied to any planning permission granted, to ensure that intrusive site investigation is carried out, followed by any necessary remediation, prior to the commencement of development on site.

2.11.3 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.12 Affordable Housing

2.12.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.

2.12.2 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

2.12.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.13 Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole

2.13.1 A weighing up exercise is required to determine whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.13.2 The harm of the proposal is that it would result in an encroachment by urban form into the SCG, which would be harmful to its form, character and function, contrary to Policy SG1 of the Selby District Local Plan. However, in this instance, the proposal for one dwelling located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements and for these reasons, little weight should be attributed to the harm to the form, character and function of the SCG. In addition, the proposal would not provide an affordable housing contribution required through Policy SP9 and the Affordable Housing Supplementary Planning Document to meet the objectively assessed affordable housing need in the district. Little weight should be attributed to this harm given the amended guidance in the PPG in respect to affordable housing and tariff style contributions.

2.13.3 The proposal would bring about economic, social and environmental benefits. Matters of acknowledged importance, such as, design and impact on the character and appearance of the area, impact of residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination are considered to be acceptable.

2.13.4 Having regard to the above, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable, on balance, when assessed against the policies in the NPPF taken as a whole. On this basis, it is considered that planning permission should be granted.

2.14 Conclusion

2.14.1 The application seeks planning permission for the erection of a detached dwelling. The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

2.14.2 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" of the Core Strategy. The principle of the proposed development is considered to be unacceptable having regard to Policy SP2A(c) of the Core Strategy, as the proposal is not for rural affordable housing need and there are no special circumstances. However, this policy is considered to be out of date in so far as it relates to housing supply and the Council acknowledges that it does not have a 5 year housing land supply.

- 2.14.3 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.
- 2.14.4 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species and land contamination.
- 2.14.5 The proposal is considered contrary to Policy SG1 of the Selby District Local Plan. The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG. However, in this instance, the proposal for one dwelling located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements.
- 2.14.6 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.
- 2.14.7 Having regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable, on balance, when assessed against the policies in the NPPF taken as a whole.

2.15 Recommendation

This application is recommended to be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. Prior to the commencement of development, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. The proposed boundary treatments (as shown on drawing no. YEW-227-40-26) shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. No development shall commence until a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are in keeping with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

05. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

06. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. measures to control the emission of dust and dirt during construction.

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and in the interests of vehicle and pedestrian safety and convenience.

07. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

08. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

09. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures and method statement contained within the ecological assessment received by the Local Planning Authority on 22 November 2016.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

10. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

11. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan and Existing Topo Survey, Drawing No. YEW-277-40-25, received 22 November 2016.

Plans Elevations and Site Plan, Drawing No. YEW-277-40-26, received 22 November 2016.

Reason:

For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1384/FUL and associated documents.

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Appendices: None

Planning Committee 2016-17



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Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out the Government's planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.