

Officer Update Note
Planning Committee 10th May 2017

Item 6.1

APPLICATION NUMBER:	2016/0481/MLA	PARISH:	Hambleton 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		

Please note this application site lies in HAMBLETON PARISH COUNCIL area and not Thorpe Willoughby as noted in the Table on page 30 of the Officers Report.

Item 6.2

APPLICATION NUMBER:	2016/1514/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	Mr Alexander John Strachan	VALID DATE:	4th January 2017
		EXPIRY DATE:	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		

Please note that under section 1.5 Publicity where it states that as a result of advertisement 2 letters of support have been received. This is an error and there have been no letters of support or objection been received.

3.0 Additional highway conditions to be attached to the proposal.

1. 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 access to the site have been set out and constructed in accordance

with the published specification of the Highway Authority and the following requirements

i) the crossing of the highway verge and or footway shall be constructed in accordance with the approved details and or standard detail number ED

ii) Any gates or barriers shall be erected a minimum of distance of 6 metres back the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway

iii) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the Local Highway Authority.

Reason - To ensure satisfactory means of access to the site from the public highway and in the interest of vehicle and pedestrian highway and convenience to accord with policy ENV1 T1, and T2 of the Selby District Local Plan.

Informative - You are advised that a separate licence must be obtained from the Highway Authority in order to allow 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 offices. The local office of the Highway Authority will also be pleased to provide the detail constructional specification referred to in this condition

2. There shall be no access or egress by any vehicle between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 180 metres measured along the western channel line and 75 metres to the eastern channel line of the York Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created these visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

Reason - In accordance with ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

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

3. 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 or other works hereby permitted until full details of the following have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority

i) Vehicular and cycle parking

ii) Vehicular turning arrangements

Reason - In accordance with ENV1 T1 and T2 of the Selby District Local Plan and to ensure appropriate on site facilities in the interest of highway safety and the general amenity of the development. Once created these shall be maintained clear of any obstruction and retained for their intended purposes at all times.

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

4. No part of the development shall be brought into use until the approved vehicle access, parking manoeuvring and turning areas approved under

i) are available for use unless otherwise approved in writing by the local planning authority

Reason - In accordance with ENV1 T1 and T2 of the Selby District Local Plan and to provide appropriate on site vehicle facilities in the interest of highway safety and the general amenity of the development.

Item 6.3

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		

Please see below late representation made by neighbour objection:

PROPOSED CHANGE OF USE OF LAND FROM RESERVED SPORTS FIELD TO A VILLAGE CEMETRY.

The residents of Pasture Way fully accept the need and legal obligation of the Parish Council to provide adequate burial grounds within the village of Wistow.

However, the residents of Pasture Way raise the following objections:

1 Loss of open space

The proposed site is in regular use by local residents and children as recreational and leisure open space. It is noted that no alternative area is provided within the proposal. The removal of this open space will result in the

village green being used by children from the southern end of the village, with its ensuing dangers of close proximity to the main road and village pond. This was highlighted as a concern in the Village Parish Plan (2009), which highlighted and stressed the importance of the use of recreational and leisure facilities in the village.

2 Inappropriate location and underestimation of impact on the residents of Pasture Way

The Parish Council stated in its application that 'The central position of the site in the village suggests that post burial visits are most likely to be on foot'. This is misleading as it does not make allowance for increased traffic and access for residents during a burial or internment of cremated remains and subsequent visits e.g. anniversaries, birthdays etc.

Parking in Pasture Way is already crowded with properties having more than one vehicle. Increasing the traffic flow will only worsen this and heighten the risk of accident to residents and children on the street. Parking and easy egress and access along Pasture Way will be severely restricted for Pasture Way residents by funeral traffic or cemetery visitors. The application fails to consider the wider implications, including safety, of its proposal on an already congested cul-de-sac when alternative field access can be gained from GarmanCarr Lane.

3 Limiting large vehicular access including emergency vehicles

Nowhere in the application does it state that the fire service has been consulted with regard to this application. The position and siting of the fire hydrant for Pasture Way is directly outside the proposed development and could potentially be compromised by parked vehicles during burials or internment of cremated remains should such an emergency occur simultaneously. This limiting factor also applies to other emergency service vehicles such as ambulances, as well as oil tankers who regularly deliver to residents, and council refuse and recycling vehicles.

4. Potential flood area

The proposed site is listed as being in a flood zone level 2.

During periods of prolonged heavy rain the proposed development site retains significant amounts of standing water as evidenced by photographs submitted to the planning authority. It is suggested therefore that this site is rendered inappropriate for use as a cemetery.

5. Lack of wide consultation

With reference to the neighbour's consultation plan by Selby District Council, it is noted that the only, and limited, consultation has been with residents of properties sharing the boundary of the proposed site. The proposed change of use to the site, funeral cortege and associated traffic will both affect and impact upon ALL residents of properties along Pasture Way. All data based on traffic and footfall within the proposal appears to be based on assumption with no supporting evidence given. The residents remain deeply concerned that the Parish Council has been less than transparent in its planning application and by both refusing to openly discuss or consult with the

parishioners of Wistow about this significant change of use of land, have failed to uphold their duties as required by the ‘Nolan’ principles.

6. Lack of evidence of Wistow Parish Council exploring alternative options

No consideration has been given to alternative access to the proposed site. For example; Grange Garth from Garmancarr was earmarked as access to the proposed site, which gives easier ingress and egress to funeral cortege’s and their ensuing traffic.

No provision has been submitted for the collection of recyclable waste, e.g. floral tributes, paper etc. Research from other village cemeteries shows an increase in litter and unsightly or unkempt plots.

7. Use by other Parishes

Despite subsequent protestations and denials by the Parish Council it was stated publicly at a scheduled Parish Council meeting that it was always the intention that other parishes (5) will avail themselves of this proposed facility. The additional use by other parishes has been verified by neighbouring parish priests.

Finally. As this field has been used for recreational purposes through ‘custom and practice’ for over twenty years, we urge the committee to reject the application and adopt the land as open space, which can be enjoyed by all residents and future generations of Wistow.

Item 6.5

APPLICATION NUMBER:	2016/1314/FULM	PARISH:	Barlby And Osgodby Parish Council
APPLICANT:	Barratt Homes Yorkshire East Division	VALID DATE: EXPIRY DATE:	18th November 2016 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		

Members need to be aware that although Barlby Town Council were consulted on this application by letter in November last year, they have indicated that they did not receive the application. In the light of this it is recommended to members that the application be deferred to enable the Town Council time to comment. The applicant is aware of this and is concerned that this will have a detrimental impact on the productivity at this site and will lead to demobilisation of their Construction and Sales workforce. Whilst the applicant’s concerns are appreciated, the Section 106 Agreements still need to be completed and this will take some time to resolve. Officers have agreed to work on the Section 106 Agreements between now and the

June committee meeting to try to ensure a decision can be issued quickly following the June committee meeting.

Item no 6.6

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		

No comments have been received from Hambleton and Gateforth Parish Councils, though they were notified of the application on 28th November 2016, at the same time as Thorpe Willoughby Parish Council.

Suggested additional condition:

The submitted layout plan is indicative only and is not approved as part of this planning application. The reserved matters application shall not provide for more than 108 dwellings.

Reason: The indicative layout is not accepted as an approved plan and the amount and disposition of the recreational open space needs to be increased to reflect the position of the site close to an important landscape area containing the Barff, in accordance with Policy ENV 15 of the Selby Local Plan. The site is also constrained by the Selby by-pass and the position of dwellings in relation to this and noise and air pollution issues in particular, will need to be given careful consideration at reserved matters stage.

Suggested replacement for condition 16, to require the landscaping to be submitted at the same time as the reserved matters:

The landscaping proposed for the site shall be submitted at the same time as the reserved matters for the detailed layout of the houses and shall include the 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. The proposals shall include details of how the existing green infrastructure is to be maintained and enhanced with additional green open space.

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.

Standard Contamination conditions:

17. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
 - o an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Prior to development, a detailed remediation scheme, including a pre-demolition asbestos survey, to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

20. 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.

Highway Conditions

21. 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures

- (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with policy number T1 of the Selby District Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

Reason:

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

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

Reason: In accordance with policy number T1 of the Selby District Local Plan and in the interests of highway safety.

24. 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 details of the construction access have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. The access shall be constructed in accordance with the approved details for a minimum distance of 30 metres into the site. Once created no vehicles shall access the site except via the approved construction access.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

25. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road (Field Lane) from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in the interests of road safety.

26. 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 required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 -Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of a 2m footway on the southern side of Field Lane across the entire frontage of the development site, including any necessary street lighting.
- b. Highway works to facilitate pedestrian crossing points over Field Lane at two locations in the vicinity of the proposed site accesses. The pedestrian crossing points to incorporate dropped kerbs with tactile paving.
- c. Upgrades to the nearest bus stop on Field Lane, to include bus shelter with seating and timetable information.

Reason:

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

27. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 27:

- a. Provision of a 2m footway on the southern side of Field Lane across the entire frontage of the development site, including any necessary street lighting.
- b. Highway works to facilitate pedestrian crossing points over Field Lane at two locations in the vicinity of the proposed site accesses. The pedestrian crossing points to incorporate dropped kerbs with tactile paving.
- c. Upgrades to the nearest bus stop on Field Lane, to include bus shelter with seating and timetable information.

Reason: In accordance with policy T1 of the Selby District Local Plan and in the interests of the safety and convenience of highway users.

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

Reason: In accordance with policy 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.

29. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 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 policy T1 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.

30. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of Field Lane

has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with policy T1 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

31. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: In accordance with policy T1 of the Selby District Local Plan and to protect pedestrians and other highway users.

32. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until details of measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the Construction Traffic Management Plan. The measures shall include but not be limited to:

- 1) Details of the routes to be used by HCV construction traffic.
- 2) Traffic Management Plan
- 3) Management and control of HCV construction traffic
- 4) Measures to prevent mud/dirt being deposited on the highway.
- 5) Parking / Storage areas

Reason: In accordance with policy T1 of the Selby District Local Plan and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

34. Prior to the commencement of the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and thereafter the development shall be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with policy T1 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

Item 6.7

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		

An email from Cunnane Town Planning was received late this morning which refers to the Judgement by Lord Carnwath on the proper interpretation of paragraph 49 or the NPPF. The Cunnane letter draws this to the attention of the committee so that the members of the planning committee are sufficiently advised to make a robust and legal decision.