



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 10 MAY 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair),
Mrs L Casling, I Chilvers, J Deans, I Reynolds, 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 Sub-Committee meeting held on 20 March 2017 and 20 April 2017 and the Planning Committee meeting held on 29 March 2017 and 12 April 2017 (pages 1 to 27 attached).

6. Planning Applications Received

- 6.1 2016/0481/MLA - Field Lane Thorpe Willoughby
(pages 29 to 34 attached)
- 6.2 2016/1514/OUT - Land north of York Road, North Duffield
(pages 35 to 50 attached)
- 6.3 2016/1081/COU - Land off Pasture Way, Wistow
(pages 51 to 70 attached)
- 6.4 2016/1424/COU - Tythe House, Rawfield Lane, Fairburn
(pages 71 to 81 attached)
- 6.5 2016/1314/FUL - Turnhead Farm York Road Barlby
(pages 82 to 110 attached)
- 6.6 2016/1345/OUT - Land at Field Lane Thorpe Willoughby
(pages 111 to 145 attached)
- 6.7 2017/0118/FUL - Low Farm, Low Farm Road, Bolton Percy
(pages 146 to 166 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 7 June 2017

For enquiries relating to this agenda please contact Janine Jenkinson on 01757 702268, or email to jjenkinson@selby.gov.uk.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Planning Sub-Committee

Venue:	Committee Room
Date:	Monday 20 March 2017
Time:	10 am
Present:	Councillors D Peart (Chair), P Welch (substitute for Councillor B Marshall), and C Pearson (substitute for Councillor J Cattanach).
Apologies for Absence:	Councillors J Cattanach and B Marshall.
Officers Present:	Ruth Hardingham, Interim Deputy Lead Planning Officer, Keith Thompson, Senior Planning Officer, Louise Milnes, Principal Planning Officer, Diane Wilson, Planning Officer, Jenny Tyreman, Planning Officer, Gillian Marshall, Solicitor to the Council, and Janine Jenkinson, Democratic Services Officer.
Public:	6
Press:	0

26. DISCLOSURES OF INTEREST

Councillor P Welch declared that one of the registered public speakers, Sally Gregory, was known to his wife. He explained that the speaker was not known to him and he would participate in the consideration of application - 2016/1430/FUL, 36 Sandhill Lane, Selby.

27. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reported that the order of the agenda had been adjusted to consider the application with registered public speakers as the first item.

Members were advised that the application had been brought before the Planning-Sub 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 Sub-Committee was informed that the application sought retrospective planning permission for the erection of a detached dwelling. The application site was located outside the defined development limits of Church Fenton, which was a Designated Service Village as identified in the Core Strategy, and was therefore located within the open countryside.

The Planning Officer reported that the principle of the development for residential development on the site had firmly been established under the previous, extant, planning permission (reference 2015/0869/REM). In addition, members were advised that having assessed the proposal against the relevant policies, the proposal was considered to be acceptable, in respect of its design, impact on the character and appearance of the area, impact on residential amenity and impact on highway safety.

Members were informed that the proposal was considered to be contrary to Policy SP9 of the Core Strategy; however the Court of Appeal judgement in relation to the West Berkshire Case was a material consideration of substantial weight which outweighed the policy requirement to secure a commuted sum.

The Planning Officer therefore recommended that having had regard to Policy SP9 and the Planning Policy Guidance (PPG), on balance, the proposal was acceptable without a contribution for affordable housing, and the application should be approved.

A proposal to approve the application, in-line with the Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.9 of the report.

28.3 Application: 2016/1468/COU
Location: Horseshoe House
High Street, Brotherton
Knottingley
Proposal: Proposed change of use of ground floor from a
vacant former public house (A4 use) to a single
dwelling (C3 use).

The 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 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 paragraphs 14 and 49 of the NPPF.

Members were informed that having had regard to all relevant policies, the application was considered to be acceptable in respect of its design, 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 Planning Officer advised that there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The Sub-Committee was recommended to approve the application.

A proposal to approve the application, in-line with the Senior Planning Officer's recommendation was moved and seconded.

RESOLVED:
To APPROVE the planning application, subject to the conditions set out in section 2.15 of the report.

28.4 Application: 2017/0084/FUL
Location: Willow Garth, Station Road,
Church Fenton, Tadcaster
Proposal: Proposed erection of a 1.5 Storey 3 bedroom
dwelling.

The Sub-Committee was advised that the application had been withdrawn from the agenda by the applicant.

28.5 Application: 2016/1457/FUL
Location: School House
Main Street
South Duffield, Selby
Proposal: Demolition of existing double garage and
construction of new 4 bedroom with integral garage
on land within the curtilage of School House,
South Duffield.

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.

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

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 NPPF.

The Senior Planning Officer reported that on balance there was no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was 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 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.

**28.9 Application: 2016/1377/FUL
 Location: Papyrus Villas, Newton Kyme, Tadcaster.
 Proposal: Proposed erection of a pair of semi-detached dwellings and associated garages**

The Principal Planning Officer introduced the application.

The Sub-Committee was informed that the application sought permission for the erection of a pair of semi-detached dwellings on land that had extant permission for the erection of a replacement dwelling, which was therefore a fall-back position. Members were informed that the site was located outside the defined development limits of Newton Kyme and was within the Green Belt.

The Principal Planning Officer reported that the principle of the proposal was 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 the partial or complete redevelopment of previously developed land was appropriate development within the Green Belt provided the proposal did not have a greater impact on the openness of the Green Belt and the purpose of including land within the existing development.

Members were informed that Policies SP2 and SP5 were considered to be out of date, in so far as they related to housing supply and the council had acknowledged that it did not have a five year housing land supply. As such the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF.

The Sub-Committee was advised that having assessed the proposal against the three dimensions of sustainable development set out within the NPPF, the development was considered to provide economic, social and environmental benefits which would weigh in favour of the application. In addition, members were informed that the Court judgement in relation to the West Berkshire Case outweighed the policy requirement to secure a

commuted sum. The Principal Planning Officer recommended members approve the application.

RESOLVED:

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

The Chair closed the meeting at 10.40 a.m.

Planning Sub-Committee

Venue:	Committee Room
Date:	Thursday 20 April 2017
Time:	10 am
Present:	Councillors J Cattanach, D Peart, and B Marshall.
Apologies for Absence:	None.
Officers Present:	Ruth Hardingham, Planning Development Manager, Diane Wilson, Planning Officer, Jenny Tyreman, Planning Officer, Kelly Dawson, Senior Solicitor, and Janine Jenkinson, Democratic Services Officer.
Public:	2
Press:	0

29. DISCLOSURES OF INTEREST

There were no disclosures of interest.

30. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no address from the Chair.

31. PLANNING APPLICATIONS RECEIVED

31.1	Application:	2017/0108/FUL
	Location:	Brocks Farm York Road, Cliffe, Selby
	Proposal:	Proposed erection of a detached dormer bungalow and garage to replace existing garage and stable block (re-submission of 2016/0128/FUL).

The Planning Officer introduced the application and explained 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.

The Sub-Committee was informed that the development limit boundary ran through the application site, such that the proposed access and part of the proposed dormer bungalow would be located within the defined development limits of Cliffe, which was a Secondary Village, while part of the proposed dormer bungalow and the garden area would be located outside the defined development limits of Cliffe and would therefore be located within the open countryside.

Members were informed that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (b) and (c) and Policy SP4 (a) of the Core Strategy, given the proposal was for the replacement of an existing building/redevelopment of a farmstead. However, these policies were considered to be out of date, in so far as they related to housing supply and the council had acknowledged that it did not have a five year housing land supply.

The Planning Officer reported that having assessed the proposal against the relevant policies, the application was considered to be acceptable in respect of its impact on heritage assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highways safety, climate change, flood risk and drainage, nature conservation and protected species and land contamination.

The proposal was also considered contrary to Policy SP9 of the Core Strategy, however in the context of the West Berkshire Court of Appeal decision, which was considered to be a material consideration of substantial weight, which outweighed the policy requirement for a commuted sum. The Planning Officer therefore recommended that having had regard to Policy SP9 and the PPG, on balance, the application was considered to be acceptable without a contribution for affordable housing. Members were informed that there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework (NPPF) taken as a whole

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

RESOLVED:
To APPROVE planning permission, subject to the conditions detailed in section 2.13 of the report.

31.2 Application: 2016/1255/COU
Location: Milford Hall Lumby Lane South Milford
Proposal: Retrospective application for change of use of public house / restaurant with associated flat to residential dwelling with landscaping demolition of extensions.

The Planning Development Manager advised members that as the application did not result in an increase to the number of dwellings on site the application an affordable housing contribution would not be due under the Affordable Housing SPD and therefore not contrary to Policy SP9. In light of this the Senior Solicitor advised members that the jurisdiction of the Planning Sub-Committee was to determine applications for planning permission on sites consisting of 10 units or less of residential dwellings and which have a maximum combined gross floor space of no more than 1000sq m where the officer recommendation is for approval contrary to the provisions of the Development Plan (Core Strategy Policies SP9 and 12 and associated supplementary planning documents) and criterion (1) of Policy H12 of the Selby District Local plan and where 3 or fewer letters of representation have been received.

Members were informed that the application fell outside the remit of the powers delegated to the Sub-Committee and therefore should not be considered by the Sub-Committee and that the application should be determined by officers under the scheme of delegation.

The application was not considered by the Sub-Committee.

The Chair closed the meeting at 10.07 a.m.

Minutes

Extraordinary Planning Committee

Venue:	Council Chamber
Date:	Wednesday 29 March 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), I Reynolds, Mrs D White (substitute for Mrs E Casling) I Chilvers, J Deans, B Marshall, C Pearson and P Welch.
Apologies:	Councillor Mrs E Casling.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Thomas Webster, Principal Planning Officer; Louise Milnes, Principal Planning Officer; Tim Coyne, Transport and Development Engineer, Highways -North Yorkshire County Council, and Janine Jenkinson, Democratic Services Officer.
Public:	22
Press:	1

59. DISCLOSURES OF INTEREST

All councillors reported that they had received communications in relation to the following applications on the agenda:

- 2016/0515/OUT – Land adjacent to Southlands, Broach Lane, Kellington
- 2016/1059/FULM – Roebuck Barracks, Green Lane, Appleton Roebuck.

60. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair advised the Committee that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. Application 2016/0515/OUT – Land adjacent to Southlands, Broach Lane, Kellington would be considered as the first item.

In addition, members were reminded that the following training sessions had been arranged for Planning Committee members:

- Planning Best Practice - Friday 7 April 2017, 1- 4.30 pm at Community House, Selby.

61. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

62. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

62.1 Application: 2016/0515/OUT

Location: Land adjacent to Southlands, Broach Lane, Kellington

Proposal: Outline planning permission (all matters reserved) for the erection of a residential development.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that the applicant's agent had circulated an email to members, contradicting the conclusions of the report; the Update Note set out a response to each of the points raised. In addition, the Update Note detailed a number of amendments to the report.

The Principal Planning Officer explained that the application had been brought before the Planning Committee as more than 10 representations had been received, contrary to the officer recommendation.

Members were advised that the proposed development would be contrary to national and local planning policies because the amount of development would result in poor quality living arrangements for the future occupants, by virtue of unacceptable noise and odour levels from the 24 hour use of the carrot and parsnip factory buildings on the adjoining M.H.Poskitt Ltd farm site.

The Committee was informed that the application would be contrary to national and local planning policy, as the proposal would result in the permanent loss of vital open countryside and the creeping coalescence of adjoining settlements, as well as serving as a potential barrier to economic growth.

The Principal Planning Officer reported that the harm of the proposal could not be justified, as its non-compliance with national and local planning policies was not outweighed by housing delivery considerations. In addition, the proposal was contrary to the saved policies of the Local Plan, Core Strategy and the principles of the National Planning Policy Framework (NPPF). Members were therefore recommended to refuse the application.

J McCartney, Parish Councillor, spoke in objection to the application.

Mrs M McCartney, Ward Councillor, spoke in objection to the application.

R Bartlett, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To REFUSE the application, for the reasons set out in section 2.20 of the report.

62.2 Application: 2016/1409/OUTM

Location: Hodgsons Lane, Sherburn in Elmet

Proposal: Outline application for residential development with all matters reserved.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined a consultation response from North Yorkshire County Council (NYCC) Education. In addition, the Update Note set out a number of conditions to be attached to any approval granted.

Members were informed that the application had been brought before the Committee due to it being a departure from the Development Plan and a request from Councillor Buckle that the application be considered by the Planning Committee, for the reasons outlined in the report.

The Committee was advised that whilst the proposed scheme failed to comply with Policy SP2A(c) of the Core Strategy and Policy SL1, these policies were out of date in so far as they related to housing supply, due to the fact the council did not have a five year housing land supply. As such, members were advised that applications for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Principal Planning Officer reported that in assessing the proposal against the three dimensions

of sustainable development set out within the NPPF, it was considered that the development would provide significant benefits and was in-line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations.

Members were advised that the proposal was considered to be acceptable in respect of impact on residential amenity, highways, drainage, climate change, protected species, archaeology and contamination and was in accordance with policy. The Principal Planning Officer reported that on balance, having had regard to the significant benefits of the scheme, it was considered that these would outweigh the harms; the Committee was therefore recommended to approve the application.

In response to a question regarding highway access, the Transport and Development Engineer, (NYCC- Highways) advised the Committee that work would be undertaken to ensure access met the appropriate standards.

Councillor D Buckle, spoke in objection to the application.

Councillor M Hobson, Ward Councillor, spoke in objection to the application.

C Carroll, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the planning application, subject to delegation being given to officers to complete the Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, a £13,400 contribution towards the works required to link the pedestrian crossing on Low Street with the traffic signals at the Low Street/Kirkgate/Moor Lane/Finke Hill junction, a Travel Plan and £5,000 monitoring fee and a waste and recycling contribution and subject to the conditions detailed in paragraph 3.0 of the report and the additional conditions detailed in the Update Note.

62.3 Application: 2017/0119/COU

Location: 10 Low Street, Sherburn in Elmet

Proposal: Proposed change of use of a vacant bank (Class A2) to a hot food takeaway (Class A5) with associated external alterations, including the installation of extraction and ventilation equipment.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that Councillor Packham had sent an email to the

Planning Officer, requesting that it be reported to Committee members. The email raised concerns about the conditions the officer had recommended, and requested that the recommendations of North Yorkshire Police in relation to measures to minimise crime and disorder be attached to any approval granted.

The Committee was informed that the application had been brought before the Planning Committee due to there being more than 10 representations being received, contrary to the officer's recommendation and a request from Councillor D Buckle, to consider the proposal at Committee, for the reasons set out in the report.

The Senior Planning Officer advised the Committee that having had regard to the Development Plan and all other relevant local and national policy, consultation responses and all other material planning considerations, the application was considered to be in accordance with Policies SP1, SP2, SP13, SP14, SP15 and SP19 of the Core Strategy, Policies ENV1, T1 and SHB/5 of the Local Plan and the policies contained within the NPPF and should therefore be approved.

Councillor D Buckle, spoke in objection to the application.

Councillor M Hobson, Ward Councillor, spoke in objection to the application.

N Waller, the applicant's agent, spoke in support of the application.

Some members felt the application was acceptable and the proposed site location was appropriate, given it was a commercial zone of Sherburn in Elmet and there were a variety of uses within the surrounding area.

Some members raised concern that the application was inappropriate and would exert a detrimental impact on the amenity of nearby residents.

It was proposed and seconded to approval the application, in-line with the Senior Planning Officer's recommendation.

An amendment to refuse the application was proposed and seconded, on the grounds it was contrary to Policies SP13, SP19, and the application would have an adverse impact on the amenity of nearby residents and the character and appearance of the surrounding area. The amendment was not supported by the Committee and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE planning permission, subject to the conditions set out in section 2.13 of the report and an advisory note in relation to measures to mitigate crime and disorder being sent to the applicant.

62.4 Application: 2016/1059/FULM
Location: Roebuck Barracks, Green Lane, Appleton Roebuck
Proposal: Proposed conversion and extension of existing buildings to form twenty three dwellings and demolition of existing buildings.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note clarified a number of issues that had been raised by the agent in an email circulated to Committee members.

The Committee was informed that the application had been brought before the Planning Committee due to more than 10 representations being received, contrary to the officer's recommendation.

Members were informed that the site was within an unsustainable location, and whilst the proposal may re-use some of the buildings on the site, the application would result in an additional 23 dwellings within an isolated location, with a consequent reliance on private car travel. The application was therefore considered to be contrary to paragraph 55 of the NPPF. In addition, the Committee was informed that whilst it had been identified that the application would have some merit in terms of the economic dimension of sustainable development, this was considered to be outweighed by the harm of the application in relation to the social and environmental dimensions of sustainable development. The Senior Planning Officer advised the Committee that having had regard to the NPPF paragraphs 14 and 49, it was considered that the housing need did not outweigh the harm, by reason of inappropriateness.

The Senior Planning Officer reported that an independent assessment of the structural survey submitted by the applicant had been carried out, and it had concluded that a number of buildings on the site were not capable of conversion and as such the application would not meet any of the exceptions identified within paragraphs 89 or 90 of the NPPF. The proposal therefore constituted inappropriate development in the Green Belt which by definition was harmful to the Green Belt. Members were advised that a case for 'Very Special Circumstances' had been submitted by the applicant, however having assessed these, the Senior Planning Officer reported that the circumstances, constituted normal planning considerations and as such did not amount to 'Very Special Circumstances' that would outweigh the harm of the application.

Members were informed that the application would lead to an increased traffic growth in an unsustainable location, which could not be served by public transport or other modes of sustainable transport, resulting in reliance on the use of a private vehicle for each dwelling. The proposed scheme also failed to provide provision for recreational open space within the site and a case for viability had not been presented for affordable housing provision. The Senior Planning Officer reported that the application was considered to be contrary to Policies ENV1 and RT2 of the Local Plan, Policies SP1, SP2, SP3, SP9,

SP12, SP15, SP18 and SP19 of the Core Strategy and the NPPF and therefore recommended that the application be refused.

Mrs Shah-Evans, the applicant spoke in support of the application.

It was proposed and seconded that the application be refused, for the reasons set out in section 3.0 of the report.

RESOLVED:

To REFUSE the planning application, for the reasons set out in section 3.0 of the report.

62.5 Application: 2017/0119/COU

Location: Field House, School Lane, Bolton Percy.

Proposal: Proposed erection of two detached dwellings with garages and associated access road following demolition of existing buildings.

The Senior Planning Officer introduced the application and explained that the application had been brought before the Planning Committee as one of the applicants was Councillor Richard Musgrave, and the council's Scheme of Delegation required the application to be determined by the Planning Committee.

The Senior Planning Officer reported that the site was located in an area of open countryside immediately adjacent to the defined development limits of Bolton Percy. Members were informed that Policy SP2A (c) of the Core Strategy was out of date in so far as it related to housing supply, due to the fact the council did not have a five year housing land supply. As such the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF.

The Senior Planning Officer advised members that having assessed the proposal against the three dimensions of sustainable development set out within the NPPF, it was considered the development would bring economic, social and environmental benefits which weighed in favour of the application. In addition, there was an extant planning permission for a similar scheme within the site which had been approved under applications 2016/0163/OUT and 2016/1196/REM, which was a material consideration.

The Committee was informed that the West Berkshire Court of Appeal decision was considered to be a material consideration of substantial weight, which outweighed the policy requirement to secure a commuted sum. The Senior Planning Officer recommended, on balance the application be approved, without a contribution for affordable housing.

RESOLVED:

To APPROVE planning permission, subject to the conditions detailed in section 3.0 of the report.

The meeting closed at 3.50 pm.

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 12 April 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), I Reynolds, Mrs E Casling, I Chilvers, J Deans, B Marshall, C Pearson and P Welch.
Apologies:	none.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer (Planning); Thomas Webster, Principal Planning Officer; Louise Milnes, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer; Janine Jenkinson, Democratic Services Officer and Paul Roberts, North Yorkshire County Council, Highways.
Public:	24
Press:	1

63. DISCLOSURES OF INTEREST

There were no disclosures of interest.

64. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reported that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The Chair explained that application 2016/1256/OUTM – Land at Hodgsons Lane, Sherburn in Elmet would be considered as the first item.

65. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

66. MINUTES

The Committee considered the minutes of the Planning Sub-Committee meeting held on 22 February 2017 and the Planning Committee held on 8 March 2017.

RESOLVED:

To approve the minutes of the Planning Sub-Committee meeting held on 22 February 2017 and the Planning Committee held on 8 March 2017, for signature by the Chair.

67. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

67.1 Application: 2016/1256/OUTM

Location: Land at Hodgsons Lane, Sherburn in Elmet

Proposal: Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land to north.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined comments received from Sherburn In Elmet Parish Council and North Yorkshire County Council Highways Officer and set out additional conditions to be attached to any permission approved, in relation to a Construction Environmental Management Plan, hours of construction, piling, contaminated land, footway standards, parking facilities, Permitted Development Rights, and doors, windows, and highways.

Members were informed that the application had been brought before the Planning Committee due to it being a departure from the Development Plan and more than 10 letters of objection being received. In addition, Councillor Buckle had requested the application be heard by Committee for the reasons set out in the report.

The Principal Planning Officer explained that the site was located in an area of open countryside immediately adjacent to the defined development limits of Sherburn and was on an area of land designated as safeguarded land. If approved, the scheme would see the development of safeguarded land that had long been identified as being suitable for much needed housing, including a significant amount of affordable properties, at a time when the council did not have a 5 year land supply. The scheme would also make provision for open space.

The Committee was advised that the site was very well placed for access to shops, restaurants, and entertainment and leisure facilities. Public transport links were many and easily reached. Members were informed that the site was well-placed for redevelopment, was a sustainable and accessible site that had been safeguarded for future development and was close to Sherburn town centre. The Principal Planning Offer recommended that members approve the application.

With regard to highways and access issues that had been raised, the NYCC Highways Officer stated that Pinfold Garth was acceptable in highways terms and would not have a detrimental impact on the highway network. Members were informed that the scheme was in-line with policy and design standards and there were no grounds to recommend refusal of the application based on highway impact.

Emma Woodward, local resident, spoke in objection to the application.

Paul Doherty, Chair of Sherburn In Elmet Parish Council, spoke in objection to the application.

Councillor Mel Hobson, ward member, spoke in objection to the application.

Liam Tate, the applicant's agent, spoke in support of the application.

In response to a query regarding permitted hours of construction, the Principal Planning Officer explained there was an error in the Update Note and the working hours would be set as 0800 to 1800 Monday – Friday and 0900 to 1300 on Saturdays and no construction on Sundays or Bank and Public Holidays.

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

RESOLVED:

To APPROVE the planning application, subject to delegation being given to officers to complete the Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, a contribution of £20,000 towards traffic lights in the village centre, a Travel Plan and a £5,000 monitoring fee, and a waste and recycling contribution and subject to the conditions detailed in section 3.0 of the report, the conditions set out in the Update Note and an amendment to the condition regarding hours of construction, as detailed above.

67.2 Application: 2016/1441/FULM
Location: Euro Auctions Ltd, Roall Lane, Kellington.
Proposal: Extension to Euro Auctions site including development of office building, workshop, auction arena, access arrangements, car parking, hardstanding and associated landscaping.

The Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined comments received from NYCC Highways and additional conditions recommended to be attached to any permission granted, a letter from the agent in response to parish council comments submitted and set out a revised recommendation from the Planning Officer.

Members were advised that the application had been brought before the Planning Committee due to the level of representations received contrary to the officer recommendation.

The Planning Officer reported that the proposed development related to revisions to a previous approval granted in 2012 for the extension to Euro Auctions site and included revised detailed for the scale and position for an office building, workshop, auction arena, access arrangements, car parking, hardstanding and associated landscaping.

Members were informed that the development would be consistent with the aims of both the Core Strategy and the Local Plan, and would allow for improvements to layout and arrangement of the permitted expansion. The Committee was advised that given the established use of the site, the works were considered to be acceptable in principle. Members were advised that the key issue in the determination of the application related to the principle of the development, highway safety conditions, residential amenity, impact on the character and appearance of the locality, floor risk, drainage and climate change.

The Planning Officer stated that it was considered that any harm arising from the development would be outweighed by the benefits of the proposal, when assessed against the policies in the Core Strategy, Local Plan, and the National Planning Policy Framework (NPPF) taken as a whole. Members were advised that having regard to all relevant policies of the Development Plan and other material considerations, the application was considered to be acceptable, subject to the imposition of suitable conditions. The Planning Officer recommended the application be approved.

Melissa Madge, the applicant's agent, spoke in support of the application.

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

RESOLVED:

To APPROVE the planning application, subject to no materially adverse comments from the Environmental Health Officer or drainage consultee being received and the inclusion of any additional conditions recommended by them, and subject to the conditions and reasons detailed in section 3 of the report and the amendments set out in the Update Note.

**67.3 Application: 2016/1343/OUTM
Location: Former Kellingley Colliery
Proposal: Turvers Lane, Kellingley**

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined amendments to the Committee report, including minor changes to Condition 23.

Members were informed that the application had been brought before the Planning Committee due to the proposal representing a departure from the Development Plan. The Principal Planning Officer explained that the proposal was a departure because the site, although in employment use for over 50 years, was not an allocated site and the application was for large scale development that would have an impact on the surrounding environment.

The Principal Planning Officer informed the Committee that the development would support the strategic vision of the council, as set out in the Corporate Plan 2015-2020 and was in-line with the general objectives of the Core Strategy and the NPPF. The application would deliver employment growth, strengthen the local economy and generate significant employment training opportunities (in the construction and operation phases) for local ex miners, unemployed residents of Selby and in the 'five towns' of Wakefield and other people in the locality. The Committee was informed that Kellingley Colliery was not an allocated site in the Core Strategy because, at the time of adoption of the Core Strategy, the colliery was still in use as a coal mine. The Principal Planning Officer explained that the site was a large and important piece of brownfield land with good transport links that would make the site well-placed for a redevelopment.

Members were informed that appropriate redevelopment was vital to the regeneration of the ex-colliery site and the economic growth ambitions of the wider area. The Principal Planning Officer explained that in addition to replacing the 630 jobs that were lost through the closure of the colliery in December 2015, the proposal would over a 10-year period, create up to 2,900 new jobs, improve the drainage system of the site, deliver a significant amount of publically accessible open space, provide a cycle/footpath to the canal, and deliver new local employment training/ opportunities to residents of Selby and nearby towns in Wakefield area.

In conclusion, the Principal Planning Officer stated that the principle of developing the site for 135,500 sqm gross floor space (GIA) of mixed-use employment space was acceptable, as it would transform an underused and derelict site into an important and valuable employment site which would support the council's growth agenda and would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. The Principal Planning Officer recommended the application be approved.

Tim Love and Claire Kent, the agents, spoke in support of the application.

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

RESOLVED:

To APPROVE the planning application, subject to the following:

- I. No objections from Highways England, and any other statutory consultee being received, after the advertisement/re-consultation.**
- II. Following referral of the application to the Secretary of State; his confirmation that it is not to be called in for his consideration.**
- III. The completion of a satisfactory S106 Agreement and conditions.**
- IV. The heads of terms, which form the basis of the S106 Agreement, as set out in section 3 of the report and the amendments set out in the Update Note.**

67.4 Application: 2017/0113/FUL
Location: Ings View Farm, Main Street, Thorganby
Proposal: Conversion of single dwelling into two separate dwellings by way of a new party wall construction, construction of a new garage, new gate and wall to driveway, replacement of existing window with new double door.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined objections received from the Parish Council, comments from Ouse and Derwent Internal Drainage Board and an additional letter of objection from a member of the public.

The Principal Planning Officer reported that the application had been brought to Planning Committee in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case. Members were advised that prior to the judgement the council was able to seek a contribution for

Affordable Housing under Policy SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) for development under 10 units. However, following the recent court judgement the proposal was contrary to the provisions of the Development Plan, but it was considered there were material considerations which would justify approving the application. In addition, more than 10 letters of representation had been received, which raised material planning considerations and officers would otherwise determine the application contrary to these representations.

The Committee was informed that the principle of the proposed development was considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy given that the proposal was for the conversion of an existing building located within the defined development limits of Thorganby, which was a Secondary Village as identified in the Core Strategy. However, these policies were considered to be out of date in so far as they related to housing supply as the council acknowledges that it did not have a 5 year housing land supply. As such the proposal for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. The Principal Planning Officer stated 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 weighed in favour of the proposal.

Members were informed that having assessed the proposal against the relevant policies, it was considered that the application was acceptable in respect of its impact on heritage assets, 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 and nature conservation and protected species.

RESOLVED:

To APPROVE the planning application, subject to the conditions detailed in paragraph 2.14 of the report.

Note – Councillor I Reynolds left the Chamber at this point in the meeting and did not return.

67.5 Application: PREAPP/2017/0118

Location: Rigid Paper Mill, Dennison Road, Selby

Proposal: Outline scheme for residential, retail, marina

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note.

The Principal Planning Officer explained that the pre-application presentation related to the re-development of the former Rigid Paper Mill site, which had been granted outline consent on 4 July 2014, with all matters reserved for mixed use development incorporating residential, retail, leisure and marina.

Since the approval was granted in 2014, the landowner had made sustained efforts to secure a developer to take forward the consented scheme. Members were informed that the efforts had failed and it had become evident that the approved scheme was undeliverable due to the scheme's viability. The Principal Planning Officer explained that the site was one of the District's largest 'stalled' sites and should be considered within the context of the wider work being undertaken to improve the Town Centre and Selby Railway Station, due to its close proximity. Members were informed that the landowner was seeking to bring forward a revised outline scheme in June 2017.

The Committee was provided with a presentation from Richard Coward, Managing Director of Rigid Containers and David Rudlin, Architect from Urbed.

Councillors were invited to ask questions and provide views regarding the proposed development.

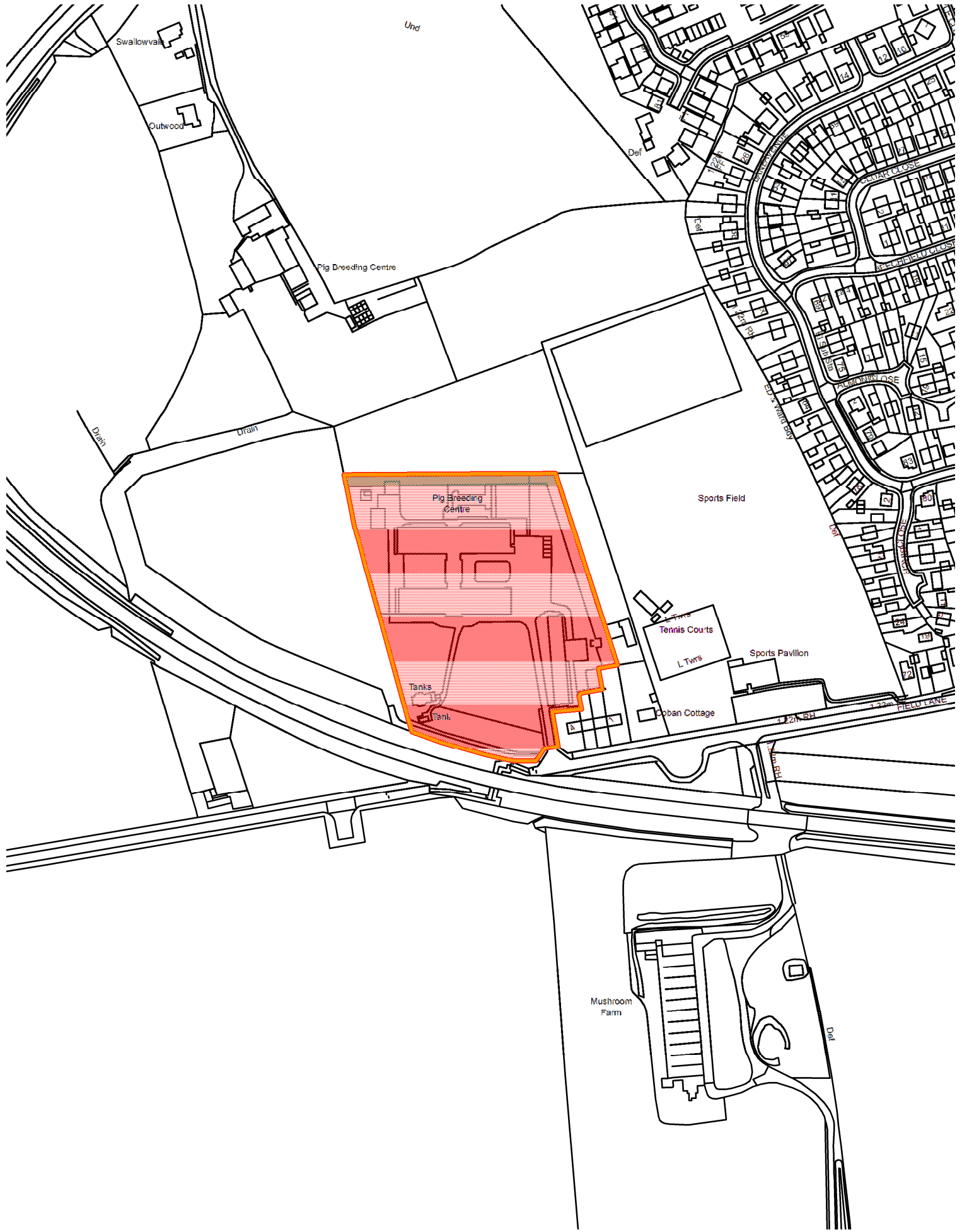
Members discussed the following:

- The number of car parking spaces per dwelling.
- Proposed access arrangements and highway layout.
- Works to be carried out to the existing pond that was in a poor state of repair.
- Facilities and shopping provision on site.
- Land contamination on site and remedial works that would be carried out.
- The percentage of affordable housing provision.
- The provision of a pedestrian footway across the Canal.
- Members supported the proposed pre-application consultation being undertaken and specific briefings with ward members and Selby Town Council and the Civic Society.

The meeting closed at 4.25 pm.

Items for Planning Committee
10 May 2017

Ref	Site Address	Description	Officer	Page
2016/0481/MLA	Field Lane Thorpe Willoughby	Application to modify a section 106 planning obligation under section 106BA following approval of 2013/1041/OUT for outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site.	YVNA	29-34
2016/1514/OUT	Land north of York Road, North Duffield	Outline application for planning permission for residential development (all matters reserved)	DIWI	35-50
2016/1081/COU	Land off Pasture Way, Wistow	Proposed change of use of land from reserved sports field to a village cemetery	DIWI	51-70
2016/1424/COU	Tythe House, Rawfield Lane, Fairburn	Proposed change of use from C3 dwelling to C2 residential care home	KETH	71-81
2016/1314/FUL	Turnhead Farm York Road Barlby	Proposed residential development (partial re-plan of approval 2013/0478/FUL, associated infrastructure, play areas and incidental open space	JILO	82-110
2016/1345/OUT	Land at Field Lane Thorpe Willoughby	Outline application for residential development including access (all other matters reserved).	JILO	111-145
2017/0118/FUL	Low Farm, Low Farm Road, Bolton Percy	Erection of a four bedroom dwelling and garage.	FIEL	146-166



APPLICATION SITE

Item No: 2016/0481/MLA

Address: N S D S Centre, Field Lane, Thorpe Willoughby

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Report Reference Number: 2016/0481/MLA

Agenda Item No: 6.1

To: Planning Committee
Date: 10th May 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/0481/MLA	PARISH:	Thorpe Willoughby Parish Council
APPLICANT:	Linden Homes	VALID DATE:	27 th April 2016
		EXPIRY DATE:	25 th May 2016 (Agreed Extension of Time to 12 th May 2017)
PROPOSAL:	Application to modify a section 106 planning obligation under section 106BA following approval of 2013/1041/OUT for outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site		
LOCATION:	N S D S Centre, Field Lane, Thorpe Willoughby		

This matter has been brought to Planning Committee for consideration due to the applicant seeking a lower affordable housing contribution than which was secured via an Appeal Decision on the original outline consent planning reference: 2013/1041/OUT which was a 40% on-site affordable housing contribution.

Summary:

Under Section 106BA of the Planning Act 1990 developers may seek to modify their obligations that may have been agreed with local planning authorities. In this case the applicant has sought to modify the agreement so that they can provide less affordable housing on site. Such cases should be determined on the basis of what amount of affordable housing can be accommodated without making the scheme unviable. The evidence used is therefore financial in nature and the Council normally seeks the input from the District Valuer to provide specialist advice. The application sought to initially reduce the on-site 40% affordable housing contribution to 4%. However, the applicant has now offered a contribution of 22% on-site affordable housing in light of negotiations with the Council which accords with the position supported by the District Valuer.

Recommendation:

The application is recommended to be **APPROVED** subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing contribution to 22% and make an associated variation to the S106 to remove any reference to unit numbers (Page 4 - Definition of Development) given the consent is an Outline Permission. This variation shall be time limited for a period of 3 years from the date of the decision.

1.0 Introduction and Background

2.0 Planning History

2.1 Planning permission reference number 2013/1041/OUT was granted via an Appeal under Reference APP/N2739/A/14/2216522 issued on the 6th February 2015 for the following:

“Outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site”

This application was secured by Agents on behalf of the landowners and was not supported by a developer.

2.2 A S106 was signed by the Landowners / Applicants on the 1st October 2014 securing the delivery of

- Affordable Housing On Site at 40% of Units arising from the development
- Education Contribution
- Provision of On Site Recreational Open Space
- Waste and Recycling Contribution

2.3 To date no reserved matters application has come forward for the site from the .

3.0 Assessment

The following section outlines the

- Scope of Submissions and Consideration under S106BA
- Summary of Appellants Case on Submission under S106BA
- Advice from District Valuer to Local Planning Authority
- Officer Conclusion

3.1 Scope of Submissions and Consideration under S106BA

3.1.1 The Growth and Infrastructure Act inserted Sections 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure.

3.1.2 In April 2013 the Department of Communities and Local Government (DCLG) issued a Guidance Document entitled “Section 106 affordable housing requirements”, and sets the context for the associated legalisation. It notes that

“The Government encourages a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.

Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case”.

- 3.1.3 It is also stated in the Guidance that “The new application and appeal procedures do not, in any way, replace existing powers to renegotiate Section 106 agreements on a voluntary basis. The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.”
- 3.1.4 The ability to make submissions under the above noted sections was subject to subject to a ‘sunset clause’ killing off the changes after 30 April 2016 unless otherwise extended.
- 3.1.5 On the 11th April 2016 DCLG confirmed that any application or appeal underway as of the 30th April 2016 under section 106BA should still be considered by the Local Planning Authority or Planning Inspectorate. This application was made on the 27th April 2016 so was within this timescale.

3.2 Summary of Appellants Case on Submission under S106BA

- 3.2.1 Under the submissions made by the Applicants, under application 2016/0481/MLA, the Applicants have provided an updated Viability Assessment that they state shows a case for the scheme to provide a 4% contribution for affordable housing, which they considered to be viable alongside the other contributions noted in the signed S106 Agreement, based on an expected development of 80 units on the site.

3.3 Advice from District Valuer to Local Planning Authority

- 3.3.1 Following submission of the updated Viability Appraisal to the Authority in April 2016 the District Valuer was instructed to review the updated submission and to advise the Council.
- 3.3.2 Advice received on the 16th May 2016 from the District Valuer set out a series of key differences between the parties in terms of revenue, acquisition costs / land value, construction costs and professional fees, and finance and ultimately concluded that noted that the scheme could :

“Using my suggested current day land value, my residual development appraisal shows that the project makes a market related profit of 18.97% on gross development value, whilst at the same time delivering 32 affordable homes, 40% of the total number of scheme dwellings and the full section 106 contributions.”

- 3.3.3 Following a meeting of all parties on the 8th June 2016 the applicant submitted on the 25th August 2016 a rebuttal to the District Valuer’s (DV) initial comments which further sort to address the comments of the DVS but retained the offer at 4% with only 77 units being shown as part of the viability.
- 3.3.4 On the 13th September 2016 the District Valuer provided further feedback on the revised appraisal and scheme and raised a series of issues with the updated appraisal relating to market values of the units, land value, build cost, and professional fees. However, it was noted at this stage that it was now considered that the scheme could deliver 23 units or 29.87% of the total proposed development.
- 3.3.5 Further discussions were then undertaken with the Applicants and the Developers with a further meeting being held on the 15th November 2016, to review the differences between the parties. At this meeting the applicants agreed to provide further details on the:
- Breakdown of drainage costs.
 - Breakdown of construction costs.
 - A breakdown that shows how their original finance figure was an error.
 - A breakdown of house prices for 2, 3 and 4 bed properties, not a generic figure for all 77 units.
- 3.3.6 Although initial information on the drainage costs was received on the 21st November 2016, the remainder of the information was not provided by the Applicants till the 7th March 2017.
- 3.3.7 The submissions of the 7th March 2017 alongside those of the 21st November 2016 were then assessed again by the District Valuer. Again, they advised, on the 4th April 2017, after consideration of all costings by their surveyors it was concluded that the scheme could provide 17 affordable houses which is equivalent to a 22.08% affordable housing contribution with a 20% profit level applied for both the private and affordable units.
- 3.3.8 The applicants were advised on this position on the 4th April 2017 confirmed that they would agree to provide 22% of the units as affordable via Deed of Variation to the S106.
- 3.3.9 Members should note that the Deed of Variation will also need to ensure that any references to the quantum of development will need to be removed given that the original consent was not unit number restricted and such references at Page 4 – Definition of Development which should not have been stated as such.

4.0 Conclusion

- 4.1 Given the above, Officers therefore consider that given the support of the DVS and with the utilising of 20% developer Profit on both the private units and the Affordable units a agreeing a contribution of 22% on-site affordable housing is appropriate and would ensure that the development is delivered. The proposal would still ensure that 17 affordable housing units are delivered on site. Officers consider that this approach is in accordance with relevant local and national policy and guidance.

5.0 Recommendation

- 5.1 **The application is recommended to be APPROVED and subject to delegation being given to Officers to complete the Deed of Variation to the original Section 106 agreement to reduce the on-site affordable housing to 22% and the change to the “Description of Development” at Page 4. This variation shall be time limited for a period of 3 years from the date of the decision.**

6.1 Legal Issues

6.1.1 Planning Acts

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

6.1.2 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.

6.1.3 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.

7.1 Financial Issues

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

8. Conclusion

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

9. Background Documents

- 5.1 Planning Application file reference 2015/0481/MLA and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None



APPLICATION SITE

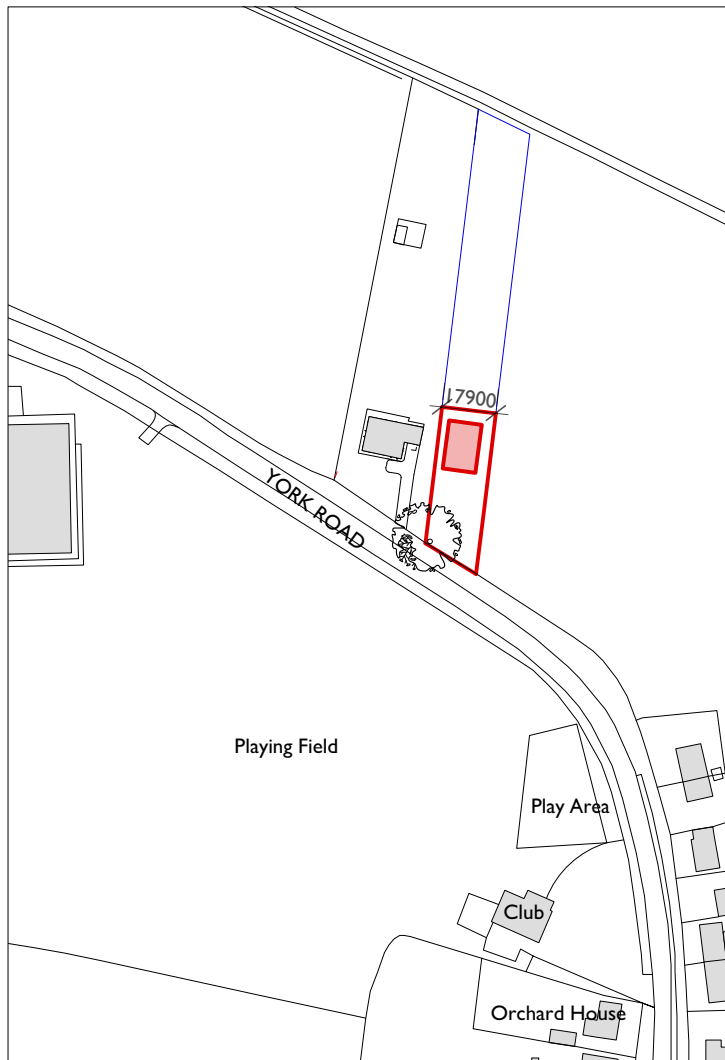
Item No: 2016/1514/OUT

Address: York Road, North Duffield

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 DRAWING**



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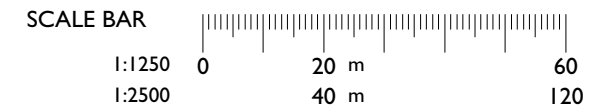


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CLIENT
 Jennifer Hubbard

JOB
 North Duffield



JOB NO.

DRAWING
 Indicative Site Layout

DRG NO. SCALE
 FF/20/1A 1:2500 @ A4



DRAWN APPROVED DATE
 EAS CW 03/04/17

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I SITE PLAN
 FF/20/1A Scale: 1:2500



Report Reference Number: 2016/1514/OUT

Agenda Item No: 6.2

To: Planning Committee
Date: 10th May 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Jonathan Carr Interim (Lead Officer – Planning)

APPLICATION NUMBER:	2016/1514/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	Mr Alexander John Strachan	VALID DATE: EXPIRY DATE:	4th January 2017 1st March 2017
PROPOSAL:	Outline application for erection of 1 No dwelling (all matters reserved)		
LOCATION:	Land North Of York Road North Duffield Selby North Yorkshire		

This application has been brought before Planning Committee due the proposals being contrary to the requirements of the Development Plan.

Summary:

The application proposes outline consent planning permission for the 1no. dwelling. The site is located in an area of open countryside approximately 75m north from the defined Development Limits of North Duffield. Whilst it is noted that the proposed scheme fails to comply with Policy SP2A(c) of the Core Strategy, this policy is out of date in so far as it relates to housing supply due to the fact that the Council do 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.

The proposal is considered to be acceptable in principle in respect of matters of acknowledged importance such as climate change, flood risk, drainage, impact on residential amenity, impact on the character of the local area, highway safety, contaminated land and protected species.

It is therefore 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, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions.

Recommendation

This planning application is recommended to be APPROVED subject to the following conditions detailed in paragraph 3.0 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 North Duffield approximately 75m north of the northern boundary of the settlement.
- 1.1.2 There is a mixture of two storey and single storey residential properties located to the south of the site along York Road.
- 1.1.3 The land surrounding the site is in agricultural use.
- 1.1.4 There are a number of small trees located along the front, side and rear boundaries.
- 1.1.5 The site is situated within Flood Zone 1 which is at low probability of flooding.

1.2. The Proposal

- 1.2.1 The application is an outline consent for the erection of 1no. dwelling.
- 1.2.2 The location plan identifies an indicative layout, for one dwelling.
- 1.2.3 The proposed access would be taken from an access point in the southern corner of the site and would lead to a driveway.

1.3 Planning History

- 1.3.1 An application referenced CO/2004/0310 for the erection of a garden shed/potting shed was Granted on 7 May 2004 on the neighbouring site.
- 1.3.2 An application referenced 2015/0193/FUL for the erection of a dwelling for the purposes for a disabled bungalow was granted 9th May 2015.

1.4 Consultations

- 1.4.1 Parish Council
Object to the application given it is outside development limits.
- 1.4.2 NYCC Highways
In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters.

The required visibility splay is 2 metres by 75 metres. It is noted that this is below the recommended visibility splays for a 60 mph road. However given that the site is located just outside of the 30 mph speed limit and drivers navigate the bend in the road. There has been a number of speed checks to ascertain the mean speed in the vicinity of the site. The mean speed associated with the eastern splay 33 mph. Therefore the visibility splay distance could be reduced to 59 metres. With this in mind a reduction in the splay to the east to 75 metres is considered acceptable.

Consequently the Local Highway Authority recommends that conditions are attached to any permission granted.

1.4.3 Contaminated Land Consultants

Having reviewed the Screening Assessment Form for the above site, as well as a brief review of readily available online information, WPA recommend that Selby District Council's standard contaminated land condition CL5 should be applied. This is to ensure that a watching brief is carried out during development, whereby in the event of the discovery of evidence of contamination, works should be halted to allow for further investigation. This is a precautionary measure due to the agricultural use of the site and records of a landfill within 300m of the site.

1.4.4 Ouse Area Internal Drainage Board

The application form indicates that discharge to watercourse may be used. In order to reduce the risk of flooding the Board would recommend that the applicant be asked to demonstrate that there is already an existing connection to the relevant watercourse. Where an existing connection is proven the Broad would seek that run off from the site should be constrained and that the discharge from the development is attenuated to 70% of the pre development rate (based on 140/1s/ha for proved connected impermeable areas and 1.41/s/ha for Green field areas) With storage calculations to accommodate a 1:30 year storm with no surface flooding along the internal flooding of buildings surface run off from the site a 1:100 year storm event an allowance of 20% for climate change should be included in all calculations.

The Board has no objections to the development in principal but recommends that any approval granted to the proposed development should include a condition.

1.4.5 Yorkshire Water

No response at the time of compilation of this report.

1.5 **Publicity**

- 1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 2 letters of support being received.

Report

- 1.1 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
SP4	Management of Residential Development in Settlements
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 (PPG)

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 and Guidance

Affordable Housing Supplementary Planning Document
North Duffield Village Design Statement

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) Impact on the Character and Form of the Locality
 - b) Flood Risk, Drainage, Climate Change and Energy Efficiency
 - c) Impact on Highways
 - d) Residential Amenity
 - e) Impact on Nature Conservation and Protected Species
 - f) Affordable Housing
 - g) Land Contamination
- 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.

2.6 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 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.

2.6.3 The application site is located outside the defined development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

2.6.4 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."

- 2.6.5 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.
- 2.6.6 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.
- 2.6.7 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”. 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.
- 2.6.8 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.”
- 2.6.9 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.

Sustainability of development

2.6.10 In respect of sustainability, the site is adjacent to the development limits of the village of North Duffield 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 public house, a village hall, a part time doctor's surgery, a general store including Post Office, a Primary School, sport and recreation facilities which include children's equipped play area, playing fields with a pavilion, bowls club, cricket and junior football clubs. The nearest secondary school is Barlby High which is 3.5 miles away and direct bus services are provided by the high school. The village has a limited public bus service. One bus runs between Hemingbrough and Selby but this has only 1- 2 daily services towards Selby. One bus runs between York and Market Weighton with 8-10 services on weekdays. The service has been recently cancelled on Sundays.

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.

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

2.6.12 These considerations weigh in favour of the proposal.

2.6.13 Paragraph 55 of the NPPF states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. Whether a proposed site is in an isolated location is a matter of fact and degree. It does not therefore follow that all because a dwelling would be outside the defined development limit of a village that it would be isolated. One has to take into account a variety of factors including distance to the village services, the variety of services that are in easy walking distance and the nature of pedestrian accesses. In this respect having taken all these factors into account it is considered that the proposed development would not result in an isolated new home in the countryside.

2.6.14 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 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.

2.9 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 Policies ENV1 (1), (4) of the Local Plan and Policies SP4 and SP19 of the Core Strategy.

2.9.2 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. Paragraph 64 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

2.9.3 The application is an outline application for 1no. dwelling. The existing properties to the south of the site along York Road vary in terms of their size, scale and design with a mixture of two storey and single storey dwellings. The dwellings tend to be set back from the road and contain small garden areas and driveways to the front/side and small garden areas to the rear. The dwellings are predominantly constructed from red brick with pantile roofs.

2.9.4 Planning permission was given for a detached bungalow reference 2015/0193/FUL on land adjacent to the application site area. This property is set back from the road with a small garden area to the front.

2.9.5 The curtilage of the site reflects the location of the neighbouring property so that the amount of amenity space to the rear of the property is more in keeping with that of other properties along York Road. Following communication with the agent it has been confirmed that the proposed dwelling would be single storey or 1 ½ storey in height and would be of a similar size and scale to other bungalows in the area with a similar layout and orientation. Proposed materials have not been specified at this stage however these can be conditioned.

2.9.6 In taking into account the impact on the landscape character of the locality although the site is outside of the development limits it is located close to the edge of the settlement and immediately adjacent to a development plot to the northwest. It is not considered therefore that the development of the site would be significantly detrimental either on the character of the area or the wider landscape character. Having had regard to the nature of the site which is currently flat open fields with very few features to note and in an area which is not considered to be a sensitive landscape on balance, it is not considered that the proposals would be harmful to the character and form of the locality.

- 2.9.7 In terms of landscaping and boundary treatments, there has been no information in respect of this. The agent has acknowledged that the tree on the site would remain. Following a site visit it is noted that there is a hedgerow which runs along some of the highway and the perimeter of the site. However, landscaping would be for future consideration at Reserved Matters stage.
- 2.9.9 Having had regard to all of the above elements it is considered that the proposals would result in an appropriate design and impact on the character of the area in accordance with Policy ENV 1 (1) and (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.
- 2.9.10 The proposal would therefore be in accordance with Policy ENV1 (4), of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the NPPF.

2.10 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.10.1 Policies SP15, SP16 and SP19 of the Core Strategy and paragraphs 94 and 95 of the NPPF require proposals to take account climate change and energy efficiency within the design.
- 2.10.2 The application site is located in Flood Zone 1 (low probability of flooding). The application form states that foul sewage would be disposed of via a package treatment plant with surface water disposed of via soakaways. The Internal Drainage Board (IDB) has raised no objections to the proposals subject to conditions attached to any permission granted.
- 2.10.3 Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.11 Impact on Highways

- 2.11.1 Policies ENV1 (2) and T1 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. 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. Paragraph 39 of the NPPF is also of relevance.
- 2.11.2 The application is for outline consent and an indicative access has been proposed from the southern corner of the site from York Road. NYCC Highways have assessed the application with respect to the impacts on the highway and have confirmed that the proposals are acceptable and should not give rise to highway safety issues subject to conditions.
- 2.11.3 It is therefore considered that the scheme would be acceptable and in accordance with Policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

2.12 Residential Amenity

2.12.1 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 and Paragraph 200 of the NPPF.

2.12.2 This application is for outline consent for a dwelling, there is a residential property which bounds the application site area. In terms of residential amenity it is considered that this would be considered at a Reserved Matters stage. Therefore it is considered that this proposal is in accordance with Policy ENV1 (1) of the Local Plan and the NPPF.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

2.13.2 It is noted that the site is not a protected site for nature conservation nor is it known to support any protected species, or any species or habitat of conservation importance. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore would not be contrary Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.14 Affordable Housing

2.14.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.

2.14.2 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.

2.14.3 In the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case the Council is no longer able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD. The proposal is contrary to the provisions of the Development Plan but there are material considerations – the High Court decision on the West Berkshire case - which would justify approving the application without the need to secure an affordable housing contribution. The application has to be determined at committee in accordance with the scheme of delegation.

2.15 Land Contamination

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

2.15.2 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. The report has been assessed by the Council's Contamination Consultant who has raised no objections subject to conditions to ensure that a watching brief is carried out during development, whereby in the event of the discovery of evidence of contamination, works should be halted to allow for further investigation. This is a precautionary measure due to the agricultural use of the site and records of a landfill within 300m of the site.

2.15.3 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.16 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.

2.16.1 As noted above it is considered that the proposal is within a sustainable location, in assessing the proposal, the development would bring economic, social and environmental benefits to North Duffield. There would be some impact to the character of the village as the proposal is outside of the development limit, would not a significant impact in terms of on the amenity of neighbouring residential properties or the character of the area. It is considered that there are no other 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.

3.3 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.

2.17 Conclusion

2.17.1 The application proposes outline consent planning permission for the 1no. dwelling. The site is located in an area of open countryside approximately 75m north from the defined development limits of North Duffield. Whilst it is noted that the proposed scheme fails to comply with Policy SP2A(c) of the Core Strategy, this policy is out of date in so far as it relates to housing supply due to the fact that the Council do not have a 5 year housing land supply.

2.17.2 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.

2.17.3 The proposal is considered to be acceptable in principle in respect of matters of acknowledged importance such as climate change, flood risk, drainage, impact on

residential amenity, impact on the character of the local area, highway safety, contaminated land and protected species.

2.17.4 It is therefore 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, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions.

3.0 Recommendation

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

01. Approval of the details of the (a) appearance, b) landscaping, c) layout, d) scale and e) access of the site (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. Should any of the proposed foundations be piled then no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Local Plan

04. 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.

05. Before the development hereby approved is commenced a scheme for the discharge of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be brought into use until the scheme for the discharge of foul or surface water has been implemented. The implemented scheme shall be retained for the lifetime of the development.

Reason:

In the interest of satisfactory and sustainable drainage.

06. Before the development hereby approved is commenced a scheme to demonstrate the suitability of new soakaways, as a means of surface water disposal, in accordance with BRE Digest 365 shall be submitted and approved in writing by 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).

Reason:

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

07. 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

08. The site is for a maximum of one dwelling on the site and this should be sited to front the road in a similar position as shown on the indicative plan.

Reason:

In the interests of the character and form of the area and to comply with Policy ENV1

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

(To be inserted with the decision notice)

Reason:
For the avoidance of doubt.

4.1 Legal Issues

4.1.1 Planning Acts

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

4.1.2 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.

4.1.3 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.

5.1 Financial Issues

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

6. Conclusion

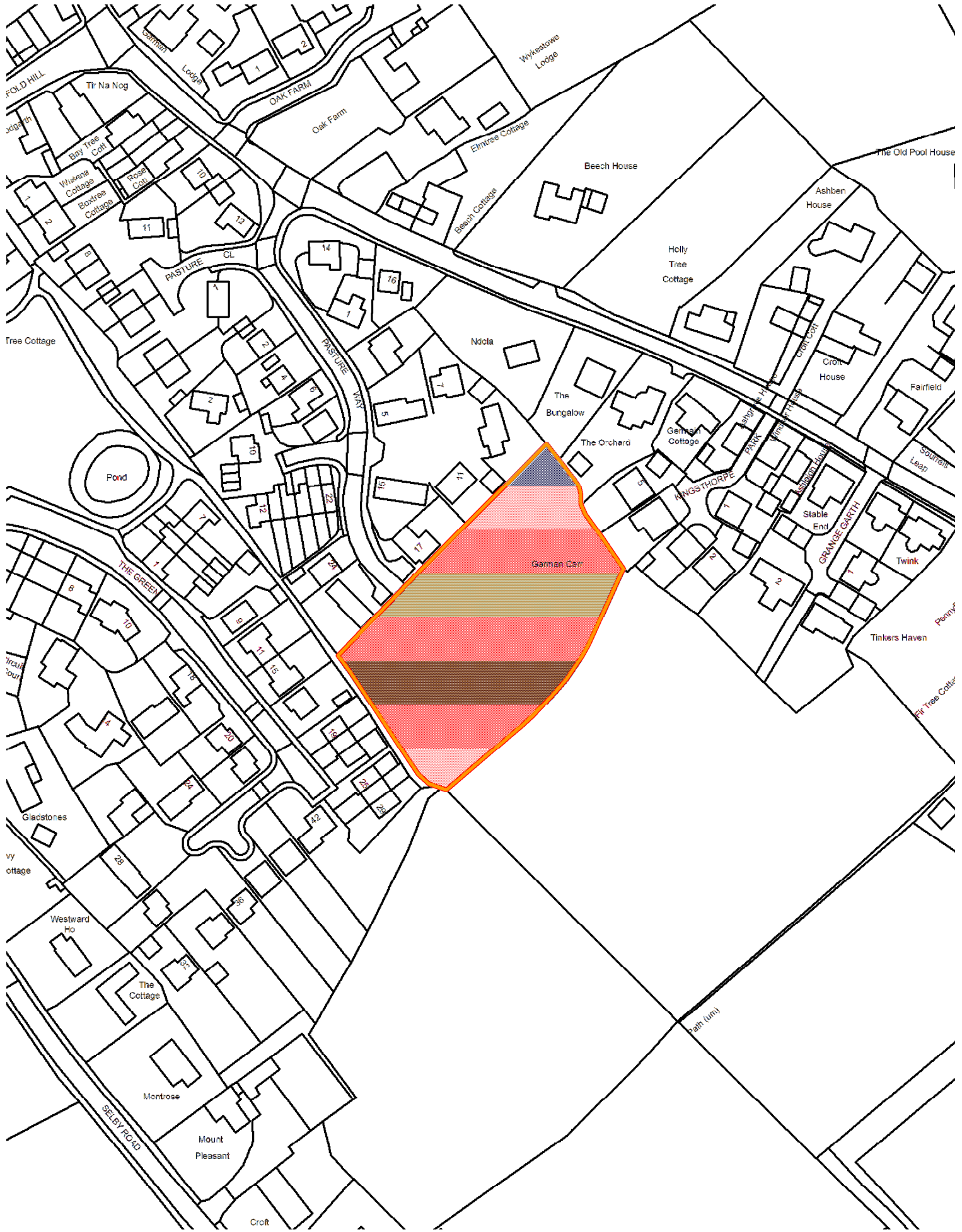
7.1 As stated in the main body of the report.

7. Background Documents

7.1 Planning Application file reference 2016/1514/OUT and associated documents.

Contact Officer: Mrs Diane Wilson (Planning Officer)

Appendices: None



APPLICATION SITE

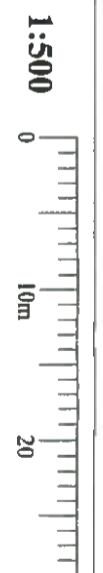
Item No: 2016/1081/COU
Address: Pasture Way, Wistow

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Siteplan

1:500



BUSINESS SUPPORT
30 SEP 2016
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BRIAN SCOTT DESIGNS LLP Blacksmiths Cottage, Station Rd, Mistow, Selby, North Yorkshire YO8 5UZ Tel: (01757) 268054 email: info@brianscottedesigns.com	
Client	Mistow Parish Council c/o agent
Project	Proposed new Cemetery off Pasture Way, Mistow
Drawing	PLANNING Proposed Siteplan
Date	Aug. 2016
Scale	AS SHOWN
Drawing No.	17693
Sheet size	A3



Report Reference Number: 2016/1081/COU

Agenda Item No: 6.3

To: Planning Committee
Date: 10th May 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/1081/COU	PARISH:	Wistow Parish Council
APPLICANT:	Wistow Parish Council	VALID DATE:	30th September 2016
		EXPIRY DATE:	25th November 2016
PROPOSAL:	Proposed change of use of land from reserved sports field to a village cemetery		
LOCATION:	Land Off Pasture Way Pasture Way Wistow		

This application has been brought before Planning Committee as there more are than 11 representations contrary to the officer recommendation

Summary:

The application proposes the change of use of a playing field for education purposes to a cemetery within Wistow Parish which is located within the defined development limits of Wistow.

The location of the development within the defined development limits of a Secondary Village.

The principle of the proposed development is considered to be acceptable having regard to SP1 of the Core Strategy Local Plan. In addition proposals for the change of use on this site should be considered in the context of the presumption in favour of sustainable development and paragraph 74 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.

There have been eleven letters of objection in regards to increase in traffic, litter, environmental changes, noise, odour, anti-social behaviour, residential amenity.

Having assessed the proposals against the relevant policies, and taken into account the comments and objections from the relevant consultees and members of the public; it is considered that the proposed change of use is considered to be acceptable with all 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. As such the scheme is recommended for approval subject to a series of conditions.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.15 of the Report.

1. The Site

- 1.1.1 The application site is located within the defined development limits of Wistow and is situated at the end of a cul-de-sac off Pasture Way
- 1.1.2 The site is a playing field owned by North Yorkshire County Council (NYCC) Education. The access arrangements are in the form of a gate at the end of the cul-de-sac. Therefore the land is not considered as 'Recreational Open Space' nor has it been designated within the Selby District Local Plan as open space.
- 1.1.3 The site is located within flood zone 2/3, and lies south east of the village, off Garmancarr Lane via a cul-de-sac known as Pasture Way.
- 1.1.4 Opposite the site lies a parcel of land outside the development limits to the south, with residential properties bounding the application site area to the north, east and west.
- 1.1.5 Hedge rows bound the site and provide some screening to the surrounding residential properties.
- 1.1.6 The site is accessed from Pasture Way off Garmancarr Lane, with the entrance via a wooden gate into the playing field.

1.2 The Proposal

- 1.2.1 The application is for the change of use of land from reserved sports field to a village cemetery. The site area is approximately 0.54 hectares.
- 1.2.2 The site would be accessed from Pasture Way off Garmancarr Lane via a vehicle access to the car park which would include 12 car parking spaces.
- 1.2.3 The "Proposed Site Plan", shows burial plots and an area for ashes to be scattered.
- 1.2.4 The existing hedges are shown as cut back but retained on the submitted "Proposed Site Plan".

1.3 Planning History

1.3.1 The site has been subject of the following historical applications which are considered to be relevant to the determination of this application.

- Application CO/1990/0847 for the approval of reserved matters for the erection of six number terraced houses, one number three-bedroomed detached house, one number four- bedroomed detached house and relocation was approved on the 01.06.1990.
- Application CO/1989/1002 Approval of reserved matters for the erection of eight number detached dwellings with garages on Plots 7-14, Part OS Field 4351 was permitted on the 12.06.1990
- Application CO/1996/0715 for the proposed use of land as a playing field abandoned in 1981 was permitted on the 12.12.1996.
- Application CO/1988/1018 for the approval of reserved matters for the erection of six dwellings with associated works on Plots 7-14, Part OS Field 4351 was permitted on the 12.12.1996.
- Application CO/1991/0021 for the renewal of outline planning permission (C8/36/114A/PA) for residential development on 0.67 ha of approved 11.09.1991

1.4 Consultations

1.4.1 NYCC Highways

It is considered that public roads linking the site are adequate and unrestricted, the site has on-site parking and turning therefore there is no reason to recommend refusal which is quantifiable so therefore there are no highway objections.

1.4.2 Sport England - Yorkshire

The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which Sport England would wish to comment, therefore Sport England has not provided a detailed response.

1.4.3 Education Directorate North Yorkshire County Council

The Local Education Authority is supportive of the application and understands the challenges faced by the school in making use of that field without having any on site facilities. An alternative use by the Parish Council which would lead to an offer of formal use of their recreation area by the County Council would be beneficial in terms of providing better facilities for the pupils of the school. Should permission be granted a disposal of the site to the Parish Council would have to be agreed by the Secretary of State in line with Section 77 of the Schools Standards and Framework Act 1998, and would be subject to satisfactory terms being agreed for the County Council's use of the recreation area during school hours.

1.4.4 Environment Agency

There is no objection to the proposal as submitted, subject to conditions.

1.4.5 Yorkshire Water Services Ltd

No comments received during the statutory consultation period given.

1.4.6 Environmental Health

No objections for the development.

1.4.7 Selby Area Internal Drainage Board

The application should not increase the impermeable area to the site therefore the IDB has no comments to make.

1.4.8 Selby District Council Development Policy

No objection.

1.4.9 Yorkshire Wildlife Trust

No objection subject to condition to seek enhancement of the ecological habitat of the site given the proposed use.

1.4.10 Fields In Trust

No comments received during the statutory consultation period given.

1.4.11 Public Rights Of Way Officer

No objection subject to condition and informative.

1.5 Publicity

- 1.5.1 The application was advertised by site notice, and neighbour notification letter at the time of writing the report there have been 11 letters of objection and a petition objecting to the proposed change of use. In summary the following points have been raised:

Principle of Development / Loss of Open Space

- The site has been used as a play area for local children for well over a decade. It would appear that no consideration has been made to provide any alternative area for children at the southern end of the village.
- This land has enjoyed public access for the last 20 years, with no restriction placed on it by Wistow Primary School or the Parish Council.
- The field has been used by children and adults for informal recreational use. It is a safe place for children to play that live on Garmancarr Lane and Village Green side of Wistow. Developing this land as a cemetery would lead to a loss of this recreational use.
- The removal of open space would result in the village green being used by children with its ensuring dangers of close proximity to the main road and the pond.
- The removal of the open space contradicts the Planning Practice guidance on promoting healthy communities.
- The Parish Council have now stated publicly that it has always been intended that other parishes would use the proposed facility. This is a significant change to what has been proposed.

- The playing field should be used for its intended purpose.

Highways, Parking and Public Rights of Way

- The Environmental Risk Assessment is misleading and does not take account of increased traffic and access for residents during the burial or interment of cremated remains.
- Parking on Pasture Way is already overcrowded with most households having more than one vehicle.
- The presence of increased traffic will only heighten potential risk of accidents to the residents' children on the street.
- No provision has been submitted for both vehicle and pedestrian access to the proposed site from the existing public highway
- As part of the 'Definitive Rights of Way' programme the footpath from the village green has been opened up to the rear of this plot of land.
- Pasture Way is home to nearly 30 dwellings plus a private development within. It is not always guaranteed that a funeral procession would be able to gain access to the site whilst the residents live their daily lives.
- It is not acceptable that current or future residents should have to compromise their parking arrangements to suit cemetery related traffic.
- The car park of 10 spaces is totally inadequate for a funeral. Pasture Way would become a sea of cars and residents would be inconvenienced.
- With reference to the highway comments regarding the utilisation of the cemetery. This raises questions in terms of how this can be quantified.

Ecology and Protected Species

- The Ecological report states there is no presence of Great Crested Newts, and it is the wrong time of year to make this assessment.
- It is of some concern that the author of the Ecological Report is the Parish Council. Therefore this constitutes a possible conflict of interest in favour of the report.

Residential Amenity

- The presence of funeral cortege and associated traffic would potentially have a negative impact on the whole of Pasture Way.
- The development would cause immediate vicinity loss of privacy and increased noise, and air pollution, and would have a negative impact on the whole of Pasture Way.

Drainage and Flood Risk

- The proposed site is within Flood Zone 2. The Environment Agency considers that the proposed site may flood.
- During prolonged periods of heavy rain the site has been observed to retain a considerable amount of standing water.
- A sequential test should be applied to the change of use to a cemetery as the consequence of a flooded cemetery could be catastrophic.

Other Matters

- No provision has been made for waste and storage collection.
- There is nowhere on the plans for access for a fire hydrant location of emergency services. The application does not confirm that Fire Service have been consulted in regard to this application. The position of the fire hydrant is right outside Pasture Way.
- The only houses which were consulted only bound the field the majority of these are bounded by trees.
- The premium rural outlook is now being jeopardised by the proposed planning application.
- Would have a negative impact on house prices for the whole of Pasture Way.
- With regard to floral tributes no water provision has been made
- There has been no assessment for the risk of disease infection that may seep from the cadavers. It is unacceptable that the application documentation neglects to outline disease mitigation provision.
- The site was originally obtained via a compulsory purchase order. It is reasonable to assume that the use of the site may be restricted by one or more covenants.
- The Parish Council are wished luck in finding a site, it is suggested that a portion of the old mine site which is outside the flood zone and has adequate road access, parking facilities and ample space for future proof expansion.
- Please can the psychological effects of turning the field into a cemetery being within 10 metres of bedrooms.

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
- SP15 - Sustainable Development and Climate Change
- 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 Land Contamination
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- RT1 - Protection of Existing Recreation Open Space and Allotments

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

The National Planning Policy Framework 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".

Planning Practice Guidance provides guidance on wide variety of planning issues. The following report is made in light of the guidance and the NPPF.

2.5 Key Issues

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

1. The Principle of the Development Loss of a Playing Field
2. Design and Impact on the Character and Appearance of the Area
3. Impact on Residential Amenity
4. Impact on Highway Safety and Public Rights of Way
5. Flood Risk and Drainage
6. Nature Conservation and Protected Species
7. Contamination of land
8. Other Matters

2.6 The Principle of the Development and Loss of Playing Field

- 2.6.1 As noted above the application site is not available for public access and is a playing field owned by the County Council for the use of the school. This is important when considering the principle of development of the site and the loss of the playing field use as there is a distinction between 'Recreational Open Space' and a 'Playing Field' for educational purposes. The Department for Education adopts the definition in s.77 (7) of the School Standards and Framework Act (SSFA) 1998 being '*land in the open area which is provided for the purposes of physical education or recreation, other than any prescribed description of land*'.
- 2.6.2 Relevant policies in respect to the principle of the development include Policies SP1, SP18 and SP19 of the Core Strategy, Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.
- 2.6.3 Relevant policies in respect to the presumption in favour of sustainable development include Policies SP1 of the Core Strategy and Paragraph 14 of the NPPF.
- 2.6.4 The site is located within the defined development limits of Wistow and the proposal is for a change of use from a playing field to a cemetery, which includes provision of parking areas and landscaping. 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.
- 2.6.5 In principle the scheme is therefore considered acceptable provided it can provide a good standard of amenity within a high quality safe environment and does not harm the character of the area.
- 2.6.6 The National Planning Policy Framework (NPPF) paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 2.6.7 Relevant policies in respect to the loss of playing fields paragraph 70, 73, and 74 of the NPPF. Paragraph 74 of the NPPF states that "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 2.6.8 Wistow Parish Council has submitted an “Open Space, Sport and Recreation Assessment” as part of the application. The submitted assessment sets the case for the change of use of the playing field to be surplus to requirements, and the loss of the playing field to be replaced by an equivalent with better provision in terms of quality in a more suitable location. The Assessment also notes that there is other provision in the settlement which includes the Village Green and pond. These areas of open space are noted as being available to the public. The assessment also considers the need for a new cemetery provision in the Parish and notes that although there is existing provision at All Saints Church in the village centre this graveyard is reaching capacity estimated to be 3 – 4 years.
- 2.6.9 In terms of the provision available for use by the Primary School then the submitted “Open Space, Sport and Recreation Assessment” notes that the scheme has a playing field of approximately 0.2ha which is not open to the public. The assessment acknowledges that this grassed area is not large enough for many outdoor activities the school wish to undertake and therefore the school do already use an area of recreation field in the village known as “Jubilee Field” with the agreement from the Parish Council.
- 2.6.10 Jubilee Field is a large field for recreational use measuring approximately 2.04ha and is designated as recreational land through Policy RT1 of the Selby District Local Plan. The assessment states that the land is owned by the Parish Council and provides a multiple of uses for the village including sports, playground equipment, pre-reception, community hall and provides car park facilities. The Parish Council have indicated that they would be willing to enter into discussions with North Yorkshire Education with a view to negotiating an agreement whereby the Primary School would have use of the recreation area at Jubilee Field as part of acquisition of the application site by the Parish Council acquiring the application site for the cemetery use.
- 2.6.11 In summary, the “Open Space, Sport and Recreation Assessment” concludes that the current provision for outdoor physical education for Wistow Primary School is approximately 0.2ha. This land is within the constraints of the primary school itself, and is below the recommended area set by the Department of Education. Jubilee Field has a sports area of approximately 1.8ha, this together with the school area increases the total sports area provision to around 2.0ha, which is over twice the recommended area for sporting activities.
- 2.6.12 The National Playing Fields Association have been consulted and have not provided any comments within the statutory consultation period given. Sport England have been consulted and consider the proposed development would not fall either within their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par 003 Ref ID: 37-003-20140306), therefore no comments have been provided.
- 2.6.13 In addition as part of the consultations, Planning Policy have commented on the application and have no objections to the proposal given the application site is not a designated as open space and does therefore does not fall under the policy RT1 of the Selby District Local Plan. Sport England considers that the site does not fall within their remit to comment on the loss of a playing field.

- 2.6.14 The comments of NYCC Education, as noted earlier in the report, confirm that the current provision on the application site is located some distance away from the main school buildings, the field has no toilet facilities and the distance between the school and the playing field can be challenging. On this basis they have noted that the field is rarely used by the school and have also confirmed that the Head Teacher of the Primary School would welcome the use of the recreation area known as Jubilee Field.
- 2.6.15 There have been strong objections raised by residents that the change of use would result in a loss of 'open space'.
- 2.6.16 Prior to the Parish Council being able to acquire the application site and implement any consent then the North Yorkshire Education would need to make submissions to the under Secretary of State under a Section 77 of the Schools Standards Framework Act 1998. As part of this NYCC Education would need to set out identifying how the school would continue to be able to meet the minimum recommended site area following disposal. In this instance the school would be deficient by over 2000m² and it is understood that consent would only be likely to be given (in the context of growth plans for the school) if the school has use of another field on the same or more generous terms in terms of a lease between the Parish Council and the Education Authority / School. In addition comments received by The Local Education Authority, who are supportive of the application, note that the offer of formal use of their recreation area by the County Council would be beneficial in terms of providing better facilities for the pupils of the school.
- 2.6.17 Given that the Parish Council have indicated that they would be willing to enter into discussions on use of the Jubilee Field by the School and given that both the School and North Yorkshire Education agree to such an approach, it is considered that subject to a condition requiring a scheme to be in place to fully facilitate access to new provision, then the principle of development is considered acceptable against Policy SP18 of the Core Strategy, Policy RT1 of the Local Plan and the advice contained within the NPPF.

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

- 2.8.1 Relevant policies in respect to design and impact on the character of the area include Policies ENV1 of the Selby District Local Plan, and Policy SP19 "Design Quality" 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 proposed cemetery is considered to be a reasonable size and the submitted plans show an indicative layout for plots, car parking provision and an area designated for the scattering of ashes following cremation. The site is well screened to the north, east, south and west with existing planting and additional planting can be provided by way of condition. In addition the supporting information sets out that hard-standings provision would be provided for car parking, and turning allowing for access and egress into the site, and an area for the scattering of ashes.

2.8.4 In terms of the proposals impact on the character and appearance of the area there are established boundary treatments surrounding the site, any other form of development would be through ground disturbance and the erection of headstones. Therefore it is considered that in terms of the impact on the character of the area the proposed change of use of land would not result in any significant impact to the character of the area to warrant refusal in terms of impact on the character and appearance of the area.

2.8.5 Having regard to the above, subject to a condition for landscaping and additional planting, it is considered that the proposal would have a minimal impact on the character and open appearance of the area and the surrounding landscape in accordance with Policies ENV1 (1) and (4) of the Selby District Local Plan, Policy 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, other material considerations such as nuisance through disturbance through noise.

2.9.3 The proposal is for a change of use from a playing field to a cemetery objections have been raised by residents as indicated above. Such as the residential outlook being jeopardised by the proposed planning application, an increase in development would cause immediate a loss of privacy, increased noise, and air pollution.

2.9.4 It is acknowledged that the playing field has remained so for a number of years. In terms of concerns raised by residents in terms of the outlook being jeopardised by the proposal when taking into account the material considerations for determining applications having a right to a 'view' is not considered to be a material consideration.

2.9.5 Concerns have been raised by neighbours stating that the proposed development would lead to a loss of privacy. The site is bounded by an established, trees and hedge row which runs around the whole perimeter of the site except for an access road off Pasture Way. It is considered that a condition can be imposed to ensure that the boundary treatments are maintained in perpetuity which would mitigate against any potential loss of privacy which could occur. Moreover, given that the change of use would result in the land becoming a cemetery it is anticipated that any loss of privacy would not be sufficient to warrant refusal of this application.

- 2.9.6 Further comments have been raised by neighbours stating that the development would create an increase in noise and air pollution. It is considered that this statement relates to vehicle movements in terms of comings and goings the proposed change of use would create. It is considered that albeit the playing field is not used to its full potential, the existing lawful use of the land could itself result in significant comings and goings if the playing field were to be used for after-school clubs. Therefore the principle of comings and goings of vehicular movements has already been established given the site being a cul-de-sac location.
- 2.9.7 Notwithstanding the above, it is acknowledged that there may be additional vehicular movements created by the change of use. North Yorkshire County Highways Officer has been consulted as part of this application. The Highways Officer does accept that in terms of the number of vehicular movements is somewhat difficult to predict unless the number were to be limited by condition. However the restriction of vehicular activity to the site would not meet the tests under Paragraph 200 of the National Planning Policy Framework and would be considered to be unenforceable, and unreasonable. Furthermore, the number of visitors would be hard to establish in terms of family members.
- 2.9.10 There is no additional lighting proposed, therefore it is considered that the visitors to the cemetery would be restricted.
- 2.9.8 Having regard to all of the above it is considered that any additional movements in terms of vehicular activity and air pollution caused by this development would not be sufficient enough to warrant refusal.
- 2.9.8 As such, the proposed development is considered not to cause a significant detrimental impact on the residential amenities of the neighbouring properties, the residential amenity would not be significantly impacted 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 Impact on Highway Safety and Public Rights of Way.

- 2.10.1 Relevant policies in respect of highway safety are Policies ENV1 (2) and T1 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.
- 2.10.2 Comments have been received from neighbours regarding concerns in relation to Parking on Pasture Way stating that the cul-de-sac is already overcrowded with household vehicles, and that the presences of increased traffic will only worsen with the risk of accidents to the resident's children on the street. Objectors have also noted concern that there has been no provision for vehicle and pedestrian access to the proposed site from the existing public highway and that inadequate parking provision and traffic would increase over a period of time, inconvenience neighbours along Pasture Way further.
- 2.10.3 It is acknowledged that Pasture Way is a cul-de-sac with restricted on street parking, however there are some parking spaces available on the entrance to the playing field. The layout submitted includes a revised parking layout which would provide 12 parking spaces within the application site.

- 2.10.4 It has been acknowledged that the playing field has not been used to its full capacity for some time, the reason being the location of the playing field is too far removed from the primary school. Notwithstanding the infrequency of the use of the playing field there would have been no reason to stop the school from utilising the site for sports which may have resulted in the cul-des-sac being subject to vehicle parking.
- 2.10.5 Therefore notwithstanding the comments and concerns raised by residents, the Highway Authority considers that there are public roads linking the site are adequate and unrestricted, and the site would include parking/turning provision. Therefore there is no reason to recommend refusal which is quantifiable, therefore there are no highway objections to the proposal.
- 2.10.4 Further neighbour comments have been raised with regards to the 'Definitive Rights of Way' programme the footpath from the village green has been opened up to the rear of this plot of land. Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access, and that in considering such issues local authority should seek opportunities to provide better facilities for users.
- 2.10.5 North Yorkshire Public Rights of Way has been consulted and have raised no objection to the proposal subject to an informative.
- 2.10.5 Having taken all of the above and with conditions attached it is considered that the proposal is acceptable in accordance with Policies ENV1 (2) T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.11 Flood Risk and Drainage

- 2.11.1 Relevant policies in respect to flood risk include Policies SP15, and SP19 of the Core Strategy, and paragraph 104 of the NPPF.
- 2.11.2 The application site is located within Flood Zone 2, and the majority of the site within Flood Zone 3.
- 2.11.3 Neighbour comments have been received as stated above and have raised concerns stating that the land is prone to standing water, which may result in creating additional level of flood risk to neighbouring properties and create particular pollution issues as a result of the nature of the use
- 2.11.4 The site lies part in Flood Zone 2 and part within Flood Zone 3 so it is part within a medium area of flood probability and partly within an area of high probability of flooding on the Environment Agency's flood maps. The NPPF and NPPG state that development that involves the change of use, that no sequential test is required. In terms of flood risk vulnerability classification, the current use is a playing field and is classed as water compatible. Given the nature of the proposal and that no buildings would be occupied on the site. The Environment Agency were consulted and advised that they have no objection subject to conditions to the development.

2.11.5 The Internal Drainage Board have been consulted as part of this application, and consider that given the nature of the application would not increase the impermeable area to the site therefore they have no comments to make on this application.

2.11.6 As such the proposed scheme is therefore considered to be acceptable in terms of drainage and flood risk and therefore accords with Policies SP15, and SP19 of the Core Strategy and the advice contained within the NPPF.

2.12 Nature Conservation and Protected Species

2.12.1 Relevant policies in respect of nature conservation and protected species include Policies ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy.

2.12.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.12.3 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.

2.12.4 Concerns have been raised by neighbours with regard to there being protected species around the area; however no further evidence has been provided and objectors have also questioned the legitimacy of the Ecology Report submitted as part of the proposal.

2.12.5 Notwithstanding the comments made by residents, Yorkshire Wildlife Trust have been consulted and consider that the cemetery is unlikely to have significant negative impacts on wildlife in the area. They consider that an ecological mitigation plan should be conditioned for the development to encourage a diverse range of wildlife to utilise the site.

2.12.6 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.

2.12.7 Given the above, and with conditions attached, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policies ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.13 Contamination of land

2.13.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.

- 2.13.2 The applicant has submitted an Environmental Risk Assessment as part of the application. Within the report includes extensive tests for potential ground contamination taking guidance from the Environment Agency (2002) which includes the Schematic Relationship Burial Rates, Vulnerability Class and Level of Risks. The report concludes that it is considered that the site proposes low risk heavily weighted by the very low number of burials per year.
- 2.13.3 Comments have been raised by neighbours stating that there has been no assessment for the risk of disease infection that may seep from the cadavers and that it is unacceptable that the application documentation and neglects to outline disease mitigation provision.
- 2.13.4 Environmental Health Officers have been consulted as part of this application and have raised no objections to the proposal.
- 2.13.5 The Environment Agency has been consulted and they have made no comments with regard to the Environmental Risk Assessment submitted.
- 2.13.6 Having regard to all of the above it is considered that the proposed change of use would be acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.14 Other Matters

- 2.14.1 Comments have been received by neighbours regarding there being no water provision on site or waste bins, the fire hydrant access may be blocked as part of this development, insufficient neighbours have been consulted, the funeral cortege would have a negative impact on the whole of Pasture Way and the loss of the open space would result in children having to play on the green being in close proximity to main roads and a village pond.
- 2.14.2 It is considered that no water on site, the fire hydrant access being blocked, and the funeral cortege having a negative impact, along with there being no provision of waste bins are not considered to be material planning considerations to affect decision on this application.
- 2.14.3 With regard to insufficient neighbours being consulted, it is a statutory requirement for the planning department to consult neighbours who join the boundary of the site, or erect a site notice. The planning authority has consulted neighbouring properties which adjoin the boundary and a site notice has been erected on site which covers the statutory requirements in terms of publicity for the application
- 2.14.4 In terms of the closure of the playing field resulting in children playing elsewhere. The Green provides some recreational use though not designated through the Local Plan. The playing field belongs to the Local Education Authority and is for use of the school only and therefore is considered not for public use.

2.15 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. Prior to commencement of the development hereby permitted an Ecological Enhancement Plan shall be approved in writing by the Local Planning Authority and Yorkshire Wildlife Trust. The scheme shall then be implemented in accordance with the agreed Ecological Enhancement Plan.

Reason:

In the interests on nature conservation interest and the enhancement of habitats for species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

03. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by JW Wildash and the following mitigation measures detailed within the FRA dated 30th September 2016.

Reason:

In the interest of the safety of the development in the event of flooding and to accord with the requirements of the NPPF.

04. There shall be no ground level raising undertaken within the Flood Zone 3 area of the site (as defined by the Environment Agency Flood Map) and all excess spoil shall be removed from these defined areas of Flood Zone 3.

Reason:

In order to prevent an increase in off-site flood risk by ensuring no loss of flood water storage capacity within the flood plain of the River Ouse.

05. Pervious paving material shall be used for surfacing the car park, as specified in the Flood Risk Assessment, Section 2.3 as submitted to the Local Planning Authority on the 30th September 2016.

Reason:

To prevent reduction in infiltration rates from green-field rates due to the change of use.

06. Notwithstanding the details shown on the submitted "Proposed Site Plan" Reference 1769.3 as submitted to the Local Planning Authority on the 30th September 2016, all burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;
- no burial into standing water and the base of the grave must be above the local water table;

Reason:

To protect the quality of controlled waters in the local area.

07. No development shall commence until a scheme for the provision of comparable or enhanced alternative playing field space for use by Wistow Primary School has been submitted to and agreed in writing by the Local Planning Authority. The alternative provision shall be made available for use prior to commencement of the development.

Reason:

To ensure continued playing field provision for Wistow Primary School to accord with paragraphs 70, 73 and 74 of the National Planning Policy Framework.

08. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below.
- Location Plan - Reference 1769.1 received 30th September 2016
 - Existing Site Plan - Reference 1769.2 received 30th September 2016
 - Proposed Site Plan - Reference 1769.3.A

Reason:

For the avoidance of doubt

PUBLIC RIGHTS OF WAY INFORMATIVE:

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route

ALTERNATIVE PLAYING FIELD PROVISION INFORMATIVE:

The scheme for the provision of alternative playing fields for Wistow Primary School, as required by condition 07, should be agreed in advance with North Yorkshire County Council and Wistow Primary School. The arrangement would require North Yorkshire County Council to make submissions to the Secretary of State under Section 77 of the Schools Standards Framework Act 1998, identifying how the school would continue to be able to meet the minimum recommended site area following disposal of the application 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 files reference 2016/1081/COU and associated documents.

Contact Officer: Diane Wilson (Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/1424/COU

Address: Tythe House, Rawfield Lane, Fairburn

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Report Reference Number: 2016/1424/COU

Agenda Item No: 6.4

To: Planning Committee
Date: 10th May 2017
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer - Planning)

APPLICATION NUMBER:	2016/1424/COU (8/48/178D/PA)	PARISH:	Fairburn Parish Council
APPLICANT:	Mr Garfield Binns	VALID DATE:	20th January 2017
		EXPIRY DATE:	17th March 2017
PROPOSAL:	Proposed change of use from C3 dwelling to C2 residential care home		
LOCATION:	Tythe House, Rawfield Lane, Fairburn, Knottingley, West Yorkshire WF11 9LD		

This application has been brought before Planning Committee due to the application receiving more than 10 objections contrary to the recommendation to approve the application.

Summary:

The proposal is for the change of use of the dwellinghouse (Use Class C3) to a residential care home (Use Class C2) for use by up to 2 no. children/young people aged between 10 – 17 years old and up to 2 no. care staff.

As the application site is located within the defined Development Limits of Fairburn and given the nature of the proposal it is considered that there is nothing within the NPPF to identify this type of development as being unsustainable or which precludes in principle development of this type within this location.

The proposal is considered to be acceptable in respect of matters of acknowledged importance such as design and impact on the character and form of the area, highway safety, drainage and flood risk and residential amenity.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 3.0 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site comprises a two storey detached dwelling house with associated garden and off-street parking. The site is accessed off Rawfield Lane via a private lane leading north.
- 1.1.2 The site has detached houses located on its north, west and south perimeters and a bungalow is located to the east across the lane.
- 1.1.3 The site lies within the defined boundary limits of Fairburn which is a Secondary Village.
- 1.1.4 The site is situated within Flood Zone 1 which is at low probability of flooding.

1.2 The Proposal

- 1.2.1 The proposal is for the change of use of a Dwelling (Use Class C3) to use as a Residential Care Home (Use Class C2).
- 1.2.2 The applicant has advised that the business would accommodate two children and young people who are looked after by the local authority aged between 10 and 17 years old.
- 1.2.3 The care home which would include 24 hour staffing will be provided to support and care for the children and young people with a staffing to pupil ratio of 1:1. In terms of the internal use of the rooms the two bedrooms will be utilised for the children and young people with the third bedroom used for one staff member who will sleep in whilst the other staff member does a waking night.
- 1.2.4 There is on-site parking for 2 no. vehicles and no external or internal alterations are required to the building

1.3 Planning History

- 1.3.1 There is no relevant planning history on the site.

1.4 Consultations

1.4.1 Fairburn Parish Council

The following comments are noted:

- Tythe House is situated in a quiet residential area with many elderly residents.
- Parking at Tythe House is very limited and Rawfield Lane does not lend itself to on-street parking.
- The access road to Tythe House is privately owned and there is no legal right for the occupants of Tythe House to use this road.
- The Parish Council is of the strong opinion that this proposed change of use is detrimental to the village and objects strongly to it.

1.4.2 NYCC Highways

No objection to the scheme and note that there are already traffic restrictions on Rawfield Lane and dropping off/picking up on the private access road or the public highway is not sufficient to not support the application.

1.5 Publicity

15.1 The application was advertise by site notice and neighbour notification letter with 14 objections received from addresses and 2 emails received with no addresses citing the following concerns:

- There is no parking on the drive to park any vehicles,
- The lane is impassable for farm machinery using the lane,
- Noise problems arising from the care home,
- Change the character of the area from a presently quiet, safe and well established local area,
- Reduction in privacy for neighbouring houses,
- Increased fear of crime,
- Increase in traffic volume would impact on highway safety,
- Amenity and environmental space is inadequate for the proposal,
- If allowed, Council would be inundated by residents seeking reduction in their rate bills,
- No access for emergency vehicles,
- Storage of commercial waste would be a problem

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.

The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 – Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change
- 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
- T1 – Development in Relation to Highway
- T2 – Access to Roads

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

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

- 1) Principle of Development
- 2) Character and Appearance of the Area

- 3) Residential Amenity
- 4) Highway Safety and Parking
- 5) Sustainable Development, Climate Change, Flood Risk and Drainage
- 6) Other Issues

2.3 Principle of Development

- 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.
- 2.7.2 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 is for the change of use of the dwellinghouse (Use Class C3) to a residential care home (Use Class C2) for use by up to 2 no. children/young people aged between 10 – 17 years old and up to 2 no. care staff. The application site is located within the development limits of Fairburn.
- 2.7.3 Core Strategy Policy SP2 sets out the spatial development strategy for the District. Although the proposed development does not explicitly fall within the prescribed forms of development as set out in Policy SP2 (b), which allows limited amounts of residential development where it will enhance and maintain the vitality of rural communities, the proposed development would be located within the defined Development Limits of Fairburn. Furthermore, given the nature of the proposal it is considered that there is nothing within the NPPF to identify this type of development as being unsustainable or which precludes in principle development of this type within this location. It is therefore considered that despite the wording of Policy SP2, the Core Strategy lends support in principle to this type of proposal and the proposals are in accordance with guidance as set out in the NPPF.

2.4 Impact on the Character and Appearance of the Area

- 2.4.1 Policy ENV1 (1) of the Local Plan requires proposals to take account the effect upon the character of the area with ENV1 (4) of the Local Plan requiring proposals to take account the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 2.4.2 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 and 64.
- 2.4.3 The application is submitted for change of use only with no external works proposed to the dwelling. It is therefore considered that the proposal would have a neutral effect on the character and appearance of the area.

2.4.4 It is therefore considered that given that the proposed use as a care home would not have a significant adverse effect on the character and appearance of the area in accordance with Policies ENV1 (1), (4) of the Selby District Local Plan.

2.5 Impact on Residential Amenity

2.5.1 Policy ENV1 (1) requires proposals to take account of the effect upon the amenity of adjoining occupiers. Policies SP13 and SP19 of the Core Strategy outlines that proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.

2.5.2 In addition one of the Core Principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved.

2.5.3 Objections from neighbours are noted and are considered in this application. Noise was noted as a concern, however with 2 no. children/young people and 2 no. care staff on the site, the likely noise impact would not be dissimilar to that of a family living at the site. There is no evidence submitted to suggest that this proposal would raise significantly adverse noise over and beyond that of a family of four.

2.5.4 The applicant has supplied additional information in response to objections received regarding impacting upon character of the area. This includes the shift patterns envisaged which would be

- 06:30 – 14:30,
- 14:30 – 22:30 and
- 22:30 – 06:30.

and the second shift pattern would be

- 08:00 – 16:00; and
- 16:00 – 08:00.

The applicants have also confirmed that the handovers would ensure staggered comings and goings which would lessen the impact on the locality.

2.5.5 Privacy was noted as an objection. The proposal would not introduce new windows to the building and any views from first floor windows in particular are what are evident at present. The current occupier's views from windows would be the same as the future occupiers and therefore the impact on privacy would be status quo.

- 2.5.6 Amenity space was noted as an objection. The site affords a generous rear garden which is sufficient for outdoor play and recreation as is the case for the dwellinghouse use.
- 2.5.7 An objection refers to commercial waste being a problem. The applicant has not referred to collection of any commercial waste. The waste generated from the occupants would utilise the current waste and recycling facilities offered by the Council.
- 2.5.8 As such, the proposal is considered to be an acceptable use in a residential location and given the nature and scale of the residential care proposed, the proposal would not adversely impact on the residential amenity of the locality. The proposal is therefore considered to accord with Policies ENV1 (1) of the Selby District Local Plan and SP13 and SP19 of Selby Core Strategy.

2.6 Impact on Highways

- 2.6.1 Policies T1, T2 and ENV1 (2) of the Selby District Local Plan requires proposals to take account of the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking.
- 2.6.2 The application site currently has provision for two off street parking spaces and the dwelling contains three bedrooms. Objections have been received regarding parking and access to the site which is via a private road owned by a neighbour. The lane is also used for agricultural vehicles that access fields located to the north although the trip rates are unknown.
- 2.6.3 The applicant has advised that when staff are working at the site, vehicles would be parked within the site on parking spaces available. During the staff change over there would be limited periods when vehicles would be parked on the highway, but these are limited and staggered over the day.
- 2.6.4 The use of the lane, which is understood to be in third party ownership, is considered a private matter and therefore NYCC Highways advised that parking on the lane is not a matter that concerns them. There are no known parking issues with the current use of the site as a dwelling and presumably the occupiers have had visitor's park on the lane for significantly longer periods of time than a staff change over. Nevertheless, the site can accommodate two off street parking spaces for the staff during working hours and during change over the impact on the highway network would not be considered to be severe to lead to a refusal of the application.
- 2.6.5 The applicant advised that he did not envisage health visitors visiting the site to see the children/young people. If visitors are required this can be accommodated within the locality with staff collecting the visitor from the nearest safe and legal parking space.

2.6.6 It is therefore considered that the nature of the proposal is such that it would not undermine highway safety and the proposal is, in this regard, in accordance with Policies T1, T2 and ENV1 of Selby District Local Plan.

2.7 Sustainable Development, Climate Change, Flood Risk and Drainage

2.7.1 With respect to sustainable development and climate change Policy SP15, Sub Section (B) sets out the requirements in respect to the "Design and Layout of Development" where it is "necessary or appropriate" to do so. However officers note that whether it is necessary or appropriate for a proposal to meet the above policy tests may vary enormously and would depend largely on the size, scale and nature of the proposal.

2.7.2 In respect to meeting the challenge of climate change, paragraph 95 of the NPPF is of particular relevance to this proposal.

2.7.3 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. Having had regard to the nature and scale of this proposal, 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.

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

2.7.5 The site lies within Flood Zone 1 and is at low risk of flooding. The proposal does not include any new extensions or alterations to the building that would enhance the flood risk to occupants of the site or elsewhere.

2.7.6 There are no proposals to change or add to the existing drainage network and the current arrangement would not be altered and thus further detail is not required.

2.7.7 The proposal is considered to accord with Policy SP15 of Selby Core Strategy and the guidance contained in the NPPF.

2.8 Other Issues

2.8.1 An objection refers to the fear of crime. Whilst this comment is noted, there is no evidence to suggest that users of care homes generate crime in a locality and thus limited weight is given to this comment.

2.8.2 The reference from an objector regarding residents seeking a reduction in their rate bills as a result of the proposal is not considered material to the determination of the application.

2.8.3 An objector referred to no access for emergency vehicles. The site and adjacent dwellings are located in close proximity to Rawfield Lane where emergency vehicles would access the site.

2.9 Conclusion

2.9.1 As the application site is located within the defined Development Limits of Fairburn and given the nature of the proposal it is considered that there is nothing within the NPPF to identify this type of development as being unsustainable or which precludes in principle development of this type within this location. It is therefore considered that the proposal is in accordance with Policies SP1 and SP2 of the Selby District Core Strategy Local Plan (2013), and guidance set out within the NPPF.

2.9.2 The proposal is considered to be acceptable in respect of matters of acknowledged importance such as design and impact on the character and form of the area, highway safety, drainage and flood risk and residential amenity.

3.0 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. The development hereby permitted shall be used for Care Home (Use Class C2) for up to 2 no. children/young people and up to 2 no. care staff at any one time and for no other purpose including any purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

Other C2 uses have not been considered in the assessment and thus may not accord with Local Plan or Core Strategy.

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

- Location Plan Ref LOC01 received 30th December 2016
- Scale Plan Ref 302314 received 16th December 2016
- Elevation Photos Ref 01 - 04 received 21st December 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 2016/1424/COU and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/1314/FULM

Address: Turnhead Farm, York Road, Barbly

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Schedule of Accommodation

HOUSETYPE	No.
ALVERTON 2 bed F.O.G.	2
DRAYTON 2 bed 4 garage F.O.G.	1
KENLEY 2 bed 2 storey	13
MAIDSTONE 3 bed 2 storey	20
BUCHANAN 3 bed 2 storey	4
ENNERDALE 3 bed 2 storey	6
DERWENT 3 bed 2 storey	23
NORBURY 3 bed 2.5 storey	14
RIPON 4 bed 2 storey	15
THORBURY 4 bed 2 storey	5
ALDERNEY 4 bed 2 storey	11
RADLEIGH 4 bed 2 storey	7
FOXTON Apartments 2 bed 3 storey	12
TOTAL	133

KEY:

- 1800mm HIGH BOUNDARY WALL
- 1800mm HIGH BOUNDARY WALL & FENCE
- 1800mm HIGH TIMBER FENCE
- 900mm METAL RAILINGS
- 450mm HIGH KNEE RAIL
- REMOVED TREE/HEDGE
- EASEMENT
- LOCKABLE REAR ACCESS GATE
- AFFORDABLE HOUSING - RENTED
- AFFORDABLE HOUSING - SHARED OWN
- VISITOR PARKING
- BLOCK PAVING
- REAR GARDEN TURF
- FRONT GARDEN TURF

Images and site layout are intended for illustrative purposes only and should be treated as general guidance only.
 Site layout including parking arrangements, local affordable housing, community buildings, play areas and public open spaces may change to reflect changes in the planning permission for the development.
 Please speak to your solicitor to whom full details of any planning consents including tenor plans will be available.
 Site layouts and landscaping are not intended to form part of any contract or warranty unless specifically incorporated in writing into the contract.

**AMENDED
DRAWING**

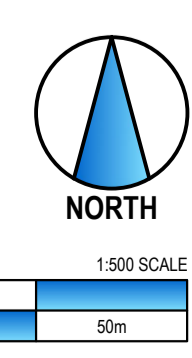


REV	DATE	DESCRIPTION	BY	CHECK
G	17.03.17	BOUNDARY TREATMENT AMENDED WHICH FACES THE NORTHERN FOOTPATH CONNECTION THROUGH THE SITE	DRN	VS
F	06.03.17	PLOT 222 GARAGE CHANGED TO STANDARD SINGLE PARKING ARRANGEMENT CHANGES FOR PLOTS 164-168 PLOTS A3 & B8 RENOVATED POSITION OF VISITOR PARKING SHOWN	DRN	VS
E	17.02.17	LAYOUT AMENDED FOLLOWING COMMENTS FROM CLIENT & PLANNING OFFICER	SD	VS
D	31.10.16	PARKING ARRANGEMENTS FOR THE APARTMENTS AND ADJACENT F.O.G.'S REVISED. PARKING FOR PLOTS B8-B7 ALSO REVISED	DRN	VS
C	27.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DRN	VS
B	26.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DRN	VS
A	07.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DRN	VS

RECEIVED
20.03.2017
 BUSINESS SUPPORT

jrpa ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: BARRATT YORK
 PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT YORK ROAD, BARLEY
 DRAWING: PROPOSED PLANNING LAYOUT
 DRAWING NUMBER: 15:4937:02G
 SCALE @ A1: 1:500
 DRAWN: DRN
 CHECKED: VS
 DATE: OCT 16
 DATE: OCT 16



To: Planning Committee
Date: 10th May 2017
Author: Jill Low (Principal Planning Officer)
Lead Officer: Jonathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	2016/1314/FULM	PARISH:	Barlby And Osgodby Parish Council
APPLICANT:	Barratt Homes Yorkshire East Division	VALID DATE:	18th November 2016
		EXPIRY DATE:	17th February 2017
PROPOSAL:	Proposed residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space		
LOCATION:	Turnhead Farm York Road Barlby Selby North Yorkshire YO8 5JZ		

This application has been brought before Planning Committee due to the changes proposed to the originally approved scheme which involves a re-plan of a significant portion of the site and give rise to an increase of 54 dwellings over the original scheme (originally 179 dwellings, now increased to 233). The scheme was originally granted permission subject to a complex section 106 Agreement covering contributions towards Education, Waste and Re-cycling, and Health care, with non-financial clauses covering the on-site provision of Recreational Amenity Space and its maintenance, provision of allotments and on-site affordable housing. The original scheme is already partially implemented and work on site is currently on-going. However, since permission was granted for the original scheme, requirements in respect of Section 106 payments have changed, with the introduction of the Community Infrastructure Levy (CIL). As CIL needs to be collected for the new scheme, this means that the original Section 106 Agreement needs to be amended to avoid “double counting.” This report is therefore brought before members to explain the changes to the scheme and the amended Section 106 arrangements.

Summary:

The proposed scheme is a detailed application for residential development on land at Turnhead Farm, York Road, Barlby. The details represent a partial re-plan of the previously approved scheme, under planning ref 2013/0478/FUL. A revised layout has been submitted which shows the re-planned area developed for 133 dwellings with 100 dwellings remaining as the original scheme. Although the application site is outside of the

development limits for Barlby and is therefore contrary to Policy SP2A (c) of the Core Strategy there is an extant permission on the site and the principle of residential development is firmly established here.

The highway authority has raised no objections to the principle of the development. The proposals are also considered to be acceptable in terms of climate change, protected species, affordable housing, archaeology, contaminated land and drainage and flooding matters. Having regard to the above, it is considered that the proposal would be acceptable when assessed against current Development Plan policies and policies in the NPPF.

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 benefits as it would contribute to the local economy providing additional funds through CIL which would contribute to the maintenance/improvement of local services and facilities as well as providing employment during the construction period.

The proposals achieve a social role in that Barlby is a Designated Service Village which has a range of accessible local services including pubs, several shops, sports and recreation facilities, and schools. The village is also served by a regular bus service with frequent trips between York and Selby. The new development will help to support these existing facilities.

In environmental terms the proposal would deliver 133 new dwellings (233 on the overall scheme) within a landscaped setting, on an area of land that will not be subject to flooding. Due to the proximity to local services and access to public transport, the proposals would also reduce the need to travel by car.

Having had 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 when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement

Recommendation

This planning application is recommended to be GRANTED subject to conditions similar to those detailed in Paragraph 3.0 of the Report and subject to a Deed of Variation to the Original Section 106 Agreement, reducing the waste and re-cycling contribution to £5185.47 and reducing the health contribution to £111731.84, and the preparation of a new Section 106 agreement requiring 18.6% on site affordable housing (equating to 14 affordable units) and contributions to waste and recycling.

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises 3.43 hectares and lies to the north of Barlby village between York Road to the east and the river Ouse to the west. To the south there is

existing residential development and to the north lies the farm house to Turnhead Farm. The site was originally agricultural land, but is now part of a building site in association with the extant planning permission 2013/0478/FUL. Houses are under construction either side of the vehicle access road into the site from York Road and these are clearly visible from the A19. As part of the original scheme, a new roundabout has been constructed and recently completed at the junction of the A163 Market Weighton Road with the A19.

- 1.1.2 The application site essentially forms the middle part of the original application site, of 9.34 hectares stretching from Turnhead Farm in the north down to the southern end of the site. There is an area of land to the west of the application site which is also under construction. To the south west there is a further area of land which has permission under the original scheme for bungalows and this comprises 1.52 hectares but this is unaffected by the scheme currently under consideration.
- 1.1.3 There is a public footpath on the site along the southern (part) and western (river) boundary which is accessed from the housing to the south of the site. York Road and the route along the river bank up to where the river bends westwards is part of the Trans Pennine Trail. York Road is also a National Cycle route.

1.2 The proposal

- 1.2.1 The proposals relate to the construction of 133 new dwellings (partial re-plan of approval 2013/0478/FUL), with associated infrastructure, play areas and incidental open space and will increase the total number of dwellings on the site from 179 to 233, an increase of 54 dwellings. The actual layout is not dissimilar to what has been previously approved on the site although the density is greater. The main differences are outlined in paragraph 2.8.4 below.
- 1.2.2 The application is accompanied by the following supporting documents –
- Planning Statement
 - Design and Access Statement
 - Geo-environmental Appraisal and Gas Risk Assessment
 - Flood Risk Assessment with update
 - Drainage Strategy
 - Transport Assessment Addendum
 - Ecological Assessment
 - Agricultural Land Classification
 - Arboricultural Assessment
 - Archaeological Appraisal
 - Landscape Visual Impact Assessment

1.3 Planning History

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

2013/0478/FUL (PER - 30.07.2015) Proposed residential development, allotments, play area, incidental open space and landscaping

2015/0943/MAN (PER - 07.09.2015) Non material amendment to approval 2013/0478/FUL Proposed residential development, allotments, play area, incidental open space and landscaping

2015/0959/DPC (COND - 06.01.2016) Discharge of condition 34 (Archaeological Investigation) of approval 2013/0478/FUL (8/16/4C/PA) for proposed residential development, allotments, play area, incidental open space and landscaping

2015/1156/DOC (PCO -) Discharge of conditions 02 (phasing plan), 03 (materials), 04 (landscaping), 05 (site enclosure), 13 (construction mitigation statement) and 28 (traffic) of approval 2013/0478/FUL (8/16/4C/PA) for proposed residential development, allotments, play area, incidental open space and landscaping

2015/1271/DOC (COND - 22.03.2016) Discharge of conditions 7 (Drainage), 9 (Surface Water), 12 (Surface Water Drainage), 14 (External Lighting), 17 (Access), 22 (Highway Works) and 23 (Watercourse) of approval 2013/0478/FUL Proposed residential development, allotments, play area, incidental open space and landscaping

2015/1364/DOC (COND - 09.01.2017) Discharge of condition 21 (Groundworks) of approval 2013/0478/FUL (8/16//46/PA). Proposed residential development, allotments, play area, incidental open space and landscaping

2015/1377/MAN (PER - 25.04.2016) Non material amendment to approval 2013/0478/FUL (8/16/4C/PA) for triple garage to Plot 8 reduced to a double garage and all extensions/conservatories/orangeries removed at land adjacent to York Road and A19 junction

2016/0369/DOC (COND - 09.01.2017) Discharge of conditions 15 (groundworks), 18 (groundworks) and 26 (HCVs) of approval 2013/0478/FUL for proposed residential development, allotments, play area, incidental open space and landscaping

1.4 Consultations

1.4.1 Yorkshire Water Services Ltd – No objection in principle, subject to-

- i) The proposed building stand –off from public rising main centre-line of 3 metres.
- ii) The proposed separate systems of drainage on site and off site
- iii) The anticipated amount of domestic foul water to be discharged to the public combined sewer.
- iv) The proposed point of discharge of foul water to the respective public sewer. The amended plan shows surface water proposed to be drained to watercourse (River Ouse).

1.4.2 Selby Area Internal Drainage Board - 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.

1.4.3 North Yorkshire County Council (CPO) – No reply received within the consultation period.

1.4.4 NYCC Archaeology - Have recently received a copy of the post-excavation archaeological assessment report. This is a very exciting site which is, in some respects, without parallel. It appears to be a high status Roman settlement with military connections but does not conform exactly to the usual settlement types such as fort, town or villa. It is probably responsible for controlling trade in the area and has produced some exceptional finds. The report makes recommendations for further analysis of specific parts of the site archive including the pottery and makes proposals for radiocarbon dating to secure the chronology further. The report also makes recommendations for publication and dissemination of the results of the work.

This is a regionally, if not nationally important site. Support the recommendations made in the reports. These are in line with the wording of the final part of the planning condition (No. 34; part C) requiring 'the analysis, publication and dissemination of results and archive deposition'. It is presumed that the developer will progress the works recommended in the reports.

1.4.5 NYCC Education – Have responded to say that as the development has commenced, they are not willing for the education contribution agreed in the original Section 106 Agreement to be reduced to reflect the fact that it will now cover only 100 dwellings.

(Officer Note – CIL will be collected in respect of the re-planned area for 133 dwellings some of which will also go towards education facilities – see section 2.15 below for further details.)

1.4.6 Environmental Health - The proposed development is of a relatively large scale and as such will 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 & vibration. The Environmental Protection Act 1990 allows for the abatement of statutory nuisance in relation to noise, dust and vibration. It is stressed that whilst a development may detrimentally impact upon existing residential amenity, it may not be deemed to constitute a statutory nuisance. It might be unwise in these circumstances to rely on the alternative control being exercised in the manner or to the degree needed to secure planning objectives. It is therefore recommended a condition is attached to any planning consent be granted.

1.4.7 Canal And River Trust - Based on the information available we have no comment to make.

1.4.8 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.

- 1.4.9 NYCC Sustainable Drainage Systems – No objections to amended scheme subject to conditions.
- 1.4.10 North Yorkshire Bat Group – No reply received within the consultation period.
- 1.4.11 Yorkshire Wildlife Trust – No reply received within the consultation period.
- 1.4.12 Vale of York CCG – No reply received within the consultation period.
- 1.4.13 NYCC Public Rights Of Way Officer - The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of Way team to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 1.4.14 NYCC Highways And Transportation - It is noted that the proposal includes a separate cul de sac being accessed directly from York Road. York Road is a country lane without any footways or road lighting. It is a popular route for walkers, cyclists and equestrians and forms part of the National Cycle Route 65. The only vehicular traffic is associated with a very small number of agricultural/residential properties. An intensification of vehicular use along this route will be detrimental to the safety of the existing non-motorised users. It would provide an unnecessary inconvenience when the additional dwellings could be served internally from the main development. The layout should be amended to address this.

There are a number of areas where hedges are shown adjacent to the Shared Surface Roads. At these locations an additional 0.5 metre hard margin is required to prevent the hedges growing out over the shared surface.

The alignment of the road adjacent to Plot 217 and POS B should be altered so that that the access to the Shared Surface Road is laid out as a side road junction (see attached)

There appears to be a general lack of visitor parking spaces adjacent to the Shared Surface Roads. Visitor spaces generally form part of the adoptable works and as such should not be located within private drives.

(Officer Note – The plans have been amended to take account of these concerns and the Highway Authority has been re-consulted. Any further comments received will be reported verbally to the meeting.)

- 1.4.15 The Environment Agency - Provided the proposed development is in accordance with the submitted Flood Risk Assessment (FRA) and the FRA update, with all development located in flood zone 1 and surface water drainage (if discharging to main river) restricted to greenfield runoff rates, the EA have no objections.

1.4.16 WPA Consulting - Contaminated Land Consultants - Further to the comments of 21/12 it is now confirmed receipt and acceptance, in terms of review, of the Environmental data report that is referred to in the desktop study. In terms of planning conditions relating to contamination WPA now await the verification and sign off regarding ground gas protection measures plus H&S protocol observation for site workers to be reviewed.

1.4.17 Police Architectural Liaison Officer – To be reported verbally when received.

1.4.18 Parish Council – No response received within the consultation period.

1.5 Publicity

Neighbour Summary – The application was advertised as a departure by site notice, neighbour notification letter and advertisement in the local newspaper resulting in no representations have been received.

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 - 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
ENV28 - Archaeology
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements

Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document March 2007

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

The National Planning Policy Framework introduces, in paragraph 14, a presumption in favour of sustainable development. It 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".

This report is made in light of the guidance of the NPPF.

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 development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Identifying the impacts of the proposal.
 1. Visual Impact on the Character and Form of the Area
 2. Flood risk, drainage and climate change
 3. Residential amenity
 4. Impact on highways
 5. Impact on Heritage Assets
 6. Affordable housing
 7. Recreational open space
 8. Education, healthcare, waste and recycling
 9. Nature conservation and protected species
 10. Contamination
 11. Other issues

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.

2.6 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.

- 2.6.1 The proposed scheme is a detailed application for residential development on land at Turnhead Farm, York Road, Barlby. The details represent a partial re-plan of the previously approved scheme, under planning ref 2013/0478/FUL. A revised layout has been submitted which shows the re-planned area developed for 133 dwellings with 100 dwellings remaining as the original scheme. Although the application site is outside of the development limits for Barlby and is therefore contrary to Policy SP2A (c) of the Core Strategy there is an extant permission on the site and the principle of residential development is firmly established here. However, further development is proposed at the northern end of the site in a location where none was planned previously. It is therefore necessary to consider the additional dwellings against this policy.
- 2.6.2 The application site is situated outside the defined development limits of Barlby which is a Designated Service Village. Policy SP2A(c) of the Core Strategy says:

“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.”
- 2.6.3 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.
- 2.6.4 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements.
- 2.6.5 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."
- 2.6.6 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.”

- 2.6.7 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

- 2.6.8 In respect of sustainability, the site is adjacent to the development limits of the village of Barlby 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 2 public houses, shops, schools, a library and sport and recreation facilities. It also benefits from a bus service between York and Selby.
- 2.6.9 In addition to the above, the fact that Barlby has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy, demonstrates that the Council considers the village a sustainable location. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Barlby, 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.
- 2.6.10 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 development would bring economic benefits as it would contribute to the local economy providing additional funds through CIL which would contribute to the maintenance/improvement of local services and facilities as well as providing employment during the construction period.

Social

The proposal would achieve a social role in that Barlby is a Designated Service Village which has a range of accessible local services including pubs, several shops, sports and recreation facilities, and schools. The village is also served by a regular bus service with frequent trips between York and Selby. The new development will help to support these existing facilities.

Environmental

In environmental terms the proposal would deliver 133 new dwellings (233 on the overall scheme) within a landscaped setting, on an area of land that would not be subject to flooding. Due to the proximity to local services and access to public transport, the proposals would also reduce the need to travel by car.

The above factors weigh in favour of the development.

Previous Levels of Growth and the Scale of the Proposal

- 2.6.11 Core Strategy Policy SP4 designates levels of growth to settlements based on their infrastructure capacity and sustainability, it is important to determine in housing applications 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.
- 2.6.13 Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages, so it is not possible to ascertain exactly whether Barlby has exceeded its dwelling target. As a guide, Policy Officers have confirmed that the Council consulted on various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 101 -139 dwellings. While the level of development in the settlement may be broadly on track to achieve its potential growth options, the scale of this individual proposal, providing an extra 54 dwellings over and above the original extant planning permission, is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village in the Core Strategy.
- 2.6.14 On consideration of the above information, 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, subject to compliance with flood risk policies within the NPPF. The impacts of the proposal are considered in the next section of the report.

2.7 Identifying 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 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.

2.8 Visual Impact on the Character and Form of the Area

- 2.8.1 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

“Design Quality” of the Core Strategy. In addition Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved.

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, 60, 61, 65 and 200.

2.8.3 The main changes between this and the previous scheme are as follows –

- Development of the northern corner of the site which was previously recreational open space, and re-planning of public footpath from the western boundary, through the site.
- Removal of overhead electricity lines, which formed the northern edge of the development previously (to be placed underground).
- The layout and disposition of the houses has changed but the road layout and public open space areas within the site (apart from the northern corner of the site) remain largely unchanged.
- The introduction of two 3-storey blocks of flats at the southern end of the site
- A revised mix of housing on the re-planned area to include more 2 and 3 bedroomed units:

Extant Consent	Re-Plan scheme
2 x 1bed	
9 x 2bed	28 x 2bed
8 x 3bed	67 x 3bed
59 x 4bed	38 x 4bed
1 x 5bed	
79 Total	133 Total

2.8.4 The density of the original scheme overall was 16 dwellings per hectare and the density across the whole site, if the proposals are approved, would be 21.45 dwellings per hectare. The density is quite low, due to the provision by the applicants of significant areas of public open space which will remain as part of the scheme apart from at the northern end of the site. The density of the re-planned site area alone, excluding the original site area is 38.7 dwellings per hectare. Whilst the density on the re-planned area is fairly high, this has to be considered in the context of the overall site which has a good level of recreational open space provision. The breakdown of dwelling types across the site as a whole, in comparison to the original permission is as follows:

Extant Consent	Proposed, overall
4 x 1 bed	2 x 1 bed
38 x 2 bed	57 x 2 bed
42 x 3 bed	101 x 3 bed
92 x 4 bed	71 x 4 bed
3 x 5 bed	2 x 5 bed
179 Total	233 Total

2.8.5 The revised mix of dwellings is considered acceptable and in accordance with Policy SP8 of the Core Strategy regarding housing mix.

2.8.6 Aside from the loss of the open space at the northern end of the site, the open space areas across the application site remain largely unchanged from the previous scheme. A large central village green would be retained, together with three smaller areas of open space – areas A, B and C on the submitted plans. Area C would be slightly re-located and would provide a footpath link to the open space and the existing public right of way to the west. The re-planned scheme no longer provides a footpath link all the way along the western boundary to the northern end of the site, but in any event there is already an existing public right of way adjacent to the site which does this. It would still be possible to access the northern end of the site from within the application site by means of the estate roads within the scheme and a new footpath link enabling access to York Road via the cul-de-sac at the top end which has access direct from York Road. The likelihood is though, that walkers would utilise the existing public right of way

2.8.7 Whilst the loss of the open space to the north is regrettable, the recreational open space provision in respect of this scheme is still very good and exceeds policy requirements. This area was not put forward for development by the applicant previously due to the presence of overhead power lines, which effectively marked the edge of the development. These lines are now to be placed underground. Whilst development here would clearly be more prominent when viewed from York Road, it would be no different to the other new dwellings which would be equally visible from York Road. The overall design and layout of the dwellings at this point is similar to that which has already been granted planning permission on the rest of the scheme and is acceptable in this respect.

2.8.8 The application is accompanied by a Landscape Assessment which was prepared for the original 2013 application. The report concluded :

“It is considered that the proposed housing development has been designed to maximise the benefits offered by the existing boundary vegetation to integrate the site into the wider landscape, and that the package of proposed, detailed landscape measures which have been incorporated into the scheme will provide sufficient mitigation to minimise potential landscape and visual impacts in the medium to long term. It is not considered that there will be any significant long term, negative effects on the landscape fabric, character or visual amenity of the site and its wider environs...”

2.8.9 In respect of the area of new development to the north, the Planning Statement indicates –

“Development to the north extends further to that previously approved however the approach to the development as you enter Barlby remains landscape led with detached properties, large spaces between the built form and landscape areas to the front of the properties..... The site layout shows that the majority of the new housing will be set back from York Road by at least 10 metres and this is maintained to the north of the site where additional dwellings are proposed. This has enabled the provision of a wide landscaped edge on this boundary which has been designed to include a grass verge to the back of the road verge (incorporating the existing ditch), behind which is an undulating, tiered planted ribbon of trees and shrubs which will ultimately provide a visual buffer along the road corridor to soften the development edge and filter views into the site.”

- 2.8.10 The overall impact of the development of the land to the north upon the character of the area is considered to be negligible and whilst the loss of this area of open space is regrettable there are not sufficient grounds that would justify refusal of permission in terms of impact upon the landscape. There is still a significant amount of amenity open space attached to this development and the landscaping and tree planting scheme submitted with the application is of a high standard.
- 2.8.11 The scheme proposes more 2 and 3 bedroomed dwellings at the southern end of the site in the vicinity of open space area C and there are also some smaller units in the vicinity of open space area B. Adjoining the southern boundary of the site are two 3 storey blocks of flats. The layout has been considered in detail and the distances between the proposed new dwellings in terms of overlooking and separation distances are considered acceptable. The layout is not dissimilar to that already under construction under the original planning permission.
- 2.8.12 Amendments have been made to the submitted scheme to try to improve the amount of frontage car parking to the smaller semi-detached and terraced units in the vicinity of open space areas B and C. Whilst there is still a significant amount of frontage parking, it is now more broken up with green spaces in-between. The overall design and layout of these smaller units is similar to those already granted permission on the original scheme.
- 2.8.13 Each of the two 3 storey blocks of flats contains 6 x 2 bedroomed units and the overall design of the flats is considered acceptable, there being two gables either side of the main entrance on the front elevations, looking out over open space areas. The first and second floor flats have patio windows with Juliet balconies and the ground floor flats have a bay window either side of the entrance door. The rear elevation which faces the car park is more plain in appearance but the walls are broken up with string courses and the fenestration is symmetrical with a central entrance door.
- 2.8.14 The main roof to the flat blocks is a tiled pitched roof, hipped at both ends which helps to reduce the overall bulk of the buildings. Whilst there are no other 3 storey buildings on the overall development, these buildings will be located close to the edge of the site, looking out over public open space areas. This is to be welcomed in that one of the open space areas (Area E on the plans) is a children's play area. The design of the development at this southern end of the site is such that there is a 3 storey flat block in the south western most corner, then there are 3 detached dwellings, which also face out onto the open space and these adjoin the children's play area which is overlooked by the second flat block. It is pleasing that the development looks out over the open space at this end of the site rather than turning its back on it. The taller flat blocks will also serve as a kind of "end-stop" to the developed area and will not look out of place in this context.
- 2.8.15 To serve each block of 6 flats there are 6 car parking spaces with 2 visitor car parking spaces. Overlooking each of the car parking areas to the flats, there is another two bedroomed flat, with its own entrance and garage beneath. There is also a cycle store for the flats beneath. Both areas also have bin store enclosures and a small amount of amenity open space. The amenity space provided for the south western most block is less than what would normally be desirable but given that it directly adjoins and overlooks a large area of recreational open space, the proposals are considered acceptable in this instance.

2.8.16 Having had regard to all of the above elements it is considered that the revised proposals for the re-planned portion of the original application site are in keeping with the original concept relating to this development and in accordance with Policies ENV 1 of the Local Plan, Policies SP8 and SP19 of the Core Strategy and the NPPF.

2.9 Flood Risk, Drainage, Climate Change and Energy Efficiency

2.9.1 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.

2.9.2 The Flood Risk Assessment for the development was prepared in 2013 and the applicants have submitted an addendum to this with their application. The original assessment concluded:

“The site is located in its majority within Flood Zone 1 and outside the floodplain. A section is partially within Flood Zone 3 of the River Ouse. The proposed development is to be built on the land in Flood Zone 1, which is sequentially preferable and will not result in any loss of floodplain capacity that could increase flood risk elsewhere. Safe dry pedestrian access and egress will be readily achievable from the development to and from land outside the floodplain through using the proposed site access on York Road.”

2.9.3 The addendum summarises the surface water design approach and requirements. Surface water attenuation is to be provided such that there is no flood risk to property and that it can be contained within the site for the 1 in 100 year event plus 30% allowance for climate change. The IDB has stated that a discharge to the IDB watercourse on site would have to be restricted to a rate of 1.4l/s/ha, however they would have no objection to a discharge directly to the River Ouse as agreed with the Environment Agency. The Environment Agency, IDB and SuDs Authority have not objected to the proposals, subject to conditions. The applicants further note in their Planning Statement that the drainage strategy has been implemented for the approved and constructed elements of the site and will be continued as part of this re-plan.

2.9.4 Yorkshire Water raised an objection to the scheme that the development would be too close to an existing public sewer running through the site. The plans have since been amended to take account of this and Yorkshire Water have been re-consulted. Their comments will be reported verbally to the meeting.

2.9.5 Regarding energy efficiency, a condition was applied to the original scheme requiring 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources. It is considered that the same condition should be re-applied to this scheme in order to maintain consistency.

2.9.6 Having taken the above into account the proposed scheme can adequately address flood risk and drainage subject to appropriate conditions. In addition climate change and energy efficiency measures can also be secured via condition to

ensure accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.10 Residential Amenity

2.10.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by Policies ENV1 (1) and ENV2 of the Local Plan and Paragraph 200 of the NPPF.

2.10.2 The nearest residential dwellings to the site are Turnhead Farm to the north and the existing residential development to the south. There have been changes at both ends of the site. Dealing with the Turnhead Farm end first, there are now dwellings which back onto the boundary with Turnhead Farm where there weren't any before. The rear elevation of Plots 38 and 39 face towards the side elevation of the existing farmhouse. However they are located between 23 and 28 metres distant from the side elevation. This is considered to be a reasonable distance in terms of residential amenity. Plots 40 and 41 are further away from the farmhouse and located at a more oblique angle and there is also some hedging in-between so these plots are unlikely to result in any loss of amenity to occupants of the farmhouse.

2.10.3 At the southern end of the site, the blocks of flats in the south western corner of the site overlooks the open space to the south and is not near any existing residential properties. The other block overlooks open space area E which is proposed to have a children's play area upon it. The nearest residential properties are located in Riverview, (the nearest being no 22 Riverview) but these are at least 30 metres distant from the proposed new block which is at an oblique angle to the existing dwellings. It is not considered that there would be any undue overlooking as a result of the proposals and due to the distances involved there are no overbearing or overshadowing issues.

2.10.4 With regard to the overall layout, it is considered that there is sufficient space between the dwellings so as not to cause any loss of amenity to future occupants of the new dwellings.

2.10.5 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 Policy ENV1(1) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.11 Impact on Highways

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 The Highway Authority initially had concerns about the cul de sac at the northern end of the site, adjacent to Turnhead Farm, which took access directly from York Road, but with no safe footpath linking the development along York Road. The applicants have amended the plans to keep the cul de sac with access from York Road, but have provided a footpath which links this part of the site with the rest of the estate. This lessens the likelihood that people will walk along York Road itself, which is unlit and has no footways.

2.11.3 A number of other issues were raised by the Highway Authority and these have been addressed by the amended plans. The final comments of the Highway Authority are still awaited and these will be reported verbally to the Committee.

2.11.6 Subject to highways issues being resolved satisfactorily, the proposals will be acceptable and in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF.

2.12 Impact on Heritage Assets

2.12.1 Relevant policies in respect to the impact on the historic environment and archaeology include Policies SP18 of the Selby District Core Strategy Local Plan and Policy ENV28 of the Selby District Local Plan. Policy ENV28 should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

2.12.2 The Committee Report for the extant consent concluded that:

“Taking into account Paragraph 135 of the NPPF this states that the effect of an application on the significance of a non- designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is therefore considered that on balance, having had regard to the need to bring housing forward, the contribution of the proposed mitigation in the form of targeted Archaeological Excavation and Strip and Record to the understanding of an important Roman site a condition to secure this mitigation would be the most appropriate way of dealing with this matter.”

2.12.3 Since the previous permission was granted, excavations have taken place in advance of the residential development, which have confirmed the existence of a substantial extra-mural high status Roman military settlement on the western banks of the River Ouse. The site has provided valuable knowledge within a regional area where little other previous archaeological investigations have been undertaken and helps towards closing gaps for Roman Selby, its environs and crucial links with the fortress and major Urban Settlement at York (Eboracum). A post-excavation archaeological assessment report has now been released, with recommendations that further analysis of specific parts of the site archive, including the pottery, be undertaken and makes proposals for radiocarbon dating to secure the chronology further. The report also makes recommendations for publication and dissemination of the results of the work. This is in line with the wording of the final part of the planning condition (No. 34; part C) requiring ‘the analysis, publication and dissemination of results and archive deposition’. It is hoped that the developer will continue to progress the works recommended in the reports.

2.12.4 It is considered that having had regard to Policy ENV28 of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and Paragraph 135 of the NPPF that the condition attached to the original planning permission in respect of archaeological works is being progressed appropriately. As

all excavation work has been completed at the site and work is already progressing to comply with the original permission, it is not considered necessary to re-apply the archaeological condition.

2.13 Affordable Housing

2.13.1 Policy SP9 of the Core Strategy states that the Council will seek to achieve 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. 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.

2.13.2 A viability appraisal was submitted with the application which indicates that the re-planned area of the development will only support 4 affordable units. The viability appraisal has been reviewed by the District Valuer and further discussions have been held with the applicants. The applicant has accepted the conclusions of the DV and agreed to provide 14 affordable housing units on the re-planned area, which equates to 18.6%. Overall, on the whole site, 24 affordable dwellings are proposed out of 233 dwellings, which equates to 10.3%. This is an improvement upon the original scheme where less affordable housing was proposed. The applicant will be submitting an amended plan showing the location of the affordable housing together with details of the tenure and this will be reported verbally to members at the meeting.

2.13.3 Whilst the affordable housing provision falls short of the 40% policy requirement the proposals have been fully vetted by the District Valuer. The development has incurred additional costs as a result of the high water table on the site and the level of affordable housing being proposed is considered reasonable in the light of this. The provision of affordable housing will need to be the subject of a section 106 Agreement and subject to this the proposals will accord with Policy SP9 of the Core Strategy.

2.14 Recreational Open Space

2.14.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.14.2 Policy RT2(c) states that for schemes of 50 dwellings or more, provision within the site will normally be required unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. It further states that depending on the needs of residents and the total amount of space provided, a combination of different types of open space would be appropriate in accordance with NPFA standards.

2.14.3 The applicants do not propose to change the recreational open space provision from the original scheme which has extant permission, apart from the loss of the open space area to the north adjacent to Turnhead Farm, which is now proposed to

be developed. Although this area was proposed to be landscaped as part of the original scheme, the land at that time was not in the applicant's ownership and remained in the ownership of the landowner. Despite the loss of this area, the amount of recreational open space to be provided on the overall scheme exceeds the policy requirement for 233 dwellings, which is approximately 1.4 hectares. The amount of open space to be provided across the whole scheme is as follows –

1,790 sq m (0.17 ha) of equipped Children's play space, which will provide for children from the new development but also replace the existing children's play area on adjacent land owned by the Parish Council, at the southern end of the site.

10,000 sq m (1 hectare) of incidental space to be landscaped and used for informal recreation and as community orchards

Approximately 12,900 sq m (1.29 hectares) of rough grassland/wild flower meadow between the development site and the River Ouse to be used for informal recreation.

2,500 sq m (0.25 hectares) of allotments – 11 allotments in total, with associated car parking

2.14.4 The provision of this open space was required by condition in the original planning permission and in the Section 106 Agreement attached to it. This agreement will need to be the subject of a deed of variation to reflect changed circumstances, in respect of the amended plans. Subject to this, the proposals are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.15 Education, Healthcare, Waste and Recycling

2.15.1 Policy ENV1 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.

2.15.2 In the case of the original planning permission, the Section 106 Agreement required the collection of contributions in accordance with the above policies and guidance. However, since then, the Community Infrastructure Levy (CIL) has been introduced and this is a material consideration in determining the current application. As the current application is a full planning application, CIL must be applied to it and this means that money would be collected towards education, health care, infrastructure etc at the rate of £10 per sq metre. In order to avoid "double counting" it was agreed with the applicants that there be a deed of variation to the original Section 106 Agreement to reduce the amounts paid for education, waste and re-cycling and healthcare as the number of dwellings to be constructed under the original scheme would now be 100 and not 179. CIL would be collected for the 133 dwellings that form part of the revised scheme. However, since the original discussion with the applicants, the County Council have stated that since the development has already commenced under the original planning permission, they expect the education contribution stipulated at £598,244.00 to be paid in full. The applicants have agreed to this.

2.15.3 Waste and re-cycling provision is not covered by CIL and the overall amount payable for 233 dwellings across the whole site would be £15,145, of which, £8,645 would be payable in respect of the re-planned area of the site. The table below sets out the changes to the section 106 payments. Although it appears that funds collected are being significantly reduced, additional money would be collected through CIL contributions for the 133 dwellings on the re-planned area. The details below show the differences in financial contributions in respect of the original application and the amended scheme. (The section 106 agreement as original and as proposed, will also cover non-financial clauses regarding the on-site provision of open space and play equipment, the provision of a management company for maintenance, provision of the allotments and provision of on-site affordable housing.)

Original Agreement	Amended Agreement
Monitoring fee – 750.00	Monitoring fee - (already paid)
Waste & re-cycling - 9282.00	Waste & Re-cycling – 5185.47
Education - 598244.00	Education - 598244.00
Health - 200000.00	Health - 111731.84
Total - 808276.00	Total - 715161.31

2.15.4 Whilst there is a difference of some £93,114.69, between the above figures, members need to be aware that CIL will be collected on the re-planned area of the scheme and this is likely to cover the difference. Subject to a revised agreement on the lines outlined above, it is considered that the proposals would comply with Policy ENV1 of the Local Plan and the Developer Contributions Supplementary Planning Document.

2.16 Impact on Nature Conservation and Protected Species

2.16.1 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.

2.16.2 An Ecological Assessment has been submitted with the application which is dated 2012. Whilst the report is a little out of date, it concluded –

“The site has been found to be of low ecological value, based on it supporting a very limited range of species poor and highly disturbed habitats. Otter presence has been confirmed on the tidal Ouse banks adjacent to the site, though no holts have been found. The layout presents little risk of leading to offences under wildlife legislation relating to this species as buffering habitat is retained between the development and the river. No other protected species have been found or are suspected at this site. Green space provision as master planned presents potential gains for biodiversity.”

2.16.3 It is considered that as construction work has been under way for some time now, that little potential exists for the situation to have radically altered from the previous position in respect of protected species. The report concluded that mitigation and enhancement measures, including the creation of an Otter holt, should be implemented. There is a condition on the original permission which requires these works to be carried out and it is considered that this condition should be re-applied

to the new permission. Subject to this, 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,

2.17 Contaminated Land and Ground Conditions

2.17.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is accompanied by a Geo-environmental Appraisal prepared by Lithos, which was submitted with the original planning application and which concludes that there is no made-up ground within the site there is no hydro-carbon contamination of top soil, but there is an area of landfill outside of the site at Turnhead Farm. In the light of this, gas monitoring was undertaken at the site in 2013 and a gas monitoring report submitted which concluded that risk from the area of landfill concerned was low but that gas protection measures should be incorporated into the new development. The Council's Contaminated Land Consultants are satisfied that appropriate precautions are being undertaken and the proposals therefore comply with the above-mentioned Development Plan policies.

2.18 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.

2.18.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Barlby. Matters of acknowledged importance such as design, effect upon the character of the area, landscaping, boundary treatments, impact on trees, drainage and climate change, impact on highway safety, residential amenity, nature conservation and protected species, affordable housing, recreational open space and impact on heritage assets are considered to be acceptable.

2.18.2 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.

2.18.3 The proposals are in accordance 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.

3.0 Recommendation

This planning application is recommended to be GRANTED subject to conditions similar to those detailed below and subject to a Deed of Variation to the Original Section 106 Agreement, reducing the waste and re-cycling contribution to £5185.47 and reducing the health contribution to £111731.84, and the preparation of a new Section 106 agreement requiring 18.6% on site affordable housing (equating to 14 affordable units) and contributions to waste and recycling.

01. The development for which permission is hereby granted shall be begun within a period of 3 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 work above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

03. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason:

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

04. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason:

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

05. 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.

06. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

07. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the car
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

08. No dwelling shall be occupied until at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be 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 and to accord with Policies SP15 and SP18 of the Core Strategy.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason:

In the interests of visual amenity and in order to comply with Policy SP19 of the Core Strategy and Policy ENV1 of Selby District Local Plan.

10. All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plans and these works shall be carried out for each plot in its entirety within a period of 12 months from occupation of the plot or within such longer period as may otherwise be agreed in writing with the Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy SP19 of the Core Strategy and Policy ENV1 of Selby District Local Plan.

11. The means of site enclosure shall be constructed in accordance with the approved details (drawing ref ...) These works shall be carried out for each plot in their entirety prior to the occupation of that plot and thereafter shall be maintained as such.

Reason:

In the interests of visual amenity and in order to comply with Policy SP19 of the Core Strategy and Policy ENV1 of Selby District Local Plan.

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

Reason:

In the interests of satisfactory and sustainable drainage and to accord with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

13. No development shall take place until details of the proposed means of disposal of foul water drainage including details of any balancing works and off-site works, have been submitted to and approved in writing by the Planning Authority.

Reason:

To ensure that the site is properly drained and to accord with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

14. Unless otherwise agreed in writing by the Planning Authority, no building or other obstruction shall be located over or within 6 (six) metres either side of the centre line of the public sewers which cross the site.

Reason:

In order to allow sufficient access for maintenance and repair work at all times.

15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall 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 the site is properly drained and surface water is not discharged to the foul sewerage system, in accordance with Policy SP19 of the Core Strategy and Policy ENV1 of the Local Plan.

16. Unless otherwise approved in writing by the Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:

To ensure that no foul water discharge takes place until proper provision has been made for its disposal and to accord with Policy SP19 of the Core Strategy and ENV1 of the Local Plan.

17. Prior to the commencement of work, a scheme to minimise the impact of noise, vibration, dust, and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Planning Authority and thereafter carried out in accordance with the approved scheme.

Reason:

To protect the amenity of the area, the environment and local residents from noise emissions in accordance with Policy SP19 of the Core Strategy and ENV1 of the Local Plan.

18. Details of external lighting shall be submitted to and approved in writing by the Planning Authority prior to commencement of work above foundation level. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of visual and residential amenity and to accord with Policy SP19 of the Core Strategy and Policy ENV1 of the Local Plan.

19. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with approved drawing noOnce created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

20. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction at all times until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason:

In the interests of the amenity of local residents and to accord with Policies SP19 of the Core Strategy and ENV1 of the local Plan.

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and the Flood Risk Assessment update dated 4 December 2013 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Planning Authority.

Reason:

To ensure safe access and egress from the site, reduce the risk of flooding to the proposed development and to accord with Policies SP15 and SP18 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

22. The development hereby permitted shall be carried out in complete accordance with the recommendations and mitigation measures set out in the approved Geo-environmental Appraisal Report No 1416/1 dated October 2013 and the Gas Risk Assessment dated 30th December 2013, unless otherwise agreed in writing by 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 off-site receptors.

23. The development hereby permitted shall be carried out in complete accordance with the recommendations set out in the approved ecological assessment reference BE-R1198-01.1 by Brooks Ecological, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that protected species are not significantly impacted by the development and to accord with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV10 of the Selby District Local Plan.

24. The development hereby permitted shall be carried out in complete accordance with the recommendations set out in the approved arboricultural report reference

10529/RG by JCA Ltd Arboricultural Consultants, unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of the visual amenity of the site and to accord with Policies SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

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

(to be inserted into the Decision Notice)

Reason:

For the avoidance of doubt and in accordance with policy ENV1 of the Selby District Local Plan.

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 2016/1314/FULM and associated documents.

Contact Officer: Mrs J. Low, Consultant Principal Planning Officer

Appendices: None



APPLICATION SITE

Item No: 2016/1345/OUTM

Address: Field Lane, Thorpe Willoughby

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Sports Centre

Existing hedgerow retained.
No new tree planting within
water main easements.

Recreation
Open Space

Existing
hedgerow
retained

Existing woodland belt

2.4 x 59m visibility splay

Proposed dropped crossings
and tactile paving

2.4 x 59m visibility splay

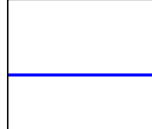

Proposed dropped crossings
and tactile paving

Possible route
of diverted public
water mains

Existing
hedgerow
retained

A63

Key

-  Water Main
-  6.5m easement to Main

**AMENDED
DRAWING**

Land at Field Lane, Thorpe Willoughby
Indicative Layout

Dwg No. 2444.201C
November 2016
Scale 1:500 @ A0

RECEIVED
15.03.2017
BUSINESS SUPPORT

DWP
Dryden Wilkinson Partnership

Norwood Barn
Lower Norwood Road
Norwood
Leeds LS21 2RA
01943 466 249



Report Reference Number: 2016/1345/OUTM

Agenda Item No: 6.6

To: Planning Committee
Date: 10th May 2017
Author: Jill Low (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1345/OUTM	PARISH:	Gateforth Parish Council
APPLICANT:	Sherwood Brothers Ltd	VALID DATE: EXPIRY DATE:	22nd November 2016 21st February 2017
PROPOSAL:	Outline application for residential development including access (all other matters reserved) on land		
LOCATION:	Land At Field Lane Thorpe Willoughby Selby North Yorkshire		

This application has been brought before Planning Committee due to the proposals being contrary to Policy SP2 of the Core Strategy. However, planning 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 have also been more than 10 representations received which have raised material planning considerations.

Summary:

The proposed scheme is an outline application for residential development on land at Field Lane Thorpe Willoughby. An indicative layout has been submitted which shows the site developed for 108 dwellings with an area of on-site open space at the western end. The application site is outside of the development limits for Thorpe Willoughby and is therefore contrary to Policy SP2A(c) of the Core Strategy and a departure from the development plan and should be refused unless material considerations indicate otherwise. One such material consideration is the NPPF.

The Council has conceded in appeal APP/N2739/W/16/3144900 of October 2016 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 Policy SP2 is out of date in so far as it relates to housing supply. However, in assessing the proposal, the development would bring economic, social and environmental benefits to the village of Thorpe Willoughby.

The proposal is considered to be acceptable in respect of matters of acknowledged importance such as highway safety, residential amenity, climate change, protected species, archaeology and affordable housing. The site is located on an area of open land between the A63 by-pass and Field Lane. Although outside of the Development Limits it is adjacent to the development limit boundary which runs along Field Lane.

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 benefits as it would contribute to the local economy providing additional funds through CIL which would contribute to the maintenance/improvement of local services and facilities as well as providing employment during the construction period.

The proposals would achieve a social role in that Thorpe Willoughby is a Designated Service Village which has some scope for additional residential development to support rural sustainability. It has a range of accessible local services including a pub, post office, local shop, village hall, hairdressers, pharmacy, sports and recreation facilities, a primary school and a church. The village is also served by a regular bus service. The new development will help to support these existing facilities.

In terms of impact on the environment, the principle of the development of the site is considered acceptable although the indicative layout is not agreed as it is considered over-intensive, bearing in mind the proximity of the Selby by-pass and the presence of a water main and aquifer which both traverse the site. The site could, however, be developed with a smaller number of units to take account of these constraints. Should members be minded to grant permission the applicant should be advised in an informative to seek early pre-application advice from the Planning Authority on this issue.

The highway authority has raised no objections to the principle of the development. The proposals are also considered to be acceptable in terms of climate change, protected species, affordable housing and archaeology. Comments are still awaited regarding contaminated land, but subject to there being no objections from consultees, and having regard to the above, it is considered that the proposal would be acceptable when assessed against current Development Plan policies and policies in the NPPF.

Having had 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 when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

Recommendation

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on-

site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution and subject to the conditions detailed in Paragraph 4 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site is located to the south of Field Lane at the southern edge of Thorpe Willoughby village. Access into the site would be taken from Field Lane. It lies outside of, but adjacent to, the development limits of Thorpe Willoughby and is contained to the south by the existing A63 (Selby by-pass).

1.1.2 The site currently comprises agricultural fields divided by hedgerows and is a triangular shaped piece of land with limited views to the south due to the by-pass being raised at a higher level with planting and tree screening alongside it. To the east the site is bounded by a public right of way with established trees and a hedgerow along its length, which is intended to remain. There is also a hedgerow to the site frontage with Field Lane and this is also intended to remain.

1.2 The proposal

1.2.1 This is an outline application for residential development including access, with all other matters reserved. The proposals include an indicative layout for 108 dwellings with an area of on-site recreational open space at the western end. The indicative plan shows two vehicular accesses into the site from Field Lane. The plan also shows the location of the water main which crosses the site and a 3metre easement either side of it. A variety of different house-types are shown on the indicative plan, together with a footpath which would run across the open space from west to east and link into footpaths within the housing development which would in turn link into the public right of way to the east.

1.3 Planning History

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

2011/0828/COU (PER - 08.06.2012) Change of use of land to create a holiday park comprising of the siting of 16 No. log cabins

2016/0879/TEL (A1PER - 19.09.2016) Prior notification of proposed 4G (fourth generation) upgrade to existing equipment

2016/1067/FUL (PER - 09.12.2016) Proposed erection of replacement of former stable

2017/0002/SCN (PCO -) Screening opinion request for an outline application for the erection of approximately 68 new dwellings on 1.7ha of land

1.4 Consultations

1.4.1 Parish Council - Thorpe Willoughby Parish Council has concerns over the cumulative effect of traffic levels using Field Lane generated from this proposed site

and from the new Brayton pig breeding centre sites, all using the only road at this side of the village.

- 1.4.2 Yorkshire Water – Yorkshire Water have recently traced the exact line of the mains on site so the agent know where they are in the ground. YW refer to an updated site plan to which there are no objections to the proposed site layout (as submitted on drawing no.2444/201C, drawing dated November 2016, prepared by DWP). The drawing shows the building layout in relation to the water mains with required stand-off distances. The water mains are shown sited in a new road layout and or open green space. With the above in consideration, if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

Water Mains

EXISTING INFRASTRUCTURE - Company records indicate 2 x 24" diameter live public water mains, and a 800mm live diameter water main crossing through the red line site boundary. Additionally, Yorkshire Water has the benefit of legal document (deeds no. 35824 & 6056) which protect the structural integrity of these pipes from such development.

IMPORTANT NOTE - Strongly recommend protection measures are discussed in advance of any construction on site i.e. loading over water mains from heavy machinery etc. This is a critical water supply to the area and any accidental damage will cause much disruption to public water supply. Any costs will be charged back to the developer.

Drainage

FLOOD RISK ASSESSMENT - The Flood Risk and Surface Water Assessment report (prepared by AAH - Report 69449 dated November 2016) does not outline a specific surface water strategy.

SURFACE WATER - The public sewer network does not have the capacity to accept any discharge of surface water from the development. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. Restrictions on surface water disposal from the site may be imposed by other parties. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

Groundwater Protection

The site overlies the Triassic Sherwood Sandstone aquifer from which YWS abstract groundwater for public water supply. The site lies within the total catchment groundwater source protection zone (SPZ III) for the Public Water Supply boreholes of the Selby Wellfield. The nearest abstractions are located within 800m to the northeast at Brayton North. YWS therefore have concerns with regard to groundwater protection and potential pollution risks arising from the proposed activities. The main period of risk is the construction phase, during periods of ground disturbance and increased risk of hydrocarbon pollution from plant vehicles on site. Post-construction, pollution risks from site arise mainly from drainage issues including run-off from roadways and parking area, and foul and surface water drainage. At this time, no information has been provided regarding ground conditions at the site but it is likely that the Sherwood Sandstone aquifer is at shallow depth below the site. Any overlying drift deposits of sand and gravel will provide little protection to the underlying aquifer. Therefore, site investigations may

show that foundations into the Sherwood Sandstone would be required. Foul and surface water drainage proposals must take into account the proximity of the public water supply abstraction boreholes and the sensitive nature of the Sherwood Sandstone aquifer.

1.4.3 NYCC Archaeology - The details have been checked against the Historic Environment Record. There are no known archaeological sites in the area indicated or within the immediate vicinity. In addition, the records indicate that archaeological monitoring took place during construction of the adjacent section of the A63 and that no finds or features of interest were noted. Therefore there are no objections to the proposal.

1.4.4 NYCC Education - Based on the proposed 108 x 2+ bedroom properties a shortfall of school places would arise as a result of this development and a developer contribution would, under s.106 arrangements, be sought for primary education facilities. This contribution would be £367,092. A developer contribution would not be sought for secondary school facilities at this time.

Should the density of the site change we would recalculate this based on data available at the time of request. This may show an increase the amount the contribution sought. Please also note that in some circumstances there may be a requirement for additional land as a result of this application.

NB: The Community Infrastructure Levy (CIL) is a source of funding from new development which will help support the delivery of local infrastructure. The council has adopted a CIL to fund infrastructure that will support the development of the area and to ensure that future housing and employment growth envisaged in its Local Plan can be accommodated sustainably. Funding raised through the levy can be used to pay for improvements such as parks, playspaces, education, health facilities and the transport network.

1.4.5 Environmental Health - Make the following comments:

1. Several dwellings in the proposed development are adjacent to the A63 and may be subject to traffic noise. Therefore request that the following information is sought:

The applicant should arrange for an appropriate noise survey and report, to be undertaken by a suitably qualified person. If necessary a written scheme for protecting the proposed noise sensitive development must be submitted to and approved in writing by the Local Planning Authority. The works provided as part of the approved scheme shall be permanently retained and maintained throughout the life of the development. The scheme must also ensure the internal environment of each dwelling is protected from noise. All works which form part of the scheme shall be completed before any part of the development is occupied.

2. The proposed development will include significant new car parking of more than 100 spaces outside an Air Quality Management Area, and also introduce new exposure close to existing sources of air pollutants (i.e. road traffic). Therefore request that the following information is sought:

The applicant should arrange for an appropriate air quality assessment and report to be undertaken by a suitably qualified person. Irrespective of any results that

ensue, attention is drawn to Section 6.20 I: Mitigation Measures in the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality which states in bold that "Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures, as outlined in Chapter 5." Good design includes the provision of Electric Vehicle (EV) charging points especially where the properties include a garage and it is requested that the applicant considers this or the provision of other mitigation measures for air quality.

3. The site is located close to existing residential properties and construction work will have a detrimental effect on amenity during redevelopment of the site. In order to minimise disturbance it is vital to agree schemes with contractors and developers prior to the work commencing. Therefore request that the following information is sought:

The applicant should submit a Construction Environmental Management Plan (CEMP). The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed.

1.4.6 North Yorkshire Bat Group – No response received.

1.4.7 Yorkshire Wildlife Trust - Welcome the recommendations set out in the Ecological Appraisal document to make a positive contribution to biodiversity. It is suggested that the recommendations to maintain the mature trees, hedgerows and young tree planting which border the site are secured under BS:5837:2012. The future management of the hedgerows and tree planting including 'stratification and sowing [of] a suitable shade tolerant ground layer' (p.19) should be ensured through a landscape and ecological management plans condition, as outlined in BS:42020:2013. This should include proposals to increase wildlife connectivity to the nearby Brayton Barff SINC with native tree and hedgerow planting. Such a plan should identify who will carry out the management and how this will be funded in line with the Technical Guidance to the NPPF (paragraph 44-51).

It is suggested that the installation of bat and bird boxes to provide new habitat should be secured with an appropriately worded condition. Although the autumn bat survey showed bat activity to be very low on the site, activity is likely to increase over the summer months and therefore unnecessary light pollution should be avoided by following best practice.

It is likely that an increase of 108 dwellings at Thorpe Willoughby will increase footfall and dog exercising activities at Brayton Barff LWS and therefore it is suggested that implementation of dog/litter bins and signposting is conditioned. A CIL payment or S106 agreement could go towards mitigation for increased pressure on the SINC.

1.4.8 Police Architectural Liaison Officer - No response received.

1.4.9 Vale Of York CCG – No response received.

1.4.10 NYCC Rights Of Way Officer - No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

1.4.11 Selby Area Internal Drainage Board - The application will increase the impermeable area to the site 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.

1.4.12 NYCC Flood Risk Management - Recommend a planning condition is attached to any approval granted.

1.4.13 The Environment Agency (Liaison Officer) – As the proposal does not meet the criteria for the Environment Agency to be consulted, the EA would not have any comments to make.

1.4.14 NYCC Highways – No objections subject to conditions attached to any permission granted.

1.4.15 Council's Contaminated Land Consultant - WPA are now satisfied that a risk assessment including a risk classification matrix has been provided. WPA agree with the recommendation that site investigation works should be carried out, which should be carried out according to BS10175:2011 and BS5930:2015 guidance. WPA therefore recommend that the amended Phase 1 report is now sufficient to discharge the contaminated land condition relating to a desk study, however the further contaminated land conditions may not be discharged until a site investigation report and any necessary remedial works have been completed and submitted for review.

1.4.16 The Council's Landscape Consultants Comments (summary)

Views and Relationship with Surroundings

The area of Thorpe Willoughby within the Landscape Assessment of Selby District (1999) falls within the Hambleton Sandstone Ridge Character Area characterised by a low but distinctive ridge with two wooded hills; and gently undulating farmland. The Landscape Appraisal 2011 splits the village into two main character areas with a north/ south divide running along Fox Lane and the development area falls within sector A defined as being of low sensitivity to development. The existing site is an area of flat agricultural land with features limited to mature boundary planting and internal hedgerows defining field boundaries.

The proposed residential area should integrate with the existing residential area to the north of Field Lane. The indicative layout is of a similar character to the existing neighbouring housing layout but appears to be of a more dense scale. Recommend that housing densities are not further intensified to ensure that the proposed residential is in keeping with the residential character of the adjacent area. Would be interested to understand the design and quality of the architecture and how it compares to the surrounding residential. Proposals of housing fronting onto Field Lane, yet set back somewhat from the road, are sensible to help the new development integrate with the existing and improve the experience for pedestrians on Field Lane.

Welcome the proposed retention of existing planting where possible to help screen and buffer the development and reduce its impact on the surroundings. From the A63 it seems that views will be limited by the existing mature hedgerow and trees to the south of the site. Any views from the A63 will be against a backdrop of the existing residential development. Would encourage increased screening to the east of the site to buffer and green views from Brayton Barff, a covered reservoir at a higher level to surroundings, and Site of Interest for Nature Conservation (SINC).

Open Space and Ecology

Support the retention of the existing planting structure where possible and proposals should adhere to the guidelines in British Standard BS 5837: 2012 Trees in relation to design, demolition and construction with regards to protecting hedgerows and trees on the site. The indicative layout includes what appears to be internal tree planting within the site which we support to green the site, provide a human scale to development and visual interest. Would be interested to understand the proposals for the boundary treatment to the plots and whether hedging/ fencing etc. will be proposed.

The scheme includes provision for a recreational open space to the west of the site. This is shown to be heavily screened by existing planting and is not overlooked by residential. We have concerns over the perceived safety of this space and the layout should be reviewed to ensure the park is welcoming, overlooked and helps to deter crime and anti-social behaviour. An important aspect of this is ensuring the space remains well maintained.

The open space should provide amenity offer for both the existing and future residents. There is no mention to play space within the application. The green spaces adjacent to the public footpath could incorporate small playable items, such as natural play elements. We would urge the applicant to consider the benefits of

home zones to keep traffic speeds low, encourage social interaction, safe places for children to play and promote a sense of community.
Support the recommendation made in the Ecological Appraisal to make a positive contribution to biodiversity, including provision of bat boxes, as well as bird boxes.

Access and Movement

Recommend an additional pedestrian crossing across Field Lane connecting Fox Lane to the public footpath to help integrate the residential areas. Consideration should be made to wayfinding with the introduction of new signage, as well as appropriate lighting.

1.5 Publicity

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in 51 letters of representation being received, 33 objecting and 18 in support. The application was advertised as a departure. The issues raised are summarised below:

Objections:

Contrary to Plan Policies/Objections to Principle

- Contrary to Core Strategy Policy SP18.
- This village extension on an agricultural greenfield site would not be in conformance with policy SP2 and the NPPF framework.
- While the site has previously been identified as a potential development site in the Strategic Housing Land Availability Assessment (SHLAA), the Core Strategy Appendix C para B16 makes it clear that the SHLAA indicates what could be developed, and not what should be developed.
- There are available brown field sites without destroying more greenfield sites. Overdevelopment of the local area. Thorpe Willoughby is full up.
- The "presumption in favour of sustainable development" should be set against previous and ongoing large scale development in Thorpe Willoughby.
- Thorpe Willoughby is one of 18 Designated Service Villages (DSV) identified as being suitable for further development. Policy SP5 requires these 18 DSVs between them to provide a total of 2000 new dwellings during the 16 year period between 2011 and 2027. According to ONS data, in 2011 the population of Thorpe Willoughby parish was 2730 and there were 1195 dwellings. Since that time 149 dwellings have been built on land adjacent to Leeds Road [application 2012/0852/FUL] and construction of a further 276 dwellings has commenced on land near to the railway crossing [applications 2014/1028/OUT and 2016/0197/REM]. These two projects alone will provide an additional 425 dwellings, representing a 36% increase in the village's housing stock. Approval has also been granted, after appeal, for a further development at the former pig breeding centre on Field Lane, which will add 50 to 60 dwellings [13/1041/OUT].

- These 475 dwellings in Thorpe Willoughby alone constitute 24% of the required housing allocations for all Designated Service Villages in the period 2011-2027, which is disproportionate. Demand for new housing in Thorpe Willoughby will become satiated.
- Building on any spare land, without any due consideration for current residents and the new residents.
- Before the new Local Plan is finalized and announced, I object against any major planning decisions in Thorpe Willoughby, because it is impossible to evaluate whether or not these specific decisions would be in agreement with the SDLP and/or in the public interest.
- Before every available space in and around the village is filled with housing, a community plan needs to be drawn up to ensure that future development contributes to establishing a village identity with particular attention being given to the area around the village green; this would provide a focus and ensure that future development meets residents' needs.

Traffic/Congestion/Highways issues

- Field lane is crossed by a large number of pedestrians wishing to access Brayton Barff, increased traffic volume in an area where visibility is already poor would surely lead to more accidents.
- Field Lane is already an incredibly busy area, especially when events are on at the sports club and to add more traffic would only increase congestion and cause conflict amongst residents when parking becomes an issue, which it will. The proposed individual access to the new properties direct from Field Lane would cause many issues for the existing properties on Field Lane, together with the Sports Field events.
- Field Lane was "through route" to Hambleton prior to the opening of the Selby Bypass. It is now a giant cul de sac, still finding drivers returning from the turn round finding an alternative route. Add to that the number of additional vehicle movements from the new developments on Barff Lane at Brayton, the road (and particularly Fox Lane) will see an increased amount of commuter traffic and summary congestion at Fox Lane shops, in both directions.
- The village roads and Barff lane are not wide enough to cope with the extra traffic Barff Lane is unlit and in poor repair and since the bypass work is now used as a short cut increasing noise, pollution and dangerous driving/speeding- and will only increase with this development.
- The traffic in the village is far from bearable, and the prospect of adding even more cars moving in and out of the proposed development would make the situation unsustainable.
- Car Chaos seems to reign on newer estates due to Planning Policy "overlooking the 2 parent 2 offspring with cars on a one car driveway. So on the basis of increased traffic on Fox/Field Lane I object.

- Transport Assessment is out of date regarding availability of bus services.
- In contrast to the theoretical traffic predictions, based largely on statistical data from 'comparable' areas, these cannot be validated by local experience with congestion and traffic flows at either end of Fox Lane being somewhat greater than predicted, especially at peak times. Besides traffic that services the residential areas, there is significant through traffic between Leeds Road and Brayton, all of it using the Fox Lane/Field Lane junction. There is also significant traffic to the sports centre at the western end of Field Lane, which increases when sports events are taking place. Field Lane is also on a bus route and is popular with cycling groups and horse riders.
- The junction of Field Lane and Fox Lane is an important factor in assessing the likely impact of additional traffic from new housing development in this part of Thorpe Willoughby. To the 108 houses, which are the subject of the current proposal, should be added the up to 60 houses planned for the former pig breeding centre.
- The Transport Assessment quoted traffic calming measures in Fox Lane, but these were removed some years ago. These would need to be reinstated, as well as new ones installed on Field Lane either side of the junction.
- If the access road is near to Willow Rise then you will see this used as a "rat run" rather than Fox Lane being used. The access road must be near Fox Lane if the plans are approved.
- Without access to the by-pass from Thorpe Willoughby traffic will be very heavy as people use Willow Rise/Fox Lane to get to the Fox Pub junction. Without traffic control at this junction the ability to leave and enter the junction will become lengthy and dangerous. This will be also impacted by the Houses being built in Brayton as people wishing to use the bypass are likely to drive through Thorpe Willoughby.
- It is illustrative to look at the travel patterns of people within the village, as these are likely to be representative of new residents. Of the 2038 people identified in ONS 2011 census data as being between the ages of 16 and 74, 685 were not in employment (probably reflecting the age profile of the local population). Of the remaining 1353, 1020 drove a car to work and 74 were passengers. This behavioural pattern should be taken into account when assessing the sustainability. About 60% of people in work commute to Leeds and York.

Capacity of Schools/Doctors/Local Amenities

- No additional amenities have been provisioned to support the large number of developments which have been given the green light.
- No capacity in local schools. Local village children being denied local village school places. The doctors are virtually impossible to get an appointment with or have to travel to South Milford for an appointment. There are 3 ongoing developments in the vicinity of the village with no plans to support or improve any infrastructure or services in the village.

- The development of the village since the 1970s has gone on piecemeal, with little regard for a community level plan. As such, there is no definable village centre to act as a focus. The nearest thing that can be described as such is the area around the school, village hall, village green and play area, and the pub.
- The main issue to be resolved is whether there is adequate space to expand the school on its existing site, or whether new land will be required and, if so, where. Due to the layout of the school entrance in relation to nearby streets, there is a severe problem with car parking and access, with parents setting down and picking up children. This will only get worse if more children are to be accommodated on site.
- The school will have to be enlarged at some point to deal with the extra children. However the school stands in limited grounds and who will be responsible for the cost of extending the school. Our children's education must not be threatened by overcrowded facilities.

Noise and Traffic Pollution

- More noise, traffic pollution and congestion. Some of the new build houses would be in close proximity to the Selby bypass and, as such, would be subject to noise and air pollution. This would have a detrimental effect on the health and wellbeing of its residents.

Wildlife/Rural Setting

- This area is the only remaining wildlife area within the village and provides a green corridor into the village. If development is allowed it will be to the ruin of the aesthetics of the village. Currently there are no houses on that side of Field Lane from Brayton to Hambleton. At the moment the area is made up of fields and trees that separate the village from the bypass. This would be ruined by housing.
- Provides a rural setting for Brayton Barff. It is one of only two hills in the Vale of York, standing out from the low-lying land around it. The proposed development is inappropriate and unsympathetic to the appearance and character of the local environment.

Footpaths

- The proposed development site borders a well-used access path to Brayton Barff, which is protected as a Right of Way. This currently benefits from all-round open views which would be marred by the close proximity of buildings and their associated hedges, fences and outbuildings
- The plan overlaps the public footpath.
- There is a permissive path running along the southern edge of the plot, close to the woodland belt marked on the plan. This path is accessed from the right of way by a stile in the south-eastern corner of the field and runs all the way to the western end of the plot near the sports centre. This path is well used and much appreciated, providing access to Brayton Barff and the Selby Horseshoe Walk

from the western end of the village. It would be desirable to maintain this path, in line with the Green Infrastructure component of Core Strategy SP18: point 4. This would also link up with new woodland established on the opposite side of the bypass. Simply providing access via the new estate roads would not be appreciated by either users or residents.

Drains and Water pipes

- It was assured that as Yorkshire Water pipes ran under those fields following the Brayton to Scammonden drought in the 1990's there would be no development thereon. How has this been addressed? At some point they will require intense maintenance and digging up the street (the ONLY OPTION) will not be welcome for those inhabiting and unaware of the situation.
- The village already has sewage/flooding problems.

Affordable Housing

- Most of the houses will be 4 bed detached properties with less than 30% being affordable housing.
- The proposal suggests that 40% of the proposed housing would be affordable. Outline planning permission was granted, after appeal [APP/N2739/A/14/2216522], for the development of the former pig breeding centre with the proviso that 40% of the dwellings would be affordable. Subsequently, the developer stated that the provision of 40% affordable homes was not financially viable and sought to vary the planning condition. How can we be assured that the same thing would not occur of any new development in the locality.

Others

- People who live on Field Lane currently have a beautiful view which will be totally destroyed by a housing development.
- Precedent for further applications.
- Residents at 12 Field Lane were not consulted.
- The agricultural land is classified as Grade 3, which is classed as good to moderate and is far from poor quality.
- While the proposed development site and its neighbouring field to the east are separated by hedgerow, footpath and fence, they are effectively managed as a single field. In the event that planning permission is granted, the viability of the remaining field must be brought into question together with its future use. Since this borders directly onto Brayton Barff, this could have a detrimental effect on amenity and biodiversity.
- Suggested modifications
The proposed development has two access roads with several houses having private driveways leading directly onto Field Lane. Given the existing problems

at the junction of Field Lane and Fox Lane, we believe it is not sensible to locate an access road and driveways so close to the junction, especially if the new houses encourage additional on-street parking. As has been suggested by other respondents, a better approach would be to relocate the access road much further away from the Fox Lane junction and to make the new properties accessible from within the development site.

- In the event that permission is granted, we would request that the Authority places conditions on the Developer to minimise disturbance to existing residents, and to take measures to actively avoid traffic congestion during the construction
- The proposed construction would have a direct negative effect on the privacy of my property, with the windows of the proposed new houses looking directly into the windows of my house. The plan should be redesigned so that the new houses are not accessible directly from Field Lane, but from a new local road inside the proposed development site, and separated from Field Lane by the existing hedge and gardens.
- The exit through the planned access road, which is exactly in front of my house, would have an adverse effect on the access to my property, especially from the point of view of road safety. The plan should be redesigned so that the new access roads face the existing roads of Willow Rise and Acorn Way directly.

Comments in Support

18 signatures on a pro-forma letter in support have been received. The letter states:

“I believe that Thorpe Willoughby is well able to support further housing, with excellent transport links, schools, shops and public leisure/play areas.

There is a desperate shortage of housing in the Selby area and this particular site is very well located to provide some of the shortfall in the District.”

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
SP2 - Spatial Development Strategy
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

2.3 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
ENV 15 – Locally Important Landscape Areas
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements
CS6 - Development Contributions-Infrastructure

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

The National Planning Policy Framework introduces, in paragraph 14, a presumption in favour of sustainable development. It 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".

This report is made in light of the guidance of the NPPF.

2.5 Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document, March 2007

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. Identifying the impacts arising from the development in terms of:
 - Impact upon the Character and Form of the Locality, including Brayton Barff
 - Flood risk, drainage and climate change
 - Highway issues
 - Impact upon nature conservation and protected species
 - Affordable Housing
 - Recreational Open Space
 - Education, Healthcare, Waste and Re-cycling
 - Contaminated Land and ground conditions
 - Residential Amenity
 - Archaeology
 - Noise and Air Pollution
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 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 2.7.3 The application site is situated outside the defined development limits of Thorpe Willoughby which is a Designated Service Village. Policy SP2A(c) of the Core Strategy says:

“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.”

- 2.7.4 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.

- 2.7.5 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements.
- 2.7.6 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."
- 2.7.7 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.”
- 2.7.8 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

- 2.7.9 In respect of sustainability, the site is adjacent to the development limits of the village 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 public house, a village hall, a church, a general store, a post office, a hairdressers, a pharmacy and sport and recreation facilities which include playing fields. It also benefits from bus services to Selby and Leeds. 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.
- 2.7.10 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 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, etc, helping to maintain their viability.

Environmental

The proposal would not have an adverse effect upon nature conservation and the scheme can be conditioned to mitigate against climate change. There are other environmental factors which will be considered in detail below.

The above factors weigh in favour of the development.

Previous Levels of Growth and the Scale of the Proposal

2.7.11 Core Strategy Policy SP4 does not set a minimum dwelling target for individual service villages. As a guide, Policy Officers have confirmed that the Council consulted on various growth options for the Designated Service Villages as part of the development of PLAN Selby in July/August 2015 and at this point the research indicated minimum growth options of between 61-83 dwellings. The level of growth in the settlement will achieve significantly more than the stated potential growth options, there being 424 dwellings currently permitted or under construction. This is a significant level of growth already and the addition of a further 108 dwellings is likely to impact upon the local community. However, the impact upon the level of service provision can be mitigated by CIL payments which would be collected in respect of the new dwellings.

2.7.12 It is acknowledged that there could be an impact upon the local community if all of these dwellings are under construction at once, although the Highway Authority are satisfied that the local highway network can cope with the increased traffic arising from these new developments. A refusal of permission on these grounds would therefore be difficult to substantiate, particularly in the light of recent appeal decisions in the locality where planning permission has been granted.

2.7.12 On consideration of the above information, it is considered that the proposal is acceptable with regard 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, subject to compliance with flood risk policies within the NPPF. The impacts of the proposal are considered in the next section of the report.

2.8 Identifying 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 section 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 impact on the character and appearance of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy. In addition, Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved. 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, 60, 61, 65 and 200.
- 2.9.2 Policy ENV 15 relates to Locally Important Landscape Areas, of which there are two in the District and Brayton Barff is one of these. The policy states that priority will be given to the conservation and enhancement of the character and quality of the landscape and that particular attention should be paid to the design, layout, landscaping and materials of any new development to minimise impact and enhance the traditional character of buildings and landscape in the area.
- 2.9.3 The application is in outline, with an indicative plan showing 108 dwellings served by an adopted highway with access from Field Lane. The plan shows a mixture of different size properties although details of the overall mix are not provided. This could be controlled by condition to accord with Policy SP8 of the Core Strategy regarding housing mix.
- 2.9.4 Indicative Layout - The shape of the site tapers at the western end and is quite narrow, which restricts possibilities with regard to the layout. The applicant has indicated that this area would be used for on-site recreational open space. The provision of dwellings at this end of the site would bring them into closer contact with the roads on both sides – the Selby by-pass and Field Lane, which would not be ideal from the point of view of noise or air pollution. Notwithstanding this, it would be preferable if a greater area of open space was provided at the eastern end of the site to give a greater distance between the developed area and the existing public footpath which is very rural in character.
- 2.9.5 The indicative layout shows the dwellings to be carefully arranged so as not to interfere with drains which cross the site. The drainage constraints, proximity to the by-pass and the need to retain the setting of existing footpaths and the landscaped setting of the Barff, means that whilst the principle of development on the site may be acceptable, the indicative layout is not accepted and the level of development is likely to need to be scaled down.
- 2.9.6 The Landscape Assessment of Selby District 1999 and Landscape Appraisal 2011 provide the evidence base to consider the landscape impacts of proposals within and adjacent to Thorpe Willoughby. The Landscape Assessment was expanded upon in the 2011 Landscape Appraisal, which was undertaken to support the adopted Core Strategy 2013. The Landscape Appraisal 2011 splits Thorpe Willoughby into two main character areas, A and B with a north / south divide running along Fox Lane in the centre of the village.

- 2.9.7 The site area is located within Sector A. Sector A is defined as being of Low sensitivity to development. The assessment concludes that “The immediate landscape, within the area contained by the A63 bypass, is fairly well screened and is unlikely to be intrusive within the landscape. Where development would be visible it would be viewed against the backdrop of existing development and occupy an area already allocated for development which has few areas of intrinsic value”.
- 2.9.8 Sector B includes Brayton Barf which is a Site of Interest for Nature Conservation which is located to the east of the application site and is separated from it by an intervening field. This field is also included in sector B and it is considered that this would provide a sufficient separation buffer from the application site, should it be developed.
- 2.9.9 The site is generally well screened by the Selby by-pass from the south and by trees and hedges to the east so that the impact upon the wider landscape would not be significant. If anything, the site has become more suitable for development due to the creation of the new by-pass and arguably the line of the new road could be said to be the logical edge to the development of the settlement. The impact of the scheme could be further mitigated by additional landscaping and tree planting. Whilst there would inevitably be some loss of hedgerows within the site, the hedges and trees to the boundaries can be conditioned to be retained.
- 2.9.10 To conclude, it is considered that some development could be accommodated on this site without unduly impacting upon the wider character of the area or the surrounding landscape, although not such intensive development as that indicated on the indicative plan. The applicant would need to submit further details at Reserved Matters stage and engage in early pre-application advice to ensure that the constraints of the site are adequately dealt with. It will be expected that any scheme submitted at reserved matters stage will make a significant contribution towards improving the landscape setting of the site and the Barff, including the provision of new and the maintenance of existing footpaths. Subject to this development of the site would accord with Policies ENV1 and ENV15 of the Selby District Local Plan, and Policy SP19 of the Core Strategy.

2.10 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 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 The application site is located within Flood Zone 1 which is at the lowest risk of flooding and the sequential test is therefore not required in this case. There is however, a water main and an aquifer which traverse the site. Yorkshire Water have traced the line of the water main on the site and an amended plan has been submitted which shows the line together with a 3m easement either side. The Environment Agency have been consulted in respect of the aquifer, but did not wish to comment. The Lead Flood Authority have not objected, subject to conditions. Yorkshire Water have clarified the position on this as follows –

“The main issues are with regard to appropriate foul and surface water drainage, to ensure that these do not inadvertently introduce pollution into the

Sherwood Sandstone aquifer. However if foul drainage plans are approved by YW to go to mains sewer this shouldn't be a problem. Surface water drainage from roadways/parking areas to soakaway or infiltration SUDS may be an issue, however this could be mitigated by the use of interceptors or a stage-filter design. Additionally there are risks during the site construction works and the digging of foundations.”

2.10.3 Yorkshire Water go onto state that a condition requiring a Construction Environmental Management Plan should be required and that this must demonstrate that the applicants have considered the potential adverse impacts on groundwater and what mitigation would be put in place and demonstrate that they are working to environmental best practice guidelines.

2.10.3 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. 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 in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.

2.10.4 Having taken the above into account, and subject to the submission of an appropriate drainage strategy by the applicants, 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.

2.11 Highways Issues

2.11.1 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.

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 is accompanied by a Transport Assessment which examines the existing highway provision, traffic flows, accident levels and sets out the trip generation and traffic flows anticipated as a result of the proposed scheme. The report concludes that the proposed development could be accommodated on the existing highway network, without any significant negative impacts. The report concludes that there are no highway capacity reasons why the development should not be granted planning permission.

2.11.4 On the indicative plan the application site is proposed to be served by two vehicle access points from Field Lane. The County Highway Authority have raised no objections to the principle of the development subject to a number of conditions.

2.11.5 Local residents have raised concerns about the additional traffic that would be generated from the development on already busy roads, through the village.

However, in the absence of any objections from the highway authority a refusal of permission on these grounds would be difficult to substantiate.

2.11.6 It is therefore considered that the scheme would accord with policies ENV1 (2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network, subject to conditions.

2.12 Impact upon Nature Conservation and Protected Species

2.12.1 Relevant policies in respect of 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.

2.12.2 Protected Species are protected under the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration. The application site is not a formal or informal designated protected site and nor is it in close proximity to any site supporting protected species or any other species of conservation interest.

2.12.3 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.”

2.12.4 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 that cannot be avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

2.12.5 The application is accompanied by an Ecological Appraisal. The report concludes that the site represents a typical agricultural plot, where mature standard trees, and to a lesser extent hedgerows, represent the only habitats of merit ecologically. All other habitats are considered to be of low ecological value.

2.12.6 The appraisal goes on to state that Hedgerows, although species-poor, will meet the criteria for classification as a ‘habitat of principle importance’ under the NERC Act 2006, whilst mature native trees are considered to have a high intrinsic ecological value - given the time taken for saplings to reach this stature. As such, every effort should be taken at the design stage to retain these features on Site. Any loss of these habitats would require a suitable compensatory planting scheme to be produced. With regards to hedgerows, the scheme should aspire to achieve a

'no net loss' in the cover of this habitat. The appraisal notes that this appears achievable, with opportunities for new hedgerow planting along the eastern boundary and within the POS to the west.

2.12.7 It is also noted in the appraisal that at present, tree planting along the southern boundary is young and easily replaceable; however, given time and appropriate management, this could develop into a valuable linear habitat feature. The report recommends that this feature be retained and enhanced for local wildlife post development.

2.12.8 In order for the development to make a positive contribution to biodiversity, the following recommendations are made in the report:

- Installation of bird and bat boxes within retained mature trees and suitable new builds.
- Retained hedgerows and young tree planting entered into formal management, with the aim of enhancing their value to local wildlife.
- Management of tree planting could include stratification and sowing a suitable shade tolerant ground layer.
- New species-rich hedgerows or lines of native trees could be planted along the eastern boundary to enhance connectivity.

2.12.9 Both the Yorkshire Wildlife Trust and the North Yorkshire Bat Group have been consulted on the proposals. The former has not raised any objections and the latter has not provided comments. The Yorkshire Wildlife Trust welcome the proposed enhancements to biodiversity indicated in the ecological appraisal. And suggest a number of conditions to cover this. They also suggest that a management plan should be agreed for future maintenance and that unnecessary light pollution should be avoided by following best practice. They further suggest that the development will increase footfall and dog exercising activities at Brayton Barff LWS and therefore it is suggested that implementation of dog/litter bins and signposting is conditioned and that a CIL payment or S106 agreement could go towards mitigation for increased pressure on the SINC.

2.12.10 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 conditions that the proposals be carried out in accordance with the recommendations set out in the Ecological Appraisal and as advised by the Yorkshire Wildlife Trust with regard to light pollution.

2.13 Affordable Housing

2.13.1 Policy SP9 states that the Council will seek to achieve 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. 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.

2.13.2 This application is an outline application where the applicants have indicated that 40% affordable housing would be provided. This can be covered by a Section 106 Agreement and subject to this, the application would accord with Policy SP9 of the Core Strategy.

2.14 Recreational Open Space

2.14.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded limited weight given it conflicts, in part, with the Council's Community Infrastructure Levy Charging Rates, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.14.2 The applicants have confirmed in their Planning Statement that Recreational Open Space would be provided on site in accordance with policy requirements 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.

2.15 Education, Healthcare, Waste and Recycling

2.15.1 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 limited weight due to their conflict with the Community Infrastructure Levy.

2.15.2 North Yorkshire County Council Education team were consulted on this application and have responded that a contribution of £367,092 would be required. However, since the adoption of the Community Infrastructure Levy (CIL) a sum would be collected by this means which can be spent towards education provision in this area.

2.15.3 No response has been received from the Healthcare Service in relation to healthcare contributions, however, the adoption of CIL means that a sum will be collected which could contribute towards healthcare provision if required.

2.15.4 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.

2.16 Contaminated Land and Ground Conditions

2.16.1 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 Geotechnical and Environmental, which concludes that

there is no made-up ground within the site but in respect of contamination a further intrusive study would be required.

2.16.2 The Council's Contaminated Land Consultant has been consulted and have not raised any objections subject to appropriate conditions being applied for further investigations to be carried out following the Phase 1 survey. This would accord with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.17 Residential Amenity and Neighbour Concerns

2.17.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by Policies ENV1 (1) and ENV2 of the Local Plan and Paragraph 200 of the NPPF.

2.17.2 A significant number of residents have objected to the principle of the new development on the basis that the site is located outside of the development limits, that it should be preserved from development and that there are already a large number of new dwellings which already have planning permission or are under construction. These concerns are understood. However, the proposals have to be considered in the context of the current lack of a 5 year housing land supply and recent appeal decisions where planning permission has been granted for new housing, notwithstanding that there are already developments both with planning permission and under construction, as outlined in section 2.7 above.

2.17.3 Residents have also expressed concerns about additional traffic and congestion in the village. However this has been considered in detail by the Highway Authority who have not objected to the scheme subject to conditions attached to any permission granted.

2.17.4 The proposed development is close to existing residential properties to the north and some residents have concerns regarding overlooking of their properties and loss of privacy. However, the submitted layout is indicative only and the detailed layout would need to be the subject of further review and public consultation.

2.17.5 Local residents have raised concerns about noise and pollution arising from the development. In particular they are concerned about the impact upon new residents living in close proximity to the by-pass. Environmental Health Officers have recommended that conditions be attached to any permission granted to take account of these issues. This would also be a matter to consider at reserved matters stage in terms of the overall layout.

2.17.6 Another major concern is the impact of the additional development upon existing facilities such as the school and local doctor's surgery. Whilst these concerns are appreciated, the applicants will have to pay a CIL contribution which should go towards enhancing these facilities.

2.17.7 Although there is local concern about the loss of the site to development and the impact upon wildlife and footpaths, an ecological report has been submitted with the application which indicates that the site has low ecological value apart from the existing trees and hedges and these can be conditioned to be retained. A condition can also be imposed to require the retention of a footpath link through the site from west to east. Although the site is well used by residents for recreational purposes,

the site could still maintain connections to Brayton Barff, which is also used for recreational purposes.

2.17.8 Having taken into account the matters discussed above it is considered that the site could be developed in such a way that it would not cause a significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policy ENV1 of the Local Plan and the NPPF.

2.18 Impact on Heritage Assets

2.18.1 Relevant policies in respect to the impact on the historic environment and archaeology include Policies SP18 of the Selby District Core Strategy Local Plan and Policy ENV28 of the Selby District Local Plan. Policy ENV28 should be afforded significant weight as it is broadly compliant with the NPPF. Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

2.18.2 The County Archaeologist has been consulted regarding this application and has stated that there are no known archaeological deposits within the development area or its immediate vicinity and no objections to the development are raised. As the potential for archaeological remains on the site is low, it is considered that a condition for an archaeological watching brief would, in this instance, be unnecessary. The proposal therefore complies with relevant Development Plan policies.

2.18.3 The Grade 2 listed building of Barff Farm House is located approx. 310m to the east of the site. However, given the distance from the site and segregation of Field Lane, that it is already adjacent to suburban housing and the mature planting buffer around the area, it is not considered that the proposed development would undermine its value.

2.18.4 Having regard to the above, the proposal is considered to comply with relevant Development Plan policies.

2.19 Noise and Air Pollution

2.19.1 Relevant policies in respect to noise and air pollution are Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, which seek to protect new developments from all types of pollution.

2.19.2 Environmental Health Officers have considered the details in respect of this application and have requested conditions regarding a noise survey and an air quality assessment to be submitted as part of any Reserved Matters application. This will ensure that the layout at reserved matters stage takes account of these important factors. They have also requested a condition regarding a construction management plan, to ensure that the amenity of nearby residents is protected during the construction period.

2.19.3 Subject to the above conditions, it is considered that the proposed development would accord with Development Plan policies.

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.

3.1 In assessing the proposal, the development would bring economic, social and environmental benefits to Thorpe Willoughby. Matters of acknowledged importance such as effect upon the character of the area, landscaping, boundary treatments, impact on trees and hedges, drainage and climate change, impact on highway safety, residential amenity, nature conservation and protected species, affordable housing, recreational open space and impact on heritage assets are considered to be acceptable. However, the indicative layout submitted with the application is not approved as it is likely to be over intensive bearing in mind the constraints on the site in respect of proximity to the Selby by-pass and the water main and aquifer which traverse the site. The applicant needs to be aware that whilst the principle of residential development on the site is considered acceptable, the number of units proposed is not. It is recommended that an informative be added to the decision notice to highlight this issue and suggest that early pre-application advice be sought in respect of any reserved matters application.

3.2 Aside from the number of units proposed, it is considered that there are no other 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.

3.3 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.

3.4 Conclusion

3.4.1 Notwithstanding that the indicative layout is not agreed, as it would be too intensive, it is considered that the principle of residential development on this site is acceptable and that a suitably designed and landscaped scheme would not significantly detract from highway safety or residential amenity. The proposals are considered to be acceptable in respect of the impact on flooding, climate change, archaeology, affordable housing and protected species. it is therefore considered that the proposal would be acceptable, subject to conditions, when assessed against the policies in the NPPF, the Selby District Local Plan and the Core Strategy.

4. Recommendation

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on-site affordable housing provision, on-site Recreational Open Space and a waste and recycling contribution and subject to the conditions detailed below:

01. Approval of the details of the (a) appearance, b) landscaping c) layout 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. 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.

04. Prior to commencement of work on site, the applicant should submit a Construction Environmental Management Plan (CEMP). The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The plan shall also include mitigation measures with respect to the protection of groundwater and the hours of operation during construction work. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by the Local Planning Authority. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed

Reason:

To protect the amenity of the area, the environment and local residents from noise, dust and other airborne pollutants, vibration, smoke, and odour during construction - in accordance with Selby District Council's Core Strategy Policy SP19.

05. At the same time as application is made for the approval of reserved matters in respect of the layout and appearance of the development, the applicant shall also submit an appropriate noise survey and report, which has been undertaken by a suitably qualified person. If necessary a written scheme for protecting the proposed noise sensitive development must be submitted to and approved in writing by the Local Planning Authority. Any works provided as part of a noise mitigation scheme shall be permanently retained and maintained throughout the life of the development. The scheme must also ensure the internal environment of each dwelling is protected from noise. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason:

To protect the residential amenity of the development from noise in accordance with Selby District Council's Policy SP19, the National Planning Policy Framework (NPPF) paragraph 123, the National Planning Practice Guidance (NPPG) in relation to noise and the policy aims of the Noise Policy Statement for England (NPSE) and to ensure appropriate protection to ground water, in accordance with Policy ENV1 of the Selby District Local Plan and Policies SP15 "Sustainable Development and Climate Change."

06. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity, in accordance with Policy ENV1 of the Selby District Local Plan and Policies SP15 "Sustainable Development and Climate Change."

07. No building or other obstruction including landscape features shall be located over or within 6.5 (six point five) metres either side of the centre line of the large diameter live water mains i.e. a protected strip width of (13) metres, that transverse the site. If the required stand-off distance is to be achieved via diversion or closure of the water main(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason:

In order to allow sufficient access for maintenance and repair work at all times.

08. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the site is properly drained in accordance with Policy ENV1 of the Selby District Local Plan and Policies SP15 "Sustainable Development and Climate Change."

09. 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 accordance with Policy ENV1 of the Selby District Local Plan and Policies SP15 "Sustainable Development and Climate Change."

10. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason:

In the interests of both visual and residential amenity and to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- I. the parking of vehicles of site operatives and visitors;
- II. loading and unloading of plant and materials;
- III. storage of plant and materials used in constructing the development;
- IV. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V. wheel washing facilities;
- VI. measures to control the emission of dust and dirt during construction

Reason:

In the interests of both visual and residential amenity and to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

12. The details of the landscaping of the site, required to be submitted at reserved matters stage shall include details of the laying out of an area of amenity space of a size not less than 60sq m per new dwelling on the site. The submitted details shall also include details of maintenance arrangements for the amenity area. The area shall be laid out as amenity land and thereafter shall not be used for any other purpose than as an amenity area.

Reason:

In the interests of the amenity of future residents of the site and to accord with Policies ENV1 and RT2 of the Selby Local Plan and Policy SP19 of the Core Strategy.

13. At the same time as an application is made for reserved matters in respect of the layout and appearance of the site, a detailed plan of all existing trees and hedges on the site shall be submitted. No trees and hedges shall be removed until such time as the following details have been submitted to and approved in writing by the Planning Authority:

I. a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees, if any, are to be removed;

II. a schedule in relation to every tree identified listing:

- o information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
- o any proposed pruning, felling or other work;

III. in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:

- o any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
- o all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);

IV. areas of existing landscaping to be protected from construction operations and the method of protection.

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.

14. Prior to commencement of work above foundation level, a detailed scheme and management plan for implementation of the recommendations detailed below, as outlined in the Ecological Report prepared by Brooks Ecological, submitted with this outline application, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented in accordance with the approved details.

- Installation of bird and bat boxes within retained mature trees and suitable new builds.
- Retained hedgerows and young tree planting entered into formal management, with the aim of enhancing their value to local wildlife.
- Management of tree planting to include stratification and sowing a suitable shade tolerant ground layer.
- New species-rich hedgerows or lines of native trees to be planted along the eastern boundary to enhance connectivity.

Reason:

In the interests of nature conservation and to comply with Policy SP18 of the Core Strategy and Policy ENV 15 of the Selby District Local Plan.

15. At the same time as the reserved matters in respect of layout and appearance are submitted, an appropriate air quality assessment and report undertaken by a suitably qualified person shall be submitted and appropriate measures to deal with any ensuing impacts from air pollution shall be incorporated into the design of the development, to the satisfaction of the Planning Authority.

Informative

Irrespective of any results that ensue, attention is drawn to Section 6.20 I: Mitigation Measures in the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality which states in bold that "Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures, as outlined in Chapter 5." Good design includes the provision of Electric Vehicle (EV) charging points especially where the properties include a garage and it is requested that the applicant considers this or the provision of other mitigation measures for air quality.

Reason:

In order to adequately address the provision of significant new car parking outside an Air Quality Management Area, as well as new exposure close to existing sources of air pollutants (i.e. road traffic), and to accord with Policies SP18 and 19 of the Core Strategy and ENV1 of the Selby District Local Plan.

16. The landscaping proposed for the site shall include provision of a landscaped footpath through the site from west to east to link up with the existing public right of way to the east together with appropriate dog litter bins and sign-posting.

Reason:

The site contains a number of permissive paths which are used by local residents and at least one footpath must be provided in the interests of residential amenity and to comply with Policies ENV1 of the Selby Local Plan and SP19 of the Core Strategy.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:

(To be inserted into the Decision Notice).

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

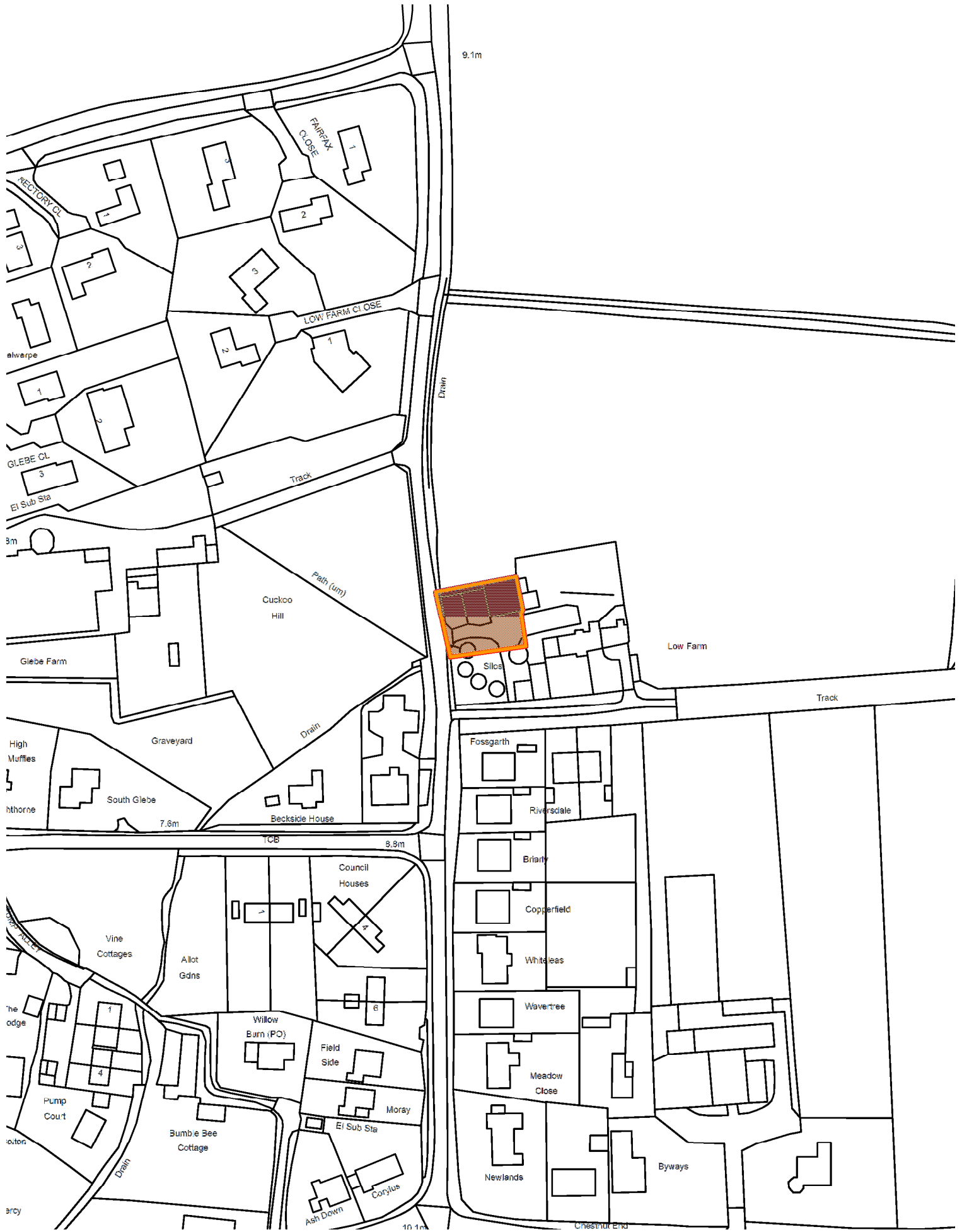
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1345/OUTM and associated documents.

Contact Officer: Mrs Jill Low, Principal Planning Officer Consultant

Appendices: None



APPLICATION SITE

Item No: 2017/0118/FUL

Address: Low Farm, Low Farm Road, Bolton Percy

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Site Plan. Scale 1:200 @ A1

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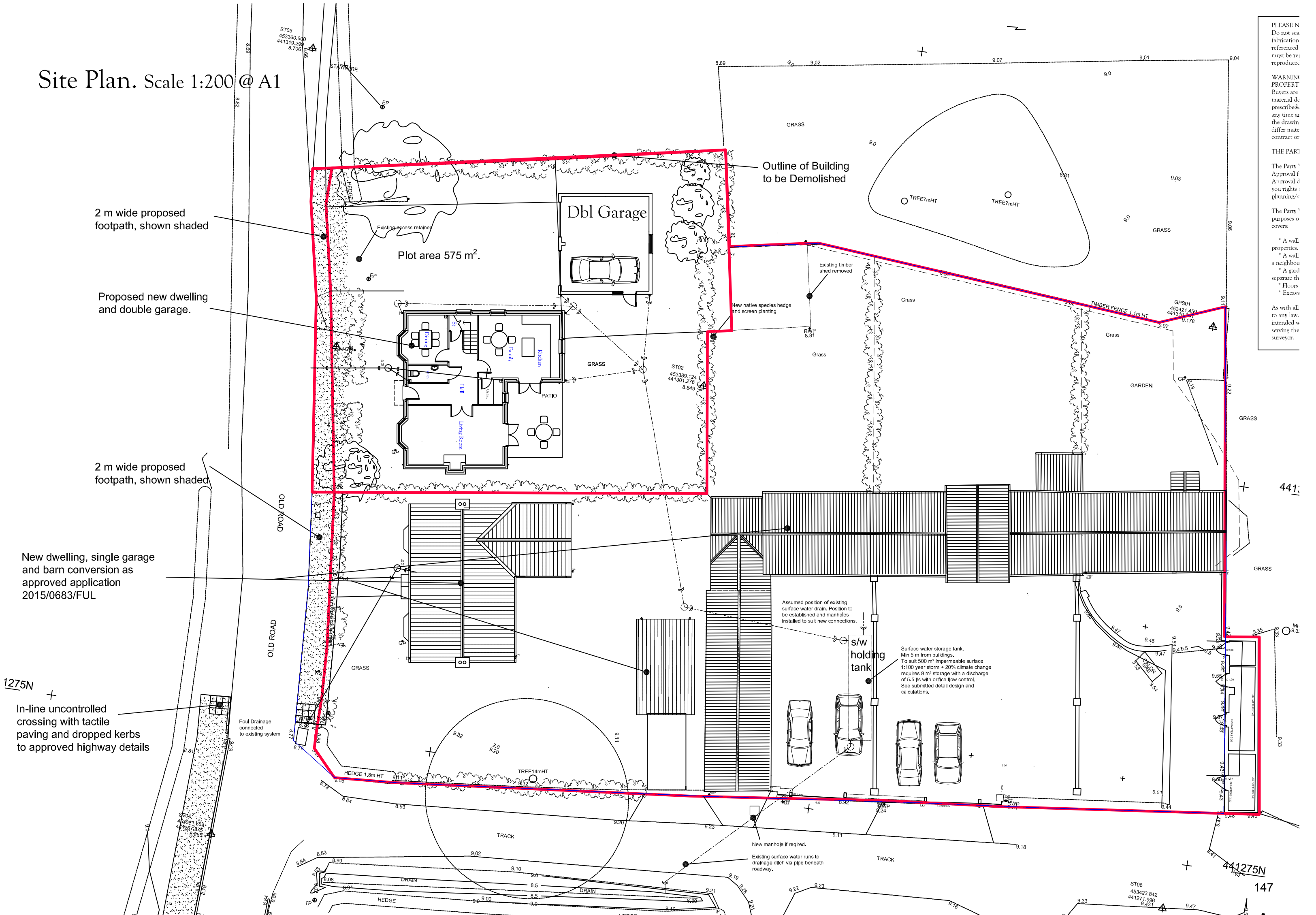
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2 m wide proposed footpath, shown shaded

Proposed new dwelling and double garage.

2 m wide proposed footpath, shown shaded

New dwelling, single garage and barn conversion as approved application 2015/0683/FUL

1275N
In-line uncontrolled crossing with tactile paving and dropped kerbs to approved highway details

Outline of Building to be Demolished

s/w holding tank
Surface water storage tank. Min 5 m from buildings. To suit 500 m² impermeable surface 1:100 year storm + 20% climate change requires 9 m³ storage with a discharge of 5.5 l/s with orifice flow control. See submitted detail design and calculations.

New manhole if required.
Existing surface water runs to drainage ditch via pipe beneath roadway.

441:

147

To: Planning Committee
Date: 10th May 2017
Author: Fiona Ellwood (Principle Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2017/0118/FUL	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr Robert Penty	VALID DATE: EXPIRY DATE:	1st February 2017 29th March 2017
PROPOSAL:	Erection of a four bedroom dwelling and garage		
LOCATION:	Low Farm Low Farm Road Bolton Percy Tadcaster North Yorkshire YO23 7AH		

The site lies outside the development limits of Bolton Percy, a secondary village and the proposal is therefore contrary to Policies SP2 and SP4 of the Core Strategy.

Summary:

The application seeks full planning permission for one dwelling on 0.0575 hectares of land on the north east edge of Bolton Percy village. The scheme is a re-submission following the withdrawal of this element which was included in the larger scheme to convert farm buildings and construct a further single dwelling on the part of the site within the development boundary.

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.

This site is within the Conservation Area of Bolton Percy. When considered against the requirements of the 1990 Town and Country Planning (Listed Buildings and Conservation Areas) Act to pay special attention the desirability of preserving or enhancing the character or appearance' of a conservation area, it is concluded that the scheme would be beneficial and enhance the character or appearance of the area and there would be no harm to the designated heritage assets of the site. As such there is no need to restrict the development on this basis.

Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is concluded that the proposed development amounts to a sustainable form of development which is acceptable in respect of the impact on the character and appearance of the area, impact on Heritage Assets, impact on Residential Amenity, impact on Flood Risk, highway Safety, affordable housing

contribution, nature conservation and protected species, ground conditions, flood risk, drainage and climate change.

Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

The site measures some 0.0575Ha (0.142acres) in area and comprises part of the curtilage of the original farm complex known as Low Farm. This application site comprises the North West corner part of the former Low Farm site with frontage to Low Farm Road.

The total Low Farm site is located on the North East side of Bolton Percy village opposite the village hall building (former primary school). It is bounded to the west by Low Farm Road, to the south by an unadopted track and to the north and east by open agricultural land. The farm site contains a house attached to a row of single, two and three storey traditional brick and pantile farm buildings, together more modern corrugate sheeting and timber additions, silos and open front farm buildings. Planning permission has recently been granted for the conversion of these to two dwellings plus one additional dwelling fronting Low Farm Road.¹

The village development limits run through the centre of the farm site with this application sitting just outside but adjoining the boundary. It is however, within the boundary of the Conservation Area. It is within Flood Zone 1.

1.2 The proposal

The proposal provides for the erection of a four bedroom dwelling and detached double garage. The plot has an area of 575 m² and the new dwelling will have footprint of 89.6 m² and a floor area of 153.3 m². The new dwelling would face west towards Old Road, with a front garden and the main amenity space to the rear. New hedges would be planted to the plot perimeter.

1.3 Planning History

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

2008/0418/CON (NOREQ - 10.04.2008) Conservation Area Consent for the demolition of grain store.

2010/0828/FUL (PER - 18.11.2010) Conversion of redundant agricultural buildings to two dwellings including the addition of a two storey and a single storey extension. This permission was implemented but not completed.

2013/0685/DPC (COND - 08.08.2013) Discharge of conditions 2 (materials), 4 (hard landscaping), 6 (landscaping), 7 (contamination investigation and risk assessment), 15 (site enclosure), 16 (trees) and 17 (demolition) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to two dwellings including the addition of a two storey and a single storey extension.

2013/1046/DPC (COND - 22.10.2013) Discharge of conditions 7 (contamination) and 8 (remediation) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant

agricultural buildings to 2 No dwellings including the addition of a two storey and a single storey extension.

2013/1083/DPC (COND - 12.11.2013) Discharge of condition 9 (Remediation Scheme) of approval

Planning Permission 2010/0828/FUL has been implemented but not completed since all the pre-commencement conditions have been discharged (see above 3 applications) and work started on site.

2012/0553/COU (PER - 12.02.2013) Change of use of part of former farmyard to garden land. (This relates to the current application site extending across the northern part of the farmsite outside of the development limits).

2015/0683/FUL (PER - 07.09.2016) Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. dwellings with garden land and the erection of 1 No. dwellings. (Originally included this application site which was removed when the 5 yr housing land supply was announced).

Background

This application relates to the re-submission of an application for one dwelling which was previously included as part of the original scheme for the conversion of the farm buildings together with 2 detached dwellings. The applicant was requested to amend the scheme to remove this dwelling due to it being outside the development limits. However this was when the Council then had a five year housing land supply. The Council no longer have a five year supply of housing land and as such this application is now considered within that context.

1.4 Consultations

Summarised as follows;

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).

In December of 2016, an appeal decision¹ found that the Council had less than a 5 year housing supply. This means that in accordance with paragraph 49 of the NPPF, the Council's policies for the supply of housing cannot be considered up to date. Relevant policies which deal with housing supply in the Core Strategy are:

- SP2: Spatial Development Strategy, parts A (a), (b), (c).
- SP4: Management of Residential Development in Settlements, parts (a), (b), (c), (d).
- SP5: The Scale and Distribution of Housing, part B.

An approval on this site (if its deliverability can be proved by the applicant) would help the Council to restore its 5 year supply of housing.

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)

NYCC Highways -No Objections subject to conditions all of which are included in section 3.

Yorkshire Water Services Ltd – No comments received

Ainsty (2008) Internal Drainage Board – The Board does have assets adjacent to the site in the form of various watercourses around the village; these watercourses are known to be subject to high flows during storm events. Detailed comments and conditions recommended relating to soakaways to be included if consent is granted. See section 3.

Historic England

(summary of draft comments received at the time of writing this report)

Low Farm has been deliberately included within the conservation area. Main historic character comes from the brick range of farm buildings. Retention is welcomed (although this forms part of the previous scheme). In terms of the current application, there is some benefit in removing the existing large agricultural shed and allowing greater views through to the nineteenth-century farm buildings behind. Therefore no objection to its removal and replacement with a dwelling. Important for development not to be overly suburban or formal in character. Note positively that the existing hedgerows are to be retained and the boundary treatment for the new dwelling would consist of new hedgerows in appropriate species.

Approaching the conservation area from the north it's important that you can still appreciate that Bolton Percy is historically an agricultural village. Opening up views of the historic farm buildings is an enhancement. In terms of the new dwelling, the impact would at worst be neutral and potentially minor beneficial in removing dilapidated structures and replacing with high quality new development. Dwelling style and character should reflect others in village (without being too twee) and would depend on the specification and materials and particularly on the landscaping so these should be firmly secured.

Parish Council.

1. This third property on this site was dismissed due to being too densely populated. Nothing has changed – it is felt the site will certainly be over populated, especially with it being in the village Conservation Area.
2. Low Farm Road, still a narrow road, with two passing places. Service buses, school buses and deliveries all access this road, together with residents which gets very congested. The proposed properties have no pull-in features allowing for delivery of oil, refuse collection etc, to pull off the access road, these will have to block up this road to all other road users.
3. Old Farm Road- unsurfaced track- there are four field entrances off this lane which will require access by farm machinery.
4. Drainage/Surface water. Major concern in the village, with the already flooding we have before these extra properties are built, these will only add to the problem. On one hand the application states it is NOT within 20 metres of a watercourse, yet it then states that surface water is to be disposed of by the existing watercourse. The sewage Pumping Station in the village is overpowered during heavy rainfall and any additional building would only make this worse. The properties bordering the village beck, have already been very close to flooding, even with the use of the village pump.

Six more properties with numerous bathrooms etc can only add to this situation, as if understood correctly it is proposed to link into this same watercourse. We all know that the watercourse runs beneath the road/edge of the field here. This item certainly needs more investigation.

5. A footpath is mentioned, of which there is no room for this to be constructed, there is a culverted ditch on the west side, and insufficient space on the east side. The road in its present state is far too narrow to allow for a footpath to take some of the road width away.
6. Drainage Board considerable objections need to be taken into consideration before any decisions are made.

At the same time as this application is being considered, it must be pointed out that building is taking place on the opposite side of Low Farm Road, with at the moment two large 5 bedroom properties, which are positioned very near the road, with another 5 bedroom property in the pipeline. Together it would mean 6 very large detached properties at the entrance of the village thus altering the entrance significantly.

Councillors hope the Planning Officers look very carefully at the above comments before making their final decision, to which it should be noted that Bolton Percy is a secondary village for building consideration.

1.5 Publicity

The application was advertised by site notice, neighbour notification and advertisement in the local newspaper. Additional neighbour notification of the surrounding residential properties was carried out due to a request from a local resident resulting in letters of representation from three households being received. The issues raised can be summarised as follows:

- Comments made about the unsuitability of Low Farm Road being unsuitable for this and the other developments which have been applied for nearby due to it being a narrow road which is a main route for residents getting in and out of the village.
- Wear and tear on track to the south.
- Concerns about sewage and run off water- existing problems in the village will be exacerbated.
- Too many cars will result in parking on the pavements.
- Need to know who will monitor the development as often, the building changes from what has been approved.
- Contrary to the development plan as it's outside the village limits. This is unnecessary development.
- precedent will be set for breaching the development limit if this is approved
- Desecration of rural environment for short term need for 5 year housing land supply.

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
- SP9 - Affordable Housing
- SP15 - Sustainable Development and Climate Change
- 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

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

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

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) Heritage Assets
- 3) The impacts of the proposal:

- a) Impact on the Character and form of the village and the locality
 - b) Highway Safety conditions
 - c) Residential Amenity
 - d) Flood risk, Drainage and Climate change
 - e) Nature Conservation
 - f) Land Contamination
 - g) Affordable Housing
- 4) 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 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 Bolton Percy 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 Bolton Percy. 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%. 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.

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."

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.

- 2.3.6 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.”

- 2.3.7 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. The site is within the Conservation Area, which is a Heritage Asset and therefore the application should be assessed to determine whether it should be restricted on this basis.

- 2.3.8 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 limited jobs in the construction of the proposed dwelling. The construction workers may also use the local services within the village and surrounding settlements. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities. In addition the proposals would provide a limited Community Infrastructure Levy (CIL) contribution to help support local services.

Social

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

Environmental

The proposals would not help move towards a low carbon economy as it would be located outside a Secondary Village which is classed as least sustainable and does not concentrate development close to infrastructure and services and as such residents would be reliant on accessing services, facilities and employment by private car.

The above factors overall provide some weight in favour of the development.

Sustainability of the development

- 2.3.9 In respect of sustainability, the site is outside the development limits of Bolton Percy which is a Secondary village, thus being one of the smallest least sustainable settlements. Bolton Percy was too small to include in the Core Strategy Background Paper No5 which assessed the relative sustainability of rural settlements by indicators such as settlement

size, basic local services, accessibility and local employment. The analysis extended to villages with a population above 600. Bolton Percy had a population of only 304 in the 2011 census. As such it is considered to be one of the smaller more remote and least sustainable settlements in the district. It has none of the basic key local services such as a shop, school, post office or doctors surgery. Although there is a bus service to York, future residents would be mainly reliant on car use and as such there would be a negative impact in terms of the environmental aspect of the proposals and this would weigh against the development.

- 2.3.10 It is noted that the applicants have made reference to an appeal decision at Biggin, a smaller secondary settlement for two dwellings which was allowed. It should however be noted that a number of recent appeal decisions for dwellings outside Secondary Villages have been dismissed on the basis of sustainability and accessibility to services, facilities and employment. In taking account of these decisions the Council have re-considered its approach to development outside Secondary Villages and have provided further guidance within the 'Five Year Supply Guidance Note for Applicants' January 2017. This document states that the lack of a five year housing land supply does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with development plan policies, as is the case here. It also makes it clear that each case should be considered on its own merits balancing up all aspects of the application.

Previous Levels of Growth and the Scale of the Proposal

- 2.3.11 The Core Strategy designates levels of growth to settlements based on their infrastructure capacity and sustainability. When assessing whether the adverse impacts of a housing scheme would significantly and demonstrably outweigh the benefits, in terms of the effect on the settlements character, infrastructure capacity and sustainability, it is important to determine the impact a proposed scheme has on this level of growth.

The scale of this individual proposal, at 1 dwelling, is considered to be appropriate to the size and role of a settlement designated as a Secondary Village in the Core Strategy. In terms of cumulative impact with the previous levels of growth in this settlement that have occurred since the start of the plan period, to date, Bolton Percy has seen no dwellings built in the settlement since the start of the Plan Period in April 2011 but does now have extant gross approvals for 8 dwellings.

Given the limited amount of development which has occurred in the village during the plan period, this one additional dwelling together with the approved 8 dwellings is considered an appropriate level of growth.

2.4 Specific Policies of the NPPF which indicate development should be restricted

Impact on the Heritage Assets

- 2.4.1 Policies ENV1 and ENV28 of the Selby Local Plan, Policies SP18 and SP19 of the Core Selby Strategy and the NPPF require proposals to take account of their impacts on heritage assets. The Local Plan Policies should be afforded significant weight.
- 2.4.2 In accordance with the NPPF paragraph 128 the Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Planning (Listed Building and Conservation Areas) Act 1990 requires, with respect to any buildings or land in a Conservation Area that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 2.4.3 The applicants have submitted a Heritage Statement which sets out that the site lies within the Bolton Percy Conservation area. The plot currently includes a large timber framed barn

which will be removed to leave a flat, level and largely open plot with a perimeter defined by a timber post and rail fence, which will be reinforced and enhanced with the new perimeter hedges of native species, hawthorn, blackthorn, holly and hazel to provide privacy when mature, with timber feather boarded fencing providing temporary screening.

- 2.4.4 It is considered that the proposed new dwelling would continue the pattern of the more recent infill along Old Road and sit sympathetically on the street scene. The design, and detailing will respect the historic nature and contribute positively to the Village context, reinforcing the rural residential characteristics and having no detriment to the setting of any listed buildings. Overall the removal of modern dilapidated structures will significantly improve the appearance of the site. Views of the rear of the old brick farm buildings would still be maintained. Materials of the dwelling and details of the boundary treatment and landscaping can be secured by condition. These would ensure the character of this part of the Conservation Area would be enhanced.
- 2.4.5 It considered that the site at present is run down, neglected and an eyesore. It is located on a visibly prominent site at the northern entrance to the village. This scheme result in the removal of unsightly or dilapidated structures which would be replaced by a well-designed individual house and new indigenous hedgerow to form a softened edge to the village.
- 2.4.6 The comments of Historic England are noted. Overall, the appearance of the site will clearly change but would be enhanced creating an attractive development at this end of the village encompassing the new dwellings and the converted farm buildings. As such the character and appearance of this part of the Conservation Area would be enhanced.
- 2.5.7 Subject to the details and timing of the boundary treatment and panting which could be secured by condition it is considered that the scheme will enhance the site and provide a visual improvement to this end of the village.
- 2.4.6 Having had regard to the above comments and taking into account Paragraph 135 of the NPPF, it is considered that the proposals are considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 of the Selby Local Plan, Policies SP18 and SP19 of the Selby Core Strategy and the NPPF.

Having taken all of the above into account Officers consider that the development need not be restricted on the basis of the Heritage Assets.

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 Impact on the Character and Form of the Locality

- 2.6.1 Relevant policies in respect to design and impact on the character and appearance of the area include Policies ENV1 (1) and (4) and ENV15 of the Local Plan and Policies SP18 and SP19 of the Core Strategy.
- 2.6.2 Significant weight should be attached to Local Plan Policies ENV1 and ENV15 as they are 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 Although the proposal would extend development beyond the development boundary, there is a distinctive change in character between the site and the open fields beyond. The

application site is just outside but adjoining the development boundary. It is part of a farm site which already has had planning permission as part of the overall site for conversion of the farm buildings and has a separate permission for use as garden land. This site forms part of the curtilage of an approved scheme which has been started. Visually the site is associated with the farm buildings and the redevelopment scheme and has physical boundaries of existing fencing separating it from the surrounding adjoining fields. The site has farm buildings and hard standing and a boundary beyond which the character changes to open agricultural field.

- 2.6.4 The proposed dwelling will continue the building line formed by the recently permitted adjacent new dwelling. The development of this site would therefore be a natural rounding off to the existing development and could form a new distinctive and defensible boundary edge to the settlement. As such there would be very little impact on the character and appearance of the open countryside around the village. In terms of landscaping the plans indicate natural field hedging to the boundaries. This would ensure a soft natural new edge to this end of the village.
- 2.6.5 Having had regard to all of the above elements the scheme has been appropriately designed so as to ensure that no significant detrimental impacts would be caused to the character of the area or the locality in accordance with Policies ENV1 (1) and (4) and ENV15 of the Local Plan and Policies SP18 and SP19 of the Core Strategy Core Strategy and the NPPF.

2.7 Impact on Highway safety

- 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 policies of the Local Plan should be afforded significant weight.
- 2.7.2 The proposed dwelling would have an access directly onto Low Farm Road with parking and a double garage within the site.
- 2.7.3 On the recently approved scheme 2015/0683/FUL improvements were sought and the developer has agreed, to provide a new footway linking the site. This will encourage walking and provide safer access to and from the site for pedestrians. The plans for this dwelling clearly indicate this provision. In respect of parking provision, an appropriate level of parking provision can be achieved within the scheme in accordance with the required standards.
- 2.7.4 The concerns of local residents in relation to parking, service vehicles and deliveries, footways and road safety are noted. However, the Local Highway Authority is satisfied that the scheme is acceptable subject to the conditions imposed under section 3 of this report.
- 2.7.5 The scheme provides a safe means of access to the dwelling with adequate parking. It is therefore considered to be acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

2.8 Residential Amenity

- 2.8.1 Policy ENV1 of the Selby District Local Plan (2005) requires the District Council to take into account the effect that proposals for development will have on the amenity of adjoining occupiers. Further, 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.

- 2.8.2 On this site the nearest dwelling are the existing Farm House already on the site, together with the approved new house on the adjoining plot and the traditional farm buildings which have consent for conversion. 2 other semi-detached dwellings front the unadopted side lane opposite the site. In addition, new dwellings are under construction on the opposite side of Low Farm Road.
- 2.8.3 The design of the scheme ensures that no significant detriment would be caused through overlooking, overshadowing or creating an oppressive outlook on either the future residents of the proposed dwellings or the occupiers of adjacent properties. Adequate distances existing between the buildings and together with the arrangement of dwellings with private garden areas to the rear the scheme is considered acceptable. Moreover, the removal of farming activities and replacement with residential use represents a significant improvement in amenity to the nearest neighbouring dwellings.

Therefore the proposal would not cause a detrimental impact on the residential amenities of either existing dwellings and an adequate standard of amenity can be provided for future occupants in accordance with Policy ENV 1 (1) of the Local Plan and the NPPF

2.9 Flood Risk, Drainage and Climate Change

- 2.9.1 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. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.9.2 The application site is located in Flood Zone 1 (low probability of flooding) and as such it is not at risk from flooding. In respect of surface water run-off drainage it is proposed for source control of run-off via infiltration systems to a soakaway. Foul water would be disposed of via the existing main sewer.

The concerns of the Parish Council and Local Residents in relation to problems with drainage are noted. However, both the Water Authority and the Drainage Board support the scheme subject to conditions. The applicant has worked with the drainage board towards a solution and they are now satisfied that the applicant has a clear methodology for sustainable disposal of surface water. The applicant has clarified the intention to discharge into the watercourse using the existing facilities, and will attenuate the discharge rate to 70% of the existing.

- 2.9.3 In respect of energy efficiency, renewable materials will be utilised as far as possible and solar panels will be considered in order to reduce the reliance on non-renewable energy sources. In addition the dwellings would be constructed to Code for Sustainable Homes Level 3 with appropriate glazing and insulation required to meet this standard. As such the proposals will satisfy Policies SP15 and SP16 of the Core Strategy.
- 2.9.4 Therefore the proposal would not have significant impact on flood risk, drainage and the sewerage system. Having had regard to the above, subject to the inclusion of conditions the proposed scheme is therefore considered acceptable in accordance with Policy ENV1(3), Policies SP15 and SP16 of the Core Strategy and the NPPF with respect to flood risk, drainage and climate change, subject to attached conditions.

2.10 Impact on Nature Conservation and Protected Species

- 2.10.1 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.

- 2.10.2 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.
- 2.10.3 The Ecological Appraisal submitted confirms that there are no notable or protected habitats on site. There were no signs of use by protected species nor did the site offer suitable habitat for any. The site consists of bare ground, a section of species-poor hawthorn hedge, a small strip of improved grassland, and an open-sided barn. The barn offers no bat roosting potential and no further bat survey work is required. A barn owl has previously used the barn as an occasional feeding roost site, but there is no evidence of recent usage. A permanent internal barn owl nest box is being provided within a building adjacent to the site, which is subject to recent planning approval and condition. There would be loss of nesting habitat in the agricultural building and there could be risk of disturbance to nesting birds if hedges or building removal takes place in the nesting season or if active nests are present. However this can be controlled through a suitable planning condition. There are local records for great crested newt (GCN) from Bolton Percy. However, due to the fact that the development site is within an active farm yard, and there is an absence of suitable GCN habitat on site, presence/absence surveys are not required.
- 2.10.4 In the light 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.

2.11 Land Contamination

- 2.11.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 2.11.2 A Phase 1 Contamination Report was submitted as part of the previous planning application and was the subject of a planning condition which was discharged as part of the commencement of the previous permission. As such the only requirement in respect of this proposal is for the standard conditions in respect of remediation, monitoring and the fall back condition in respect of unexpected contamination. As such the proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Selby Local Plan and Policy SP19 of the Selby Core Strategy.

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 The applicant was prepared to provide the appropriate payment in accordance with the Affordable Housing SPD via a legal agreement.
- 2.12.4 In the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case the Council is no longer able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD. The proposal is contrary to the provisions of the Development Plan but there are material considerations – the High Court decision on the West Berkshire case - which would justify approving the application without

the need to secure an affordable housing contribution. The proposed legal agreement is therefore no longer required.

2.12.5 The proposed development, although contrary to Policy SP9 of the Core Strategy is considered acceptable without an Affordable Housing contribution.

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 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 In terms of sustainability it has been identified that the lack of services and facilities in Bolton Percy and the fact that the settlement is a Secondary Village which has been classed as one of the least sustainable settlements in the District would not help move towards a low carbon economy as it would not concentrate development close to infrastructure and services and hence would result in an unsustainable form of development to which significant weight against the proposal should be attached.

2.13.4 In terms of the social benefits the proposal would provide one additional dwelling which would assist the Council in meeting its housing need. The applicant confirms this would be deliverable as the farm site is already being marketed and there is nothing to prevent the site being developed in the near future. Moderate weight in favour should be attached to this.

2.13.5 With respect to economic benefits the proposal would provide limited jobs in the construction of the proposed dwelling and future residents would have a limited contribution to the local economy through supporting local facilities to which limited weight should be attached.

2.13.6 In terms of the impact on the Conservation Area, a Designated Heritage Asset the scheme is considered overall to provide some overall enhancement to the appearance of the site in this prominent position in the Conservation Area at the entrance to the village. This provides significant weight in favour of the proposal.

2.13.7 The lack of harm to the character and appearance of the locality given the site history and the existing characteristics of the site are also material considerations which provide some weight in favour of the scheme. The site is outside the development limits but is not a Greenfield undeveloped site. It abuts the curtilage of existing residential development which continues in linear form to the south and opposite the site the west and north west. As such it would not be isolated development in the open countryside. The development would not lead to continued expansion of Bolton Percy which could undermine the spatial integrity of the development plan. It would represent a natural rounding off to the village and form a new firm defensible boundary beyond which encroachment into the open rural countryside could be resisted. The provision of a new landscaped boundary edge to the settlement also adds some moderate weight in favour of the proposal.

2.13.8 Overall it is concluded that the benefits, on balance, weigh marginally in favour of the scheme, sufficient to outweigh the unsustainable location and to amount on balance to an overall sustainable form of development when assessed against the policies in the Framework taken together as a whole. Therefore there would be no conflict with paragraphs 6, 49 and 55 of the NPPF or Policy SP2 of the Core Strategy in so far as it remains relevant in relation to the principles of sustainable development.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to the conditions detailed below:

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. Before the development hereby approved shall commence samples of the external walling materials and roofing materials for the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved shall be used in the new development.

Reason:

In the interests of visual amenity, the impact on the conservation area and in order to comply with Policies ENV1 of the Selby District Local Plan and SP18 of the Core Strategy.

03. The development, hereby approved, shall be carried out in accordance with the recommendations, mitigations, compensations and monitoring outlined in the MAB Ecological Assessment dated January 2017 by MAB Environment & Ecology Ltd.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

04. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any subsequent order revoking or re-enacting that order) no extensions, garages, outbuildings or other structures shall be erected within the curtilage of any of the dwellings hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to preserve the special character of the Bolton Percy Conservation Area and the residential amenity of the occupiers of neighbouring residential properties in accordance with Policies ENV1 of the Selby District Local Plan and the SP18 of the Core Strategy

05. The development, hereby approved, shall be carried out in accordance with the recommendations, mitigations and monitoring outlined in the MAB Environment and Ecological Assessment dated January 2016 and the Wold Ecology Great Crested Newt Survey Mitigation Strategy dated February 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 Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

06. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of hard and soft landscaping, the position of oil tanks and tree planting for the site, indicating the number, species, heights on planting and positions of all trees, shrubs and bushes and the position and materials of any hardstandings. Such scheme as approved in writing by the Local Planning Authority shall 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 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 secure the satisfactory landscaping of the proposal within the Conservation Area, having had regard to Policy ENV1 of the Selby District Local Plan and the NPPF.

07. Prior to the commencement of development all details of boundary fencing and any means of site enclosure shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be constructed in accordance with the approved details prior to the development being brought into beneficial use and thereafter shall be maintained as such.

Reason:

To safeguard to the rights of control by the Local Planning Authority in the interests of amenity and the visual impact on the Conservation Area and in order to comply with Policy ENV1 of the Selby District Local Plan.

08. 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.

09. 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 until the accesses 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 verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and 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.

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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 Policy T1 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

10. 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 footway on western side of Old Road linking the existing footway with a crossing point to the proposed site.
 - b. Provision of footway on eastern side of Old Road fronting the whole of the site boundary.
 - c. Provision of a tactile paved crossing.
 - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

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

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (-----). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with saved Policy T1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

12. 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 T1 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

13. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

14. No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details (with the total discharge rate not exceeding the 'greenfield rate (1.4 L/s/ha) plus an allowance for "brownfield" areas of the site which are currently impermeable and where there is positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha), less 30%), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the surface water drainage system has been constructed in accordance with the approved scheme.

Reason:

To ensure that the development can be adequately drained.

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

INFORMATIVES

Drainage

Coal

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 2017/0118/FUL and associated documents.

Contact Officer: *Mrs Fiona Ellwood (Principal Planning Officer)*

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.