



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 12 JULY 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair), Mrs E Casling, I Chilvers, J Deans, I Reynolds, R Packham, C Pearson, and P Welch.**

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

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

5. Minutes

To confirm as a correct record the minutes of the Planning Committee meeting held on 14 June 2017 (pages 1 to 11 attached).

6. Planning Applications Received (pages 12 to 165)

- 6.1 2016/1314/FULM – Turnhead Farm, York Road, Barby (pages 13 to 51 attached).
- 6.2 2017/0209/COU – Lumby Hall, Butts Lane (pages 52 to 67 attached).
- 6.3 2016/0875/FUL - Land off High Eggborough Lane, Eggborough (pages 68 to 101 attached).
- 6.4 2017/0892/FUL - Church Fenton Lane, Ulleskelf (pages 102 to 134 attached).
- 6.5 2017/0349/FUL - Jubilee Cottage Common Road Barkston Ash (pages 135 to 148 attached).
- 6.6 2017/0238/FUL - Land Adjacent, St Pauls Church, Main Street, Colton, Tadcaster (pages 149 to 165 attached).

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 9 August 2017

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

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 14 June 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), I Reynolds, M Jordan, I Chilvers, J Deans, B Packham, C Pearson and P Welch.
Apologies:	Councillors Mrs E Casling.
Officers present:	Kelly Dawson, Senior Solicitor; Ruth Hardingham, Planning Development Manager; Tom Webster, Principal Planning Officer; Louise Milnes, Principal Planning Officer; Jill Low, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer; Calum Rowley, Senior Planning Officer; Diane Wilson, Planning Officer; Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	29
Press:	1

1. DISCLOSURES OF INTEREST

Councillor B Packham declared that he had previously considered the following applications when they had been considered by Sherburn in Elmet Parish Council, and therefore to ensure openness and transparency he would take no part in the discussion or vote relating to these applications:-

- 2016/1256/OUTM – Land at Hodgsons Lane, Sherburn In Elmet.
- 2016/1409/OUTM – Land at Hodgsons Lane, Sherburn In Elmet
- 2016/1456/EIA – Kingspan Insulation Ltd, Enterprise Way, Sherburn In Elmet.

2. TIME OF MEETINGS

It was proposed and seconded that meetings of the Planning Committee for 2017/18 Municipal Year commence at 2pm.

RESOLVED:

That Planning Committee meetings commence at 2 pm for 2017/18 Municipal Year.

3. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed Councillor B Packham to his first meeting as member of the Planning Committee.

The Chair advised the Committee that the Democratic Services Officer would be leaving the authority shortly and wished to express his thanks and best wishes to her for the future.

The Chair announced that application 2015/0969/OUT – Manor Garth, Kellington had been withdrawn from the agenda, due to outstanding consultation responses which required consideration by officers, therefore the application and would not be considered at the meeting.

The Committee was informed 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.

In addition, the Committee was informed that part of the meeting in relation to application 2016/1337/OUTM – School Road, Hemingbrough, Selby was being filmed by a member of the public.

4. 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.

5. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 May 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 10 May 2017, for signature by the Chair.

6. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

6.1 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.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note detailed comments received from the Council's Policy Team.

The Committee was informed that at a previous Committee meeting it had been resolved to approve the application, subject to completion of a Section 106 Agreement. However, The Principal Planning Officer reported that following the resolution, there had been further material consideration which members needed to consider. This being the Supreme Court Ruling in relation to the Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council, where a judgement had been passed on what comprised a policy for the supply of housing, and the approach to be taken in assessing applications against Paragraphs 14 and 49 of the NPPF. Members were advised that the application remained unchanged in all other respects.

The Principal Planning Officer reported that on balance having had regard to the significant benefits of the scheme, it was considered that these benefits would outweigh the harm; members were therefore recommended to approve the application.

There was some discussion regarding Condition 29 in relation to construction working hours. The Principal Planning Officer confirmed that the working hours would be 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank and Public Holidays.

Parish Councillor P Doherty spoke in objection to the application.

Stuart Natkus, the applicant's agent spoke in support of the application. It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the planning application, subject to delegation being given to officers to complete a 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 set out in section 3.0 of the report, the amendments set out in the Update Note and an amended Condition 29 relating to construction hours.

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

6.2 Application: 2016/1409/OUTM

Location: Land at 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 detailed comments received from the Council's Policy Team.

The Committee was informed that at a previous Committee meeting it had been resolved to approve the application, subject to completion of a Section 106 Agreement. However following the resolution, there had been further material consideration which members needed to consider. This being the Supreme Court Ruling relation to the Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council, where a judgement had been passed on what comprises a policy for the supply of housing, and the approach to be taken in assessing applications against paragraphs 14 and 49 of the NPPF. Members were advised that the application remained unchanged in all other respects.

The Principal Planning Officer reported that on balance having had regard to the significant benefits of the scheme, it was considered that these benefits would outweigh the harm; members were therefore recommended to approve the application.

Councillor D Buckle spoke in objection to the application.

Robert Walker, the applicant's agent spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the planning application, subject to delegation being given to officers to complete a Section 106

Agreement to secure 40% on-site provision for affordable housing, on-site recreational open space provision and maintenance, contributions towards highway improvements, a Travel Plan and a waste and recycling contribution and subject to the conditions detailed in section 3.0 of the report.

- 6.3 Application: 2016/1314/FULM**
Location: Turnhead Farm, York Road, Barlby
Proposal: Proposed residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from Barlby Town Council, North Yorkshire County Council Highways, and the Ouse and Derwent Internal Drainage Board.

Members were informed that the application had been brought before the Planning Committee due to the changes proposed to the originally approved scheme which involved a re-plan of a significant portion of the site, and a rise to an increase of 54 dwellings over the original scheme, originally 179 dwellings, now increased to 233. The scheme had been 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 Principal Planning Officer explained that since permission had been granted, requirements in respect of Section 106 payments had changed, with the introduction of the Community Infrastructure Levy (CIL). As CIL needed to be collected for the new scheme, this meant the original Section 106 Agreement needed to be amended to avoid 'double counting'

The Principal Planning Officer advised that it was considered that there were no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. Therefore the proposed scheme was considered to be acceptable and members were recommended to approve the application.

Councillor B Marshall, as a parish councillor, spoke in objection to the application.

Councillor S Duckett, as Ward Councillor, spoke in objection to the application.

John Birkin, the applicant, spoke in support of the application.

Concerns were raised in relation to highways issues, including inadequate access arrangements.

The officer's recommendation to approve the application was proposed and seconded

An amendment was proposed and seconded to defer the application in order to request a Highways Officer attend the next meeting to provide clarification on the concerns raised. Members voted on the amendment which was carried.

Deferral of the application was put to the vote.

RESOLVED:

To DEFER a decision, to allow further information to be sought from North Yorkshire County Council Highways and to invite the Highways Officer to attend the next Planning Committee meeting to clarify the Highways position.

6.4 Application: 2016/1456/EIA

Location: Kingspan Insulation Ltd, Enterprise Way, Sherburn In Elmet

Proposal: Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m² Factory Extension and Associated Infrastructure.

Note – Further to his declaration, Councillor B Packham did not take part in the discussion or vote for the following application. He remained in the Chamber.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from Sherburn in Elmet Parish Council, UK Without Incineration Network (UK Without Incineration Network) and a member of the public. In addition, the Update Note advised that additional consultation with the NYCC SuDs Officer had been sought, but comments had not yet been received, therefore it was recommended that delegated authority be granted to officers to approve the application, subject to no insurmountable issues being raised by the SuDs officer.

The Principal Planning Officer introduced the application and explained that the application had been brought before the Planning Committee because the application was accompanied by an Environmental Impact Assessment (EIA) Statement. The proposed development of the CHP Plant had been considered as having the potential to create harmful emissions of both noise and air pollution. Furthermore, there was an identified risk that the heat plume generated by the development could affect the operation of the adjacent airfield. In addition, there had been a number of similar waste incinerations projects within the vicinity and the cumulative impact of these projects to air quality were unknown. Accordingly it had been assessed that

an Environmental Impact Assessment was required with the submission of the planning application under the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and April 2015 Amendment to evaluate these impacts.

In assessing the proposal, the development would be consistent with the aims of both the Core Strategy and the Local Plan and would bring economic and environmental benefits to the District. Given the established use of the site, the works were considered to be acceptable in principle. The key issues in the determination of the planning application were in relation to: the principle of the development, impact on the character and appearance of the locality, highway safety, impact on residential and local amenity, flood risk, drainage and climate change, nature conservation, heritage assets, contamination, the safe operation of the nearby Sherburn airfield and any other material considerations.

Members were advised that the development was acceptable, having had regards to all relevant policies of the Development Plan, subject to the conditions set out in section 3 of the report and any additional conditions recommended by NYCC SuDs officer.

Kay Davies, on behalf of the applicant, spoke in support of the application.

It was proposed and seconded that the application be approved.

The Senior Planning Officer's recommendation to approve the application was put to the vote.

RESOLVED:

To grant delegated authority to officers to APPROVE the planning application, subject to the comments from SuDs not raising any insurmountable issues, and subject to any appropriate conditions they recommend, the conditions detailed in section 3.0 of the report, and the additional condition set out in the Update Note.

- 6.5 Application: 2016/1337/OUTM**
Location: School Road, Hemingbrough, Selby
Proposal: Outline application for residential development of up to 21 dwellings (with all matters reserved).

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out comments received from the Council's Policy Team.

Members were advised that the application had been brought before the Planning Committee due to the application being recommended for approval contrary to the provisions of the Development Plan.

The Senior Planning Officer reported that the application would provide significant benefits, in-line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations. The proposal would achieve an appropriate layout, appearance, landscaping, scale and access, so as to respect the character of the area. The Planning Officer reported that having had regard to all relevant considerations, there would be 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, in particular paragraph 14, the Selby District Local Plan, and the Core Strategy. In this case the 'tilted balance' in paragraph 14 applied, it was on this basis that permission was recommended to be granted, subject to the conditions and Section 106 Agreement.

Mr Jan Strelczenie, Chairman of Hemingbrough Parish Council, spoke in objection to the application.

Craig Stockley, the applicant's agent, spoke in support of the application.

Some concern was raised in relation to highways safety.

It was proposed and seconded that the application be approved.

The Senior Planning Officer's recommendation to approve the application was put to the vote.

RESOLVED:

To APPROVE the planning application, subject to delegation being given to officers complete a Section 106 Agreement to secure 40% on-site provision for affordable housing, on-site recreation open space provision and maintenance and a waste and recycling contribution and the conditions detailed in section 2.21 of the report..

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

**6.6 Application: 2016/1514/OUT
Location: Land North of York Road, North Duffield, Selby
Proposal: Outline application for erection of 1 No dwelling (all matters reserved).**

The Planning Officer introduced the application and explained that the application had been brought before the Planning Committee due to the application being contrary to the requirements of the Development Plan.

The proposal was considered to be acceptable in principle and would have no adverse impact that would significantly and demonstrably outweigh the benefits. The proposal was considered to be acceptable when assessed against the policies in the NPPF, in particular paragraph 14, the Selby District

Local Plan and the Core Strategy. In this case the 'tilted balance' in Paragraph 14 applied. It was on this basis that permission was recommended to be granted subject to the conditions detailed in the report and a Section 106 Agreement.

Jennifer Hubbard, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

The Planning Officer's recommendation to approve the application was put to the vote.

RESOLVED:

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

6.7 Application: 2016/1339/FULM

Location: Bottle Decoration Solutions Ltd, Riccall Airfield, Market Weighton Road, Barlby.

Proposal: Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse.

The Senior Planning Officer introduced the application and explained that the application had been brought before the Planning Committee due to the application being a departure from the Development Plan, as the application site was within the Former Airfield at Riccall Common which was designated as RIC/1 in the Selby District Local Plan. RIC/1 referred to land being allocated for storage and distribution uses and must be related to the expansion requirements of existing agriculture related businesses; members were advised that the application did not fall under this requirement.

Members were informed that the material considerations detailed in the report, significantly reduced the weight that should now be given to the specific policy requirement of reserving the Airfield for storage and distribution use in connection with agriculturally-related businesses. Consequently, it was considered that the development of the site for general storage purposes would be acceptable and members were therefore recommended to approve the application.

Graham Binnington, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

The Senior Planning Officer's recommendation to approve the application was put to the vote.

RESOLVED:

To APPROVE the planning application, subject to the conditions detailed in section 3.0 of the report, and there

being no objections received from the NYCC Flood Risk Officer.

- 6.8 Application: 2016/1345/OUTM**
Location: Land at Field Lane, Thorpe Willoughby, Selby.
Proposal: Outline application for residential development including access (all other 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 reported that Hambleton and Gateforth Parish Councils had both been notified of the application but no comments had been received.

The Principal Planning Officer explained that the application had been brought before the Planning Committee due to the application being contrary to Policy SP2 of the Core Strategy; however planning officers considered that although the proposal was contrary to the provisions of the Development Plan there were material considerations which would justify approval of the application. The Committee was informed that there had also been more than 10 representations received which had raised material planning considerations.

The Principal Planning Officer reported that the report had originally been scheduled to be considered at the 10 May 2017 Planning Committee, however the application had been deferred to allow consideration of the Supreme Court Judgement regarding Suffolk Coastal Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council which had been made on 10 May 2017. Following the Judgement, the Council had reviewed its approach to decision making on planning applications. The Principal Planning Officer explained the Council's position, as set out in the Committee report.

Having had regard to relevant policies, it was considered that there was no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was therefore considered acceptable when assessed against the policies in the NPPF, in particular paragraph 14, the Selby District Local Plan, and the Core Strategy. In this case, the 'tilted balance' in paragraph 14 applied. It was on this basis that permission was recommended to be granted, subject to the conditions and Section 106 Agreement.

Mr Walker, the applicant's agent spoke in support of the application.

concerns were raised in relation to the lack of suitable infrastructure to support additional residential dwellings, detrimental impact on a heritage asset - Brayton Barff, noise, inadequate highways arrangements and detrimental impact on the sandstone aquifer.

Note – at this point a vote was taken in line with the Council's constitution to proceed beyond 3 hours

It was proposed and seconded that the application be refused on the grounds:

1. Adverse impact upon the setting of a heritage asset – Brayton Barff which is a local landmark and Site of Interest for Nature Conservation
2. Adversely impact upon the Triassic Sherwood Sandstone Aquifer which crosses the site
3. unwarranted intrusion into open countryside outside the development limits of Thorpe Willoughby

And delegation be given to officers to agree the final wording of the reasons for refusal in consultation with the Planning Committee Chairman – Cllr Cattnach and Councillors Reynolds and Pearson.

RESOLVED:

To REFUSE the planning application, in line with the reasons outlined above, subject to suitable wording being agreed by officers and councillors.

The meeting closed at 5.12 pm.

Items for Planning Committee

12 July 2017

Ref	Site Address	Description	Officer	Page
2016/1314/FULM	Turnhead Farm, York Road, Barlby, Selby	Proposed residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space	JILO	
2017/0209/COU	Lumby Hall, Butts Lane	Change of Use of Orangery and bar lounge to small traditional style tea room	KETH	
2016/0875/FUL	Land off High Eggborough Lane, Eggborough	Proposed erection of 55 dwellings	YVNA	
2016/0892/FUL	Church Fenton Lane, Ulleskelf	Proposed erection of residential development of 30 units on land at	YVNA	
2017/0349/FUL	Jubilee Cottage Common Rd Barkston Ash	Section 73 application to remove condition 3 (occupation annexe) of approval 2011/0017/FUL for the erection of a two bedroom annexe	DIWI	
2017/0238/FUL	Land Adjacent, St Pauls Church, Main Street, Colton, Tadcaster	Proposed erection of dwelling house, parking and turning	JETY	



APPLICATION SITE

Item No: 2016/1314/FULM

Address: Turnhead Farm, York Road, Barby

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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 lease 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 NORTH FACES THE NORTHERN FOOTPATH CONNECTION THROUGH THE SITE	DHR	VS
F	06.03.17	PLOT 252 GARAGE CHANGED TO STANDARD SINGLE PARKING ARRANGEMENT CHANGED FOR PLOTS 184-188 PLOTS 41 & 42 REORIENTATED POS/AREA OF VISITOR PARKING SHOWN	DHR	VS
E	17.02.17	LAYOUT AMENDED FOLLOWING COMMENTS FROM CLIENT & PLANNING OFFICER	SD	VS
D	15.10.16	PARKING ARRANGEMENTS FOR THE APARTMENTS AND ABOVE-GROUND FACILITIES FOR VISITOR PARKING PLOTS 48-57 ALSO REVISED	DHR	VS
C	27.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DHR	VS
B	26.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DHR	VS
A	07.10.16	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	DHR	VS

RECEIVED
 20.03.2017
 BUSINESS SUPPORT

jrpa ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: BARRATT YORK
 PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT YORK ROAD, BARRATT
 DRAWING: PROPOSED PLANNING LAYOUT
 DRAWING NUMBER: 15:4937-02G
 SCALE: 1:500
 DRAWN: [Name]
 CHECKED: [Name]
 DATE: OCT 16
 DATE: OCT 16

To: Planning Committee
Date: 12 July 2017
Author: Jill Low (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

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		

1. Introduction and background

- 1.1 This application was considered by Planning Committee on 14th June 2017 when members resolved to defer the application for further consideration of the impact of the proposed new access onto Old York Road for 10 new dwellings at the northern end of the site. Members requested that a representative from the County Highway Authority attend the July meeting, and this has been arranged.
- 1.2 A copy of the Officer Report presented to Planning Committee on 14th June 2017 is attached in Appendix 1. The comments of Barlby Town Council, the Highway Authority and the Ouse and Derwent Internal Drainage Board which were reported as an update at that meeting, have been incorporated into the original report, in italics, for ease of reference.

2. Officer Update

- 2.1 At the meeting on 14th June, the Town Council and the local ward member expressed concerns regarding the 10 dwellings at the northern end of the site which would have direct access from Old York Road itself, instead of through

the application site. Planning Committee members queried the comments of the Highway Authority and requested clarification as to why the Highway Authority expressed concerns over this and then subsequently removed their objection.

- 2.2 During discussions on the application the applicants were very keen to keep the access onto Old York Road for the 10 dwellings at the northern end of the site and in an attempt to try and alleviate some of the Highway Authority's concerns, they suggested the provision of a footpath through the site so that pedestrians would not have to negotiate an unlit road to access Barlby village but could walk through the estate. This alleviated some of the Highway Authority's concerns as the pedestrian route would not only benefit the residents of the new development but also provide a route for the general public.
- 2.3 With regard to the issue of increased traffic from 10 dwellings using Old York Road, the key issue here is whether or not the traffic from an additional 10 dwellings would be so detrimental to the amenity of other users of York Road that refusal of permission could be justified on these grounds. Planning Officers, in consultation with the Highways Officer, took a balanced view of this and decided that the amended plan with the new footpath link, was acceptable. However the position of the Highway Authority has not changed in that they would prefer to see the 10 dwellings served from the internal estate road.
- 2.4 Following the last meeting, the applicants have taken on board the Town Council's concerns and have amended the layout to remove the vehicle access onto Old York Road. All vehicle access to the dwellings will be via the internal estate roads, but there will be a 3 metre wide pedestrian and cycle access to Old York Road. The layout has altered to enable these changes to be made, but the number of dwellings proposed remains unchanged. The Highway Authority have seen the amended plan and are happy with it, but a Highways Officer will be present at the meeting should members have any questions.
- 2.5 In addition, to enable safer access to the school for children from the estate, the applicants have agreed to provide a pedestrian footpath beyond the front of the site, along York Road as far as the existing bus stop.
- 2.6 The applicants have also commented on some of the points made at the last committee meeting as follows –

"Flood Zone:

It was noted within the committee that there were concerns over the most northern part of the site now being included being within Flood Zone 1all of the site where the development is proposed is Flood Zone 1 and this is where development should be located. This is no different to the previous approval.

Access to York Road

Although some temporary access points have been made for the construction process no permanent vehicle access point, other than the one approved, (and the new pedestrian/ cycle access) will be provided to Old York Road.

Pedestrian Connections

As part of the S278 highway works it has been agreed that the pedestrian footpath will be extended beyond the front of the site down to the existing bus stop on York Road and this has been agreed with NYCC.”

2.7 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 reducing the affordable housing requirement to 9 units, and the preparation of a new Section 106 Agreement requiring 11.27% on site affordable housing on the re-planned area (equating to 15 affordable units) and contributions to waste and re-cycling.



Report Reference Number 2016/1314/FULM **Agenda Item No:**

To: Planning Committee
Date: 10th May 2017
Author: Jill Low (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

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		

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.

This report was originally written for consideration at the May 10th Planning Committee, but the report was deferred to enable consideration of the Supreme Court Judgement regarding Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) which was made on the 10th May 2017. Following the Judgement the Council has reviewed its approach to decision making on planning applications and the approach in this case is as follows.

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 paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.

Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:

- (i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or
- (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted (such as flood risk, green belt, countryside gaps and heritage assets).

In this case, the 'tilted balance' in paragraph 14 applies.

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. In this case, the “tilted balance” in paragraph 14 applies. 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 reducing the affordable housing requirement to 9 units, and the preparation of a new Section 106 Agreement requiring 11.27% on site affordable housing on the re-planned area (equating to 15 affordable units) and contributions to waste and re-cycling.

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.

Response to amended plans –

Although the proposed layout is acceptable to the Local Highway Authority the Landscape proposals do provide some concerns regarding the locations of hedges and trees close to adoptable areas. In order to accord with the County Council's protocol regarding trees within new developments and to prevent hedges growing out over the highway it is recommended that the following condition be appended to any permission issued –

There shall be no trees planted within 1.5m of any footway or 2.5m of any road which is intended to become highway maintainable at the public expense and no hedges planted within 0.8m of any footway or road which is intended to become highway maintainable at the public expense.

Reason-

In accordance with Policies T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

- 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 Barlby Town Council – *The Council objects to there being additional vehicular access points onto Old York Road as this is a primary route for pupils attending Barlby High School and is a safe cycle route. The original single access point should be maintained to avoid additional vehicle movements onto Old York Road.*
There is no evidence of a pedestrian footway from the development to the High School, which may necessitate School age children crossing (the very busy) York Road twice to access the School. Pedestrian safety should be an integral part of this large development.
There are concerns that the high water table in this area will preclude soakaways.
There are serious concerns about the ground conditions as sources suggest that this area was historically used as a dump for waste (which may be hazardous) from previous users of the Olympia Park site and as such the land could have levels of contamination.

This is considered to be an overdevelopment of the site.

Additional development will put further pressure on the Barlby Ponds Nature Conservation site with no proposed mitigation measures.

1.4.19 Comments from Ouse and Derwent IDB

This application sits within the Ouse and Derwent Internal Drainage Board district. The Board does have assets adjacent to the site in the form of Wood Close Drain; this watercourse is known to be subject to high flows during storm events.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board's area.

The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

The site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

The Board notes that this is an application for a residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space. This appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

The Board observes that the application form indicates that the surface water from the site is to be disposed of to an Existing Watercourse. The Board has previously been in contact with the applicant regarding the original proposals for this site (Planning Application 2013/0478/FUL), and agreed a maximum rate of discharge from this site of 12.6 l/s, via a connection into Wood Close Drain (Ouse and Derwent Internal Drainage Board Consent 533C).

It would appear from the Adoptable Drainage Layout provided with the current application that it remains the applicant's intention to discharge at this rate

(see Adoptable Drainage Layout – Drawing Number 36431/017 Revision R, dated 29.10.12). If this is the case the Board would have no concern about that aspect of the application.

The Board would however suggest that the Local Authority satisfy its self that the appropriate surface water storage volume has been incorporated into the design to take into account the increase in the impermeable area associated with the revised application. The Board have no objection to the development in principal but recommend that the Local Authority ask the applicant to confirm the final drainage strategy and obtain any other necessary consent before any approval is granted.

(OFFICER NOTE – Condition 4 in the report on page 272 already requires a detailed design to be submitted for this.)

The Board recommend that any approval granted should include a number of additional conditions. Officers have reviewed these conditions and it is proposed that the following be added -

1 Details of the condition and ability of any watercourse intended to accept surface water flows should be submitted to and agreed in writing with the Planning Authority prior to works commencing.

Reason:

To ensure that the receiving watercourse is capable of accepting the increased discharge without detriment to other users and to ensure the proper drainage of the site in accordance with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

2 All drainage routes through the Site shall be maintained both during the works on site and after completion of the works in accordance with a scheme to be submitted to and agreed in writing with the Planning Authority, prior to commencement of work.

Informative:

Drainage routes are considered to include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To ensure that the site is properly drained in accordance with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

3 A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Internal Drainage Board.

Ground levels must not be raised within this area. Details of access arrangements to watercourses shall be submitted to and agreed in writing with the Planning Authority in consultation with the Internal Drainage Board and thereafter implemented in accordance with the approved details.

Reason:

To maintain access to the watercourse for maintenance or improvements to ensure that the site is properly drained in accordance with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

4 No development approved by this permission shall be commenced until details of any temporary works in, under, over or adjacent to the watercourse have been submitted to and approved by and implemented to the satisfaction of the Local Planning Authority, in consultation with the Internal Drainage Board.

Reason:

To ensure that the watercourse can still be maintained whilst works are carried out on the application site and to accord with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

5 There shall be no storage of any materials including soil adjacent to the bank top of any watercourses at any time, both during and after the construction period.

Reason:

To ensure that there will be no risk of the watercourse becoming blocked by debris from stockpiles or bank slipping due to increased loading of the bank top and to accord with Policy SP19 of the Core Strategy and ENV1 of the Selby District Local Plan.

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 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 paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.

2.6.6 Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:

(i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or

(ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted (such as flood risk, green belt, countryside gaps and heritage assets).

2.6.7 In this case, the 'tilted balance' in paragraph 14 applies.

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 Barby 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

2.6.1 With regard to paragraph 14 of the NPPF, in this case the “titled balance” referred to in paragraph 2.6.7 applies. 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 indicated that the re-planned area of the development would 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 15 affordable housing units on the re-planned area, which, out of 133 dwellings, equates to 11.27%. Nine affordable units would be retained on the original scheme. 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 (10 affordable units out of 179 dwellings, equating to 5.5%). The applicant has submitted an amended plan showing the location of the affordable housing together with details of the tenure –

Plots 107 to 109, 113 and 189 and 190 as Shared Ownership – 6 units
Plots 114-116/181-183, and 110 to 112 to be for rent – 9 units.

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 agreements 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 (DOV)
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, and a new agreement covering the waste and re-cycling contribution of £8,645 (and also that 11.27% affordable housing be provided on site) 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. With regard to paragraph 14 of the NPPF, in this case the "tilted balance" referred to in paragraph 2.6.7, and 2.6.14 applies.

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 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 reducing the affordable housing requirement to 9 units, and the preparation of a new Section 106 Agreement requiring 11.27% on site affordable housing on the re-planned area (equating to 15 affordable units) and contributions to waste and re-cycling.

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 PolicySP19 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 PolicySP19 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 PolicySP19 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: 2017/0209/COU

Address: Lumby Hall, Butts Lane, Lumby

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Report Reference Number 2017/0209/COU (8/57/135V/PA)

Agenda Item No: 6.2

To: Planning Committee
Date: 12th July 2017
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0209/COU	PARISH:	South Milford Parish Council
APPLICANT:	Miss Nicola Cockrem	VALID DATE:	21st March 2017
		EXPIRY DATE:	16th May 2017
PROPOSAL:	Change of Use of Orangery and bar lounge to traditional style tea room (Use Class A3) with associated parking.		
LOCATION:	Lumby Hall, Butts Lane, Lumby, Leeds, West Yorkshire LS25 5JB		

This application has been brought before Planning Committee due to a high volume of letters, objections to the scheme meaning that it is considered to be locally controversial. In addition members should note that the application has also received a large number of letters of support.

Summary:

The application proposes to change the use of two rooms within the main building of Lumby Hall, a dwellinghouse, with associated parking and access, into a traditional style tea room (Use Class C3), with use of toilets and a kitchen within the dwelling for the tea room operation.

The proposal is located within the defined Development Limits of Lumby which is a designated Secondary Village in Selby Core Strategy. The site lies within the Green Belt and Locally Important Landscape Area (LILA).

Given that the proposal is for change of use, the development would not be inappropriate development in the Green Belt, it is considered that it would preserve the openness of the Green Belt and would not conflict with the purposes of including land in Green Belt. Furthermore, there would be no adverse impact to the LILA as a result of the change of use.

Policy SP13 refers to the rural economy and supports the re-use of existing buildings in rural areas. Policy EMP8 of Selby District Local Plan permits proposals for conversion of rural buildings for commercial uses subject to 6 criteria. Policy S3A of Selby District Local Plan supports cafes outside defined shopping and commercial centres subject to 6 criteria. Section 3 of the National Planning Policy Framework supports the promotion and development of local services in villages such as local shops, meeting places and other uses such as public houses and places of worship.

It is also considered that the proposed development would be acceptable in principle in this location and would accord with both Local and National Planning Policy.

As such, the proposal is considered to be acceptable in respect of matters of acknowledged importance such as 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 Lumby Hall is a country dwelling, probably built in the 1700's, set within its own grounds. These grounds are principally to the front of the house. Buildings to the north and rear were historically converted to dwellings which are now in separate ownership.

1.1.2 The house lies at the southern end of the village of Lumby circa 400m from the A63 that runs horizontally to the A1M to the west and A162 to the east. Dwellings lie to the east on Butts Lane set back from the site with deep front gardens from the roadside. There are circa 50 dwellings situated within the village.

1.1.3 The orangery and bar lounge areas within the dwelling are proposed to be used as the tea rooms. These are located within the defined Development Limits of the village which comprises residential properties. The private access road which serves Lumby Hall is located outside Development limits.

1.1.4 The site lies within the Green Belt and Locally Important Landscape Area.

1.2 The proposal

1.2.1 The application is submitted for change of use of the orangery room and bar / lounge within the dwelling, to a tea room (Use Class A3), with the toilets and kitchen in the dwelling being used by the tea room operation but also being available for use by the dwelling as required. The accommodation would still be accessible and used by the occupiers of the dwelling when the tea room is closed.

1.2.3 There would be access to the site via the existing vehicle access taken off Butts Lane via the private access to the dwelling. There would be on-site parking which is laid out within the grounds of the dwelling which includes staff, disabled and

customer parking although there is no proposed engineering development to create car parking. Again this access would be retained for use by the dwelling alongside the tea room operation and when the tea room is closed.

- 1.2.4 The proposed opening hours of the tea room would be Tuesday to Friday 10:00am to 16:00pm and Saturday and Sunday 09:00am to 16:00pm.
- 1.2.5 The proposal is for a tea room only (Use Class A3) and not a public house (Use Class A4), although the option of serving 'champagne afternoon teas' is proposed as part of the operation. There would be a maximum of 40 covers provided all inside the building in two rooms.
- 1.2.6 The existing vehicle access would be used which is taken off Butts Lane in addition to pedestrian access. The cattle grid would either be covered over, filled in or a path created to the side of it to allow pedestrian access.
- 1.2.7 The tea room would be located inside the orangery and bar lounge rooms and not outside the building.
- 1.2.8 Members should note that the application is **not** for events venue/wedding venue or any other outdoor venue.

1.3 Relevant Planning History

- 1.3.1 There is an extensive planning history for the site, including proposals to change the use of parts of the dwelling now subject of this application. The following historical applications are considered to be relevant to the determination of this application.
- 1.3.2 Application reference 2006/1460/FUL (Permitted - 02.02.2007) Resubmission of previously withdrawn application 8/57/135D/PA for the conversion from 4 bedroomed dwelling to 2 No. 2 bedroomed flats.
- 1.3.3 Application reference 2015/0289/COU (Refused - 09.03.2016) Retrospective change of use of land for residential and a function and events venue.
- 1.3.4 Application reference 2016/0969/PPP (Refused - 31.10.2016) Lawful development certificate for proposed change of use of conservatory and adjacent room to use as a tea room.

1.4 Consultations

1.4.1 Parish Council

Have noted objections to the scheme which can be summarised as follows:

- Parking - Mud on the Road after parking on the grass in winter months,
- Lighting during the evenings,
- Highways – increase in traffic, poor visibility splays,
- Noise – nuisance through banging doors and customers arriving and leaving.

1.4.2 NYCC Highways

No objection to the scheme subject to condition attached on visibility splay.

1.4.3 Yorkshire Water

No comments received.

1.4.4 SDC Environmental Health

Comments received refer to the following points in the application:

- Reference to the submitted noise impact assessment that relates to the previously refused events venue and has no weight or relevance to this application,
- Opening hours to 11pm as first outlined would be unacceptable. Recommend a condition to restrict the opening hours to between 10:00 and 16:00 as specified in the supporting statement,
- Reference to cooking of food becoming an integral business activity and seeking a scheme of extraction, odour control to be secured by condition,
- The same foul drainage statement has been submitted that refers to the previously refused events venue. Whilst the recommendations made herein may be considered surplus to requirements under the new proposals as guests expected were in the region of 150, disposal of foul drainage can be dealt with by a condition.

There is no objection to the proposal subject to conditions to control opening hours, cooking of food and drainage.

1.4.5 Selby Area Internal Drainage Board

Confirmed they have no comments on the application

1.5 Publicity

1.5.1 The application was advertised by site notice and neighbour notification letter with a total of 42 objections and 39 support letters being received up to the 7th June 2017. As noted above the application is for a tea room and not an events venue/wedding venue or any other outdoor venue as noted in some of the submitted objections.

1.5.2 The comments received on the application can be summarised as follows:

Objections

- Excessive noise
- Traffic
- Opening hours excessive
- Object to sale of alcohol
- Outdoor tables used would cause noise
- Parked cars would be visible
- Proposal would double the residency of the village
- Evasion of privacy
- If granted, conditions should restrict opening hours, position of outdoor seating area, soundproofing the orangery, upgrading the drainage system an entrance sight lines
- Music will be heard through the village
- Rubbish
- Reference to the appeal dismissal for functions and events venue

Support

- Wonderful addition to the village
- Provide jobs to the local area
- Provide opportunity for people to be social
- Nothing in the village, would provide welcome amenity
- Access to the Hall would mean no further traffic to the village
- Good use of a disused space
- Supports the rural economy

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
SP3	Green Belt
SP13	Scale and Distribution of Economic Growth
SP14	Town Centre and Local Services
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:

EMP8	Conversion to employment use - Countryside
ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land

ENV15	Locally Important Landscaped Area
T1	Development in Relation to Highway
T2	Access to Roads
S3	Local Shops

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

2.2.1 Policies in the NPPF which require development should be restricted

(1) Green Belt

The Impacts of the Proposal:

- a) Principle of development
- b) Impact on the Character and Form of the Locality
- c) Residential Amenity
- d) Highways
- e) Flood Risk, Drainage, Climate Change and Energy Efficiency
- f) Other Issues

2.3 Green Belt

2.3.1 The application site is located inside defined development limits and within the Green Belt as such, national guidance contained within the NPPF paragraphs 88 and 89 and Policies SP2 (d) and SP3 of the Core Strategy are relevant.

2.3.2 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows:

- a. It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.
- b. If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.

- c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.

- 2.3.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.3.4 Paragraph 90 of the NPPF notes certain other forms of development are also not inappropriate development in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One exception includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 2.3.5 The proposal involves the change of use of two rooms within the dwelling for use as a tea room. There are no new buildings proposed and there is no outdoor seating area proposed. The latter would have constituted a material change of use of land which is not considered appropriate development in the Green Belt and thus would not be supported by Officers. The applicant removed this element from the proposal and no use of land for outdoor seating is proposed.
- 2.3.6 As such, it is considered that the use of the rooms would accord with Green Belt policy paragraph 90, and thus is not inappropriate development in the Green Belt. This is the same conclusion the Inspector reached for the refused function and events venue (19th December 2016) with that use taking place within an existing building.
- 2.3.7 The Inspector also states at paragraph 8 of the decision notice, that whilst the proposal would increase the amount of parked vehicles on the site (56 no. parking spaces), this would be temporary, and would not lead to a material depletion of the Green Belt's openness or conflict with the purposes of including land within it. It is noted that the proposal was for around 20 events a year for between 80 and 100 guests. The definitional meaning of temporary is lasting for only a limited period of time; not permanent.
- 2.3.8 In this case the car parking provision (23 no. parking spaces) would be available during opening hours of the tea room (Tuesday to Friday 10:00am to 16:00pm and Saturday and Sunday 09:00am to 16:00pm). The entirety of the property would remain in residential use when not being used as a tea room.
- 2.3.9 It is considered based on the facts of this case that the car parking would be temporary use of the land, and not permanent, and for the same reasons outlined by the Inspector, would not lead to a material depletion of the Green Belt's openness or conflict with the purposes of including land within it.
- 2.3.10 Green Belt is a restrictive policy in the NPPF and the proposal is considered not to be inappropriate development in the Green Belt, would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.

2.4 Principle of Development

- 2.4.1 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.
- 2.4.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 2.4.3 Policy SP13 refers to supporting the rural economy and the re-use of buildings which brings economic growth through local employment opportunities.
- 2.4.4 Policy SP14 states that local shopping facilities will be maintained and enhanced by supporting local shops and services, including village shops and services, by resisting the loss of existing facilities and promoting the establishment of new facilities to serve the day-to-day needs of existing communities and the planned growth of communities.
- 2.4.5 Policy S3A of the Local Plan states outside defined shopping and commercial centres, proposals for local shops (Class A1) and commercial premises such as financial and professional services, public houses, cafes, restaurants and takeaways (Class A2 and A3) will be permitted provided that six criteria are met. Criteria 1 relates to the proposal being located within defined development limits. The proposed tea rooms would be located within the defined development limits of Lumby, a Secondary Village and thus would satisfy this criteria.
- 2.4.6 Criteria 2 requires the proposal to serve a purely local function or that there is a demonstrable need for the particular outlet in the locality (although the NPPF does not require this approach). It is considered given the high volume of support received for the proposal that there is a need for a small tea room of this scale and nature within the village. Supporting services in villages is reinforced in Policy SP14 of the Core Strategy, which supports village shops and services.
- 2.4.7 Criteria 3 requires the scale of provision to be appropriate to the locality. The proposal would have a maximum cover of 40 located within two rooms which are considered relatively small in scale and appropriate to the size of Lumby, a designated Secondary Village.
- 2.4.8 Criteria 4, 5 and 6 of Policy S3 of Selby Local Plan are considered further below.
- 2.4.9 The NPPF paragraphs 24 to 27 set out the approach to ensuring the vitality of town centres and supports economic development of areas.
- 2.4.10 The proposal would provide a local service to the village and given that Lumby is a designated Secondary Village, there is scope to absorb a small business. Local and National Planning Policies taken as a whole, support the rural economy and this business would accord with the principles of these Policies.

2.5 Impact on the Character and Form of the Locality

- 2.5.1 The proposed tea room would be located inside the fabric of the dwelling with no external alterations necessary. The rooms would be arranged with tables and chairs

and the existing kitchen and toilets would be used for the tea room. There would be no outdoor seating for dining. There is provision for on-site parking on private land and this would be available during opening hours.

- 2.5.2 A such it is considered that the proposal would not give rise to adversely affecting the character or appearance of the area. It is also acknowledged that the site lies within a Locally Important Landscaped Area and for the same reasons this area would remain unchanged as a result.
- 2.5.3 The proposal would therefore accord with Policies ENV1, S3A and ENV15 of Selby District Local Plan.

2.6 Residential Amenity

- 2.6.1 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.
- 2.6.2 Policy S3A (6) of the Local Plan requires proposals not to have a significant adverse effect on residential amenity.
- 2.6.3 Objections on impact on residential amenity have been considered during the assessment of the application and are noted above in the publicity section. Specific objections have been raised in terms of excessive noise from the proposal. There appears to be some confusion by objectors that the proposal is for a music venue or some sort of outdoor function use. The proposal is for a tea room and this use has been considered accordingly. The tea room would be located inside the building only and no outdoor seating area is proposed in this scheme or would be acceptable.
- 2.6.4 There are dwellings located on the norther fringe of the site at The Mews with no.4 attached to the existing toilets within Lumby Hall. There are garages that serve houses on the Mews sited on the northern perimeter and these provide significant screening and a buffer from the tea room and these houses. There would be no use of the courtyard area immediately to the north of the proposed tea room.
- 2.6.5 A dwelling is attached to Lumby Hall on the northern side call 'Lumby Hall Cottage' and there are internal rooms that separate the proposed tea room and the layout of this dwelling, to ensure that there would be no adverse noise disturbance. The orangery also has glazing that should be screened by obscure glazing or film to provide an acceptable level of privacy for the occupants of the cottage and can be secured by condition.
- 2.6.6 Conditions are also considered reasonable and necessary to restrict the amount of covers to being not more than 40 no. within the building and restricting use of internal amplified music.
- 2.6.7 The tea room would operate during the hours prescribed above in this report and the Council's Environmental Officer (EHO) advise that these opening hours would not result in adverse harm to residential amenity. These hours can be conditioned in the interest of residential amenity.

- 2.6.8 The business would also receive delivery of goods and provisions for the tea room and these should fall within the parameters of opening hours and can be secured by condition.
- 2.6.9 The EHO refers in his comments that should the tea room venture into cooking as an integral part of the use, that a condition to secure ventilation and odour control can be conditioned. This would be reasonable and necessary to protect residential amenity and can be secured by condition.
- 2.6.10 The proposed tea room would have a maximum of 40 covers and this would generate a degree of comings and goings to the site over the course of the day. The site lies within substantial grounds screened on the eastern elevation by a high wall which provides adequate screening. The dwelling would also provide a buffer to activity to the café from houses at The Mews. It is considered given the scale of the proposed tea room that there would not be undue impact on residential amenity.
- 2.6.11 The use of the orangery would provide views to the yard that serves a house and this would pose privacy issues for these occupants. The applicant has suggested using window film or window curtains to provide screening. It would therefore be reasonable and necessary to secure this by condition in the interests of residential amenity.
- 2.6.12 The applicant refers in the submission that lighting would be required in the car park on winter evenings. This would be limited to a couple of hours in the winter, mid-afternoon. As no detail has been provided in the application, it would be necessary to secure by condition any detail of external lighting prior to installation if this in fact required on site.
- 2.6.13 The tea room would generate waste and the applicant has shown on a plan waste bins inside the red edge boundary located to the side of the entrance to the building. Waste/recycling provision can be controlled with waste collected and taken away either by the Council or private contract. This aspect of the proposal is not considered to raise adverse amenity issues for the locality.
- 2.6.14 It is considered that the proposed tea room would not give rise to adverse residential amenity, subject to conditions to control opening hours, delivery hours and screening of the orangery on the north elevation. The proposal would accord with Policies ENV1 and S3A of Selby District Local Plan and Policies SP13 and SP19 of Selby Core Strategy.

2.7 Highways

- 2.7.1 The proposal would have a maximum of 40 covers and the scheme has indicated within the grounds of Lumby Hall 16no. customer parking spaces, cycles and staff parking for 5no. spaces and disabled parking. This provision would be adequate for a scale of business of this size.
- 2.7.2 NYCC Highways have no objection to the proposal and advise that the visibility splay on the entrance/exit to the site from Butts Lane should be conditioned to 59m in each direction. The existing access is set back from the edge of the highway and the boundary treatment is managed by the landowner who has given

permission for the café use. In the interests of highway safety it would be reasonable and necessary to secure this by condition.

2.7.3 Objections on highway grounds have been considered during the assessment of the application and are noted above in the publicity section. It is considered that the proposed use would not lead to severe highways impact and parking on site and access to the site is considered to be acceptable.

2.7.4 As such therefore considered that the proposed use as a tea room would not create conditions prejudicial to highway safety and the free flow of traffic in the locality. The proposal would therefore accord with Policies ENV1 (2) and S3A (4) and (5) of the Local Plan.

2.8 Flood Risk, Drainage, Climate Change and Energy Efficiency

2.8.1 The application site lies within Flood Zone 1 as noted in the Environment Agency's flood mapping with a low risk of flooding. The proposal involves the change of use of two rooms within a dwelling with no new build proposed. There is no requirement for a sequential or exception test to be undertaken as a result and the proposal is considered to not contribute to flooding elsewhere.

2.8.2 Comments have been received from the Environmental Health Officer referring to disposal of foul water. The applicant has submitted a drainage statement which was used for a previously refused events venue used by up to 150 guests. This report has limited weight for a small scale tea room, but nevertheless an efficient disposal of foul water scheme should be able to cope with the new use and the current dwelling use. This aspect of the proposal as with the previously refused events venue can be secured by condition.

2.8.3 As such it is considered that the proposal would be acceptable with respect to Policies SP15 and SP19 of the Core Strategy and the NPPF.

2.8 Other Issues

2.8.1 Significant objections received by the Council refer to the previously refused application for an events venue for up to 150 guests. This was appropriately dismissed by appeal in accordance with the Officers recommendation and the Committee's resolution to refuse the application. This application does not have the same characteristics, impact or traffic generator as previously. The resultant impacts from a small tea room of the scale proposed is not commensurate in scale or nature.

3.0 Recommendation

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

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

Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

Location Plan received 9th June 2017
Plan reference 02 received 4th April 2017
Existing/Proposed floor plans 20-02 received 4th April 2017.

Reason:
For the Avoidance of Doubt

03. There shall be no access or egress by any vehicles (relating to the proposed development) between the highway and the application site until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road (Butts Lane) from a point measured 2 metres down the centre line of the access road. Any object height within the visibility splays shall be no higher than 1 metre and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

04. The tea room hereby approved shall not be operated on the premises except between the hours of 10:00am to 16:00pm Tuesday to Friday and 09:00 to 16:00pm Saturdays and Sundays and Bank Holidays.

Reason:
To protect the residential amenity of the locality and in order to comply with Policy SP19 of Selby Core Strategy and Policy ENV2 of Selby District Local Plan.

05. No deliveries shall be taken at or despatched from the site except between the hours of 10:00am to 16:00pm Tuesday to Sunday.

Reason:
To protect the residential amenity of the locality and in order to comply with Policy SP19 of Selby Core Strategy and Policy ENV2 of Selby District Local Plan.

06. Should the cooking of food become an integral business activity, a scheme containing full details of arrangements for internal and external air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking

is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason:

To protect the residential amenity of the locality and in accordance with Policy ENV2 of Selby District Local Plan and Policy SP19 of Selby Core Strategy.

07. Development shall not commence until a scheme detailing disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme. The development shall not be brought into use until the drainage works approved have been completed.

Reason:

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Policy SP15 of Selby Core Strategy.

08. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before installation. The approved scheme shall be carried out in accordance with the approved details for the lifetime of the development.

Reason:

In order to protect the living conditions of neighbouring residents and the character of the locality in accordance with Policy ENV1 of Selby District Local Plan.

09. Notwithstanding the provisions in the Use Classes Order 1987 as amended, the proposed tea room (use Class A3) hereby permitted shall be used for no other purpose other than a tea room and not ancillary to any other uses.

Reason:

In the interests of precision in accordance with Policy ENV1 of Selby District Local Plan.

10. Prior to occupation of the tea room hereby permitted, details of products to be sold shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity in accordance with Policy ENV1 of Selby District Local Plan.

11. The tea room hereby permitted shall not operate in excess of 40 covers at any one time.

Reason:

In the interests of residential amenity in accordance with Policy ENV1 of Selby District Local Plan.

12. No amplified music shall be played inside the building being proposed in connection with this permission to what levels and what about levels that will be acceptable in doors.

Reason:

In the interests of residential amenity in accordance with Policy ENV1 of Selby District Local Plan.

13. The tea room hereby permitted shall not be occupied until the northern elevation of the orangery has been obscure glazed. The obscure glazing shall thereafter be retained for the life of the development.

Reason:

In the interests of residential amenity in accordance with Policy ENV1 of Selby District Local Plan.

14. There shall be no outdoor seating within the red line boundary of the application site at any time, unless otherwise approved by the Local Planning Authority.

Reason:

To preserve the tranquillity of the Green Belt.

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 2017/0209/COU and associated documents.

Contact Officer: Mr K Thompson Senior Planning Officer

Appendices: None



APPLICATION SITE

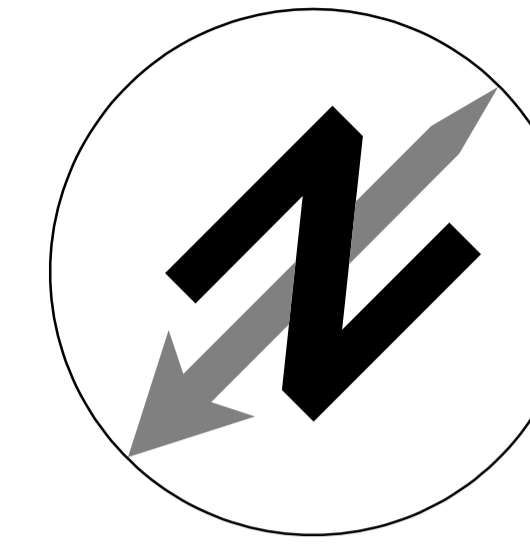
Item No: 2016/0875/FUL

Address: High Eggborough Lane, Eggborough

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HIGH EGGBOROUGH LANE EGGBOROUGH



KEY					
HOUSETYPE SCHEDULE					
TYPE	SALES NAME	BED ACCOMMODATION / DWELLING TYPE	STOREY HEIGHT	SIZE (SQ FT)	No OF UNITS
FG	FISHERGATE	3 BEDROOM DETACHED HOUSE	2	1000	5
ST	STONEGATE	3 BEDROOM SEMI DETACHED HOUSE	2	813	9
CG	COPPERGATE	3 BEDROOM SEMI DETACHED HOUSE	2	868	18
HU	HUNGATE	2 BEDROOM SEMI DETACHED HOUSE	1	641	17
A3	AFFORDABLE	3 BEDROOM SEMI DETACHED HOUSE	2	843	2
A2	AFFORDABLE	2 BEDROOM SEMI DETACHED HOUSE	2	775	3
TOTAL NO. OF DWELLINGS					54

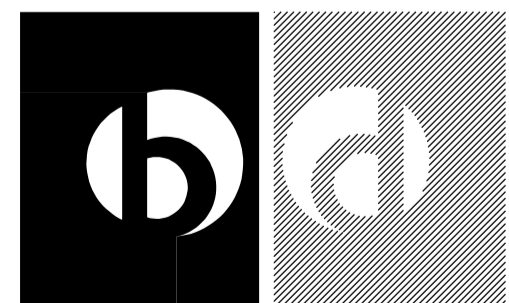
SITE AREA - 3.45 ACRES GROSS
SITE AREA - 3.18 ACRES NET
DWELLINGS PER ACRE - 16.8 NET
SQUARE FOOT PER ACRE - 13,477 SQ FT
TOTAL DWELLING SQUARE FOOTAGE - 42,849 SQ FT
TOTAL PARKING SPACES - 120

- DENOTES 1800MM HIGH CLOSE BOARDED FENCE
- DENOTES 1800MM HIGH LARCH LAP FENCE TO REAR
- DENOTES 1800MM HIGH SCREEN WALL
- - - DENOTES UNMARKED BOUNDARY
- DENOTES 2.2M HIGH ACOUSTIC FENCE
- DENOTES ROBUST LOCKABLE GATE
- EXISTING BOUNDARIES WILL GENERALLY BE FENCED WITH 1.8M (6ft) HIGH CLOSE BOARDED FENCING, UNLESS EXISTING STRUCTURES OR HEDGING ARE DEEMED SATISFACTORY
- DENOTES EXISTING TREES & HEDGES TO BE RETAINED
- DENOTES EXISTING TREES TO BE REMOVED
- DENOTES NEW TREE & SHRUB PLANTING
- ▨ PRIVATE DRIVES IN BLOCK PAVING
- BIN COLLECTION POINT
- SECONDARY WINDOWS IN SIDE ELEVATIONS
- FFL 25.900 INDICATIVE FINISHED FLOOR LEVELS
- AFFORDABLE HOUSING



REVISIONS
OCT 2016 REV A OPEN SPACE ADDED NUMBERS REDUCED TO 54. ADAPTABLE ROAD REVISED ALONG WITH PRIVATE DRIVE TURNING SPACES BIN COLLECTION POINTS AND ACOUSTIC FENCE ADDED
NOV 2016 REV B PARKING SPACES TO PLOTS 22,28&29 REVISED 7 EARTH BUND ADDED TO PLOTS 20 TO 25
MARCH 2017 REV C BIN COLLECTION POINTS TO PLOTS 10 & 11 RELOCATED & PARKING SPACES REVISED
MAY 2017 REV D AFFORDABLE HOUSING INDICATED

CLIENT	YORVIK HOMES
DRAWING TITLE	SITE LAYOUT
PROJECT:	PROPOSED DEVELOPMENT HIGH EGGBOROUGH LANE EGGBOROUGH SELBY
DRAWING No	016/ 033 / SL / D
DRAWING DATE	MARCH 2017
DRAWN BY	IKB
SCALE	1:500 @ A1



BARRATON
DESIGN STUDIO

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**AMENDED
DRAWING**

To: Planning Committee
Date: 12 July 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Management)

APPLICATION NUMBER:	2016/0875/FUL 8/37/349/PA	PARISH:	Eggborough Parish Council
APPLICANT:	Mr Stuart Shapley, Yorvik Homes	VALID DATE:	27 th July 2016
		EXPIRY DATE:	26 th October 2016 (EOT – 01/08/2017)
PROPOSAL:	Proposed erection of 54 dwellings		
LOCATION:	Land off High Eggborough Lane, Eggborough		

This application has been brought before Planning Committee due the proposals being considered locally controversial as a result of more than 10 objections being received on the application. In addition the as the scheme is contrary to Policy EGG/2 of the Selby District Local Plan, but is considered acceptable and therefore is the Officer recommendation to approve the application.

Summary:

The application seeks full consent for the erection of 54 dwellings on 1.40 hectares of land.

The site is located within the development limits of Eggborough and was identified under Allocation EGG/2 as a Housing Allocation. The proposals are acceptable with respect to the principle of development given that the site is allocated for housing.

The layout plan achieves an appropriate layout, appearance, and scale of development so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, highways the impact on flooding, drainage and climate change, protected species and contamination in accordance with policy.

The proposal is therefore considered acceptable when assessed against the Local Plan, the Core Strategy and the policies in the NPPF. It is on this basis that permission is recommended to be granted subject to the noted conditions and Section 106 agreement.

Recommendation

This planning application is recommended to be APPROVED subject to competition of a Section 106 agreement to secure 5 Affordable Units offered as discount for sale in perpetuity, on-site recreational open space (provision and management) and a waste and recycling contribution and subject to the conditions detailed in Section 3.0 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is located within the defined development limits of Eggborough in the eastern part of the settlement.
- 1.1.2 To the immediate east of the site is the A19, Weeland Road is to the north and High Eggborough Lane lies to the south and west of the site.
- 1.1.3 The site is currently scrub land and includes a range of derelict buildings and remnants of fences within the site.
- 1.1.4 There are single and two storey residential properties located in the vicinity of the site along High Eggborough Lane and Weeland Road of varying designs and age. High Eggborough Lane is primarily single storey with some 1½ storey dwellings being located in the vicinity of the site.
- 1.1.5 There are mature hedgerows along all of the site boundaries and some fences along the shared boundaries to the residential dwellings adjoining on High Eggborough Lane to the south of the application site.
- 1.1.6 There are a number of trees within the central part of the application site and within the hedgerow areas. There is a Tree Preservation Order (Reference 5/2000) relating to the area on the frontage to High Eggborough Lane and defines a grouping including 18 Hawthorns, 1 Oak, 2 Prunus and 10 Ash specimens.
- 1.1.7 The site is situated within Flood Zone 1 and therefore is at low probability of flooding.

1.2. The Proposal

- 1.2.1 The application is for full planning permission for 54 dwellings with access taken from High Eggborough Lane and on site ROS provision equating to 391 square metres by way of a casual play area.
- 1.2.2 Vehicular access is to be taken from one proposed access point from High Eggborough Lane and this would be located towards the north corner of the site.

1.2.3 The scheme includes a mix of house types and sizes with all units being 2 storey and providing 2 or 3 bed spaces, in the following ratio:

- 5 x 3 bed Detached Units (Type – Fishergate)
- 9 x 3 bed Semi-Detached Units (Type – Stonegate)
- 18 x 3 bed Semi-Detached Units (Type – Coppergate)
- 17 x 2 bed Semi-Detached or Terrace Units (Type – Hungate)
- 2 x 3 bed Semi-Detached (Type – Affordable A3) (843 sqft) (Plots 18 and 19)
- 3 x 2 bed Semi-Detached (Type – Affordable A2) (775 sqft) (Plots 46, 47 and 48)

The scheme has a mix of detached garaging or parking provision either to the front of the units or within parking courts.

1.2.4 The submitted scheme also confirms all boundary treatments which combine 1.8m close board fencing, larch lap fencing, walls and acoustic fencing. It also shows the existing hedgerows to the site boundaries as retained with the only section of the TPO Group area effected being where the access is located onto High Eggborough Lane.

1.2.5 The site is also proposed to include provision of 391 square metres of recreational open space within the north western part of the site which is overlooked by the proposed residential units.

1.3 Planning History

1.3.1 There is no relevant planning history for the application site.

1.4 Consultations

1.4.1 Eggborough Parish Council

Have noted objections to the application on the following points:

Principle of Development / Relationship to Local Plan Allocation

- The allocation is for 23 units not scale of development shown on the submitted plans
- The Local Plan states that the access should be upgraded but such works will impact on trees protected under a Tree Preservation Order
- There is insufficient buffer to the A19 and a buffer zone is required under Policy EGG/2

Character / Design and Amenity

- The scheme is two storey and will result in two storey units overlooking single storey adjacent development
- The developer should be required to keep trees and hedgerows to protect existing residents amenity
- The “estate” style development is not in character with the area
- Despite the addition of Open Space within the development as part of the negotiations on the application – this is still insufficient and the nearest provision will be half a mile away
- Construction vehicles will cause issues for residents and how will roads be kept clean

Highways

- Access location for the development is off a single track along a narrow road
- NYCC will be requesting that the trees between the top of High Eggborough Lane and the A19/A645 roundabout be cut back before any work commences so that the full roundabout is visible from High Eggborough Lane
- A condition must stipulate who is responsible for maintaining the trees between the top of High Eggborough Lane and the A19/A645 roundabout once they are cut back so that visibility of the roundabout is maintained continually
- High Eggborough Lane must be widened as per the Selby Plan from Weeland Road to the first bungalow on the left before any work commences

Drainage and Flood Risk

- The top of High Eggborough Lane and Tranmore Lane regularly floods as the drains cannot cope
- Residents in the area have had issues with drains so would question if these systems can cope with additional development connections

Services and Facilities

- Services including the doctors have capacity issues
- Bus services to the village have continued to be cut
- There are no amenities in the settlement to cope with additional properties

Other Matters

- There are no employment opportunities in the vicinity of the site and occupiers will have to travel for work purposes which will add to traffic in the area which already seeing increased traffic levels as a result of development in the area
- The Planning Support Statement includes references to elements not included in this development and streets not in the area of the site
- There are too few affordable homes within the scheme and the provision must be increased

1.4.2 NYCC Highways

Initial comments sought amended plans which have been considered and there are no objections subject to conditions attached to any permission granted.

1.4.3 Yorkshire Water

Comments confirm that they note that the submitted Flood Risk Assessment indicates that the sub soil conditions will not support soakaways and that there is a watercourse located near the site which will accept public surface water.

1.4.4 Internal Drainage Board

No objections received.

1.4.5 North Yorkshire County Council – Flood Risk Management

Initial comments on the application sought additional information on peak flow control, designing for exceedance and maintenance. Following consideration of further information from the applicants the SUD's Officer confirmed that the scheme was acceptable subject to a condition attached to any permission granted.

1.4.6 Lead Officer – Environmental Health

Initial comments in August 2016 raised concerns in terms of noise from road and rail traffic and the nearby glass works. The EHO noted that the submitted assessment states that the dominant noise source was road traffic and considers the internal levels of the proposed properties giving double glazing specifications for various parts of the site according to noise mitigation required. Thus the EHO requested that if the application is to be approved the glazing specification of the various plots is specified by condition together with the provision of appropriate ventilation. However, in terms of night time noise levels concern was raised on the achievable levels even with the proposed double glazing and ventilation can achieve the internal night time noise levels as recommended in BS8233:2014 but this is only where the windows are kept closed. As such the EHO noted concern and asked for a scheme revision to allow for the noise levels to be achieved without the need for windows to remain closed.

Further submissions were made by the Applicants and comments from EHO in November 2016 noted that an acoustic fence was now proposed which is acceptable and should be to a specification controlled via condition (An acoustic barrier of 2.2 meter high, minimum superficial mass of 15kg/m² constructed of solid timber with a thickness of at least 20mm in all places shall be erected between the private garden spaces of properties and the adjacent road of either the A19 or A645.) However concern was still raised in relation to the position on the layout as noted in initial comments. Additional comments were also noted at this stage on Air Quality, noting that the Selby District Council's Air Quality and Planning Guidance document suggests that an air quality assessment should be provided when the proposals will include significant new car parking, which may be taken to be more than 100 spaces outside an AQMA. The application is for 55 properties all of which have parking allocation for at least 2 cars. The site is also close to the A19 which is used extensively as a route to the M62 from traffic serving the many industrial uses in the area. As such the EHO notes that they would request that an air quality assessment is provided and that irrespective of the remodelling and the results that ensue consideration is given to the application of good design and practice measures as outlined in Chapter 5 of the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality in accordance with the guidance given in this document in Section 6.20.

The EHO made further comments in March 2017 noting at this stage continued concern in terms of internal noise levels to first floor bedrooms and requesting the noted Air Quality information.

In May 2017 the comments from the Councils Environmental Health Officer on the latest layout for the site. They noted that "The revised plans show a noise bund to protect Plots 20 to 27 which are adjacent to the A19 at the south east corner of the site. This will protect the external amenity area of the site from traffic noise from the A19. This however, does leave the external amenity areas of Plots 28, 41 and 42 unprotected and I would suggest as per Mr Clows letter of the 19 September 2016 that a 2.2m high barrier should be erected to protect these areas and reduce the noise levels to below the level of moderate annoyance".

As such they recommended a condition to ensure that the barrier surrounding the external amenity areas of Plots 28, 41 and 42 shall provide effective acoustic screening to surrounding residential properties and be constructed of either timber

and or concrete, of solid construction and if made of timber with a thickness of 20mm in all places, to a height of 2.2m above the surrounding ground level. The panels shall have a surface mass of not less than 17kgm² and shall be free from gaps and cracks. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

They also noted that they “remain concerned as the residential amenity due to noise levels in this area” but noting that there is a need for habitable rooms (living room, dining room and bedroom) to have appropriate glazing which would only be effective where windows remain closed and as such they recommend that if permission is to be given to this application the glazing and ventilation to those rooms are required by conditions with

- a) Windows to all habitable rooms on all plots (living, dining and bedrooms) shall provide, with the windows shut, a sound reduction index of 25 dB RTRA .
- b) Prior to the installation of the windows the developer shall submit in writing a scheme for the ventilation of the habitable rooms to ensure that the rooms are adequately ventilated without the acoustic properties being reduced. The scheme shall be submitted to the local planning authority for approval and the agreed scheme maintained throughout the life of the development.

1.4.7 Contaminated Land Consultant

Note the submitted information, and indicate that Standard Condition CL1 to CL5 inclusive should be placed on any consent for development.

1.4.8 Education Directorate North Yorkshire County Council

Initial comments in August 2016 noted a request for a contribution of £159,753, with a revised figure of £186,945 being noted in comments in February 2017 for Whitley and Eggborough County Primary School, should this be appropriate in the context of any CIL arrangements.

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.

1.4.9 North Yorkshire Fire & Rescue Service

No objections to the scheme in terms of the access and facilities for the fire service or the provision of water for firefighting purposes.

1.4.10 Police Architectural Liaison Officer

Noted in August 2016 that in general the overall design of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime & disorder. Comments were made on the boundary treatments in terms of the clarity of the approach and the need for clear plans and definition of spaces, the need for gates on rear access ways, car parking needed to be overlooked by active rooms, provision of cycle storage should be encouraged, movement sensitive lighting should be utilised, all meters should be on accessible walls, and landscaping should be designed to limit anti-social behaviour opportunities.

Further comments in February 2017 noted concern in terms of the inclusion of a play area in terms of being a magnet for older children to congregate and the approach on boundary treatments and that if consent is granted then a condition should be utilised to require the developer to agree the approaches on crime prevention measures that North Yorkshire Police can then review and agree.

1.4.11 North Yorkshire And York Primary Care Trust

No comments received.

1.4.12 Yorkshire Wildlife Trust

No comments received.

1.4.13 Natural England

Confirmed Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice.

1.4.14 North Yorkshire Bat Group

No comments received.

1.4.15 Waste and Contracts

Comments have been received which confirm that the approach on Revision D of the Site Layout Plan is acceptable.

1.4.16 Rural Housing Enabling Officer

Comments in August 2016 noted that level of provision was below 40% and that the offered units are small and this could impact on the amount a Registered Provider would offer for the affordable units if the sizes fall below these national standards. The latest offer / mix are being considered by the Council's Rural Housing Enabling Officer and she has advised the AF2 units would comply with the National Space Standards for a 2 bed 3 person property and this would be the basis of any offer from a Registered Provider (RP) and although the AF3 unit would not comply with the standards per se an offer from an RP would be likely to be forthcoming based on 3 bed 4 person house type which would be a lower value.

1.5 **Publicity**

The application was advertised via a site notice, neighbour letters and a press notice. A total of 11 individuals have submitted objections, which includes comments from Cllr Mary McCartney. Two letters of support have also been received.

In summary the comments made were as follows:

Principle of Development / Relationship to Local Plan Allocation

- The allocation is for 23 units not scale of development shown on the submitted plans
- Should be all single storey units
- There is insufficient buffer to the A19 and a buffer zone is required under Policy EGG/2
- Existing trees and hedgerows should be retained
- If the area needs housing why is the focus not on previously developed sites rather than greenfield sites
- New development should be in Selby and not in the villages to underpin retail provision in the main town
- This is a semi-rural location and the scale of development is not acceptable

Character / Design and Amenity

- The character of the area is of bungalows this should be reflected on the application site
- This development does not reflect the character of the area
- Open space should be provided on the site for younger children
- Construction stage will impact on existing occupiers (humans and pets)
- The scheme results in overlooking of existing properties including the rear gardens
- Public footpath at side and rear of plots 12 and 13. What purpose does this serve? There is no access/right of way on to High Eggborough Lane. The 'exit' lies on a blind bend and there is no footpath on this side of High Eggborough Lane
- There is no provision of privacy screening between the rear of plots 12 to 18 and the existing properties of Belmonte and Inglenook. The plans indicate an 'Unmarked Boundary'?
- The driveway for plot 1 is too close to the proposed entrance/exit of the development and has no turning point
- The driveway for plot 32 joins the carriageway directly on the bend and therefore has highly restricted view and again, no turning point

Highways

- Access location for the development is off a single track along a narrow road
- Increased vehicle movements will increase risk of accidents
- Insufficient parking is provided for the new residents
- Traffic calming is required between High Eggborough Lane and the A19 roundabout and the widened junction which maybe obscured by hedgerows
- Are adequate sight lines available?

Drainage and Flood Risk

- Existing drainage provision in the area will not cope with additional development

Services and Facilities

- Services including the doctors have capacity issues
- Bus services to the village are insufficient to support more housing

Other Matters

- 40% affordable housing should be provided
- Further ecology information should be collated – there are inaccuracies in the submitted information and the site building should be monitored for bats

- The area is heavily polluted as a result of HGV movements – this will be impacted further by more development
- Boundary acoustic fencing will not protect residents when asleep
- Loss of agricultural land and green belt land if this site is developed
- The Planning Support Statement includes references to elements not included in this development and streets not in the area of the site
- Root protection of the TPO trees should be secured

In summary the letters of support note the following points:

- That site should be brought forward for development as it is allocated.
- The properties would look out of place or too cramped
- Many of the properties are 2 and 3 bed properties, these smaller properties are perfect for people like me trying to get on the property ladder which many people in the area are trying and struggling to find anything within budget as there just isn't these size of homes available. Yorvik Homes seem to have made this their priority with this Scheme
- The homes look really pleasant and will more than mix with existing properties in the area

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 as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP5 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
- T1: Development in Relation to Highway
- T2: Access to Roads
- RT2: Recreational Open Space
- CS6: Developer Contributions to Infrastructure and Community Facilities
- EGG/2: Land East of High Eggborough Road

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
- North Yorkshire County Council SuDs Design Guidance, 2015

2.6 Key Issues

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

- a) Principle of Development
- b) Layout, Scale, Design and Impact on Character and Form
- c) Residential Amenity
- d) Construction Management and Noise
- e) Highways
- f) Flood Risk and Drainage
- g) Nature Conservation and Protected Species
- h) Trees and Landscaping

- i) Contamination
- j) Climate Change
- k) Air Quality
- l) Affordable Housing
- m) Designing Out Crime
- n) Recreational Open Space Provision
- o) Education, Healthcare, Waste and Recycling

2.3 Principle of Development

2.3.1 The site is within the development limits of the settlement and allocated in the Selby District Local Plan (2005) as a housing site under Policy EGG/2. The allocation was saved under the saved direction in February 2008.

2.3.2 Policy EGG/2 reads as follows:

“EGG/2 Land east of High Eggborough Road, Eggborough, as defined on the Inset Proposals Map, is allocated for residential development in Phase 2 of the Plan in accordance with POLICY H2. In addition to satisfying the requirements of relevant planning policies, proposals must make provision for:

- 1) Vehicular access to be taken from High Eggborough Road;
- 2) Off-site highway improvements including the widening of High Eggborough Road to a 5.5 metre carriageway and the provision of 1.8 metre wide footway;
- 3) The retention and consolidation of existing hedgerows, tree belts and a 50 metre wide tree belt on the eastern edge of the site; and
- 4) The incorporation of appropriate noise amelioration measures, if necessary, to meet the requirements of an approved noise assessment undertaken at the developer’s expense.”

2.3.3 Policy H2 of the Local Plan is not saved and neither is the associated text to the policy which includes reference to the scale of development (namely 23 units) as such this does not form part of the development plan in determining the planning application.

2.3.4 In terms of EGG/2 (3) then the scheme does not wholly comply this policy on the basis that it does not include provision of a 50 metre wide tree belt on the eastern edge of the site. Paragraph 8.12 of the Local Plan which is not saved does outline that the “site is affected by traffic noise from the A19. A previous noise assessment, carried out on behalf of the Council has shown that land within 50 metres of the road falls within class “NEC C”, as referred to in PPG24 (Planning and Noise), within which residential is not appropriate. A 50 metre tree, buffer zone is therefore required by POLICY EGG/2. The remainder of the site falls within class “NEC B” which means that ameliorative measures may be required to be incorporated into the design of the dwellings within this area. However, an up-to-date noise assessment will be required to be submitted along with any development proposals in order to establish the precise nature of measures needed”.

2.3.5 The Inspector supported the approach on the 50m tree buffer due to the proximity to the A19 and the assessments as done at that time.

- 2.3.6 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.
- 2.3.4 Policy SP2 identifies Eggborough as being a Designated Service Village (DSV) which has some scope for additional residential development to support rural sustainability. Policy SP2A (bullet point 3) states that some scope for additional residential development in DSVs provided that the development meets the requirements of SP4.
- 2.3.5 In terms of the principle of development and appropriateness of the location for residential development then Policy SP4 (a) states that in DSV's development is acceptable in principle within development limits where for "conversion, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion / redevelopment of farmsteads". The site is within the development limits of Eggborough and is an allocation in the adopted Local Plan for the District of 2005 under Policy EGG/2 as such it has been defined as a site appropriate for development, as such its development at this stage subject to all technical considerations is considered to not only be acceptable in terms of the Local Plan but also in the context of the Core Strategy approach on development within DVS's.
- 2.3.8 There is a conflict with Policy EGG/2 (3) in terms of the need for a 50m wide tree belt, but there are no objections to the development of the wider site from the Council's Environmental Health Officers given the proposed design of the scheme and the proposed mitigation measures. In addition, in terms of the requirements of EGG/2 (2) the County Council Highways Officers have also raised no objections to the development and are happy with the proposed access arrangement and improvements.
- 2.3.9 As such, alongside the fact that the development of the site is within the settlement development boundary and that development of the site would also be supported by the Core Strategy it is considered having taken account of the material considerations and the Core Strategy that the development can be supported in the proposed form contrary to EGG/2 (2) and (3).

2.4 Layout, Scale, Design and Impact on Character and Form

- 2.4.1 Relevant policies in respect to design and the impacts on the character 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 of the Local Plan requires an appropriate housing mix to be achieved.
- 2.4.2 Significant weight should be attached to Local Plan Policy ENV1 as this is consistent with the aims of the NPPF.
- 2.7.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.

2.4.6 Objectors, including the Parish Council, have raised concerns in terms of the density of development, the relationship of the development to adjoining properties in terms of separation distances and the use of two storey units rather than single storey development.

Layout and Scale

2.4.7 The proposed scheme is for the erection of 54 dwellings which would be a mix of detached, terrace and semi-detached units all offering accommodation over two storeys.

2.4.8 The mix of development provides 51 x 3 bed units (3 house types) and 3 x 2 bed units (2 house types) across the development at a density of 45 dwellings per hectare. The units have a range of private amenity space, with parking provision largely to the front of the units or on side driveways interspersed with amenity areas and an area of public open space.

2.4.9 The materials noted on the application form note the use of brick finish with artstone heads and sills, concrete pantiles and UPVC windows and doors. In addition the submitted layout plan confirms all boundary treatments which include screen walls, fencing and acoustic fencing to define spaces.

2.4.10 The settlement has a mixed character as does Eggborough High Lane itself. It is acknowledged that the majority of the units in the vicinity of the site are single storey units or dormer type bungalows, however, the units proposed on the site and the relationships between the units are considered acceptable given the separation distances and the proposed finished floor and ground levels.

2.4.11 As such, it is considered that the proposed layout is considered to provide a development of a scale, mix and streetscape which reflects the mix of the settlement as a whole and ensures that appropriate relationships are attained between the units themselves, the surroundings existing residential properties.

Design

2.4.12 There is a mix of design features and materials evident in the surrounding area which has evolved over a period of time. The submitted scheme is does not seek to reflect these per se, but it does utilise approaches on the fenestration of the proposed dwellings to ensure that account is taken of the context and the surrounding area and that there is some character in terms of the design of the scheme.

Impact on the Character and Form

2.4.13 The surrounding area consists of a mixture of house types and houses of differing ages. There is a mixture of single storey, two storey, terraced and semi-detached dwellings within the settlement. In addition the surrounding area has a mixed layout and spacing between dwellings. In this context the layout, scale, landscaping and design and their impact on the character and form of the area of the proposed development is considered to be acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

2.5 Residential Amenity

- 2.5.1 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.
- 2.5.2 In considering residential amenity then the key considerations are overlooking, overshadowing overbearing impacts and separation distance.
- 2.5.3 The separation distances with surrounding existing properties are acceptable and all internal relationships are also considered appropriate with the units siting ensuring that overlooking and overshadowing is minimised and that separation distances are achieved. It would however in this case be appropriate to remove permitted development rights on the units to ensure that any further extensions or alterations are subject of planning control.
- 2.5.4 Therefore having looked at the issues of overlooking, overshadowing and impact on outlook it is concluded that the proposed development would not result in a significant detrimental impact on the residential amenities of the occupiers of neighbouring properties and would result in a good standard of residential amenity in accordance with Policy ENV1(1) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.6 Construction Management Plan and Noise Environ for Future Occupiers

- 2.6.1 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. NPPF Paragraph 109 states proposals should prevent both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraphs 120 and 121 of the NPPF require proposals to ensure that new development is appropriate for its location and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 2.6.2 NPPF Paragraph 123 requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 2.6.3 It is noted that the objectors have raised concerns at the impact of the development during construction.
- 2.6.4 In commenting on the application the Council's Environmental Health section has noted the recommended a condition be placed on any consent requiring submission and agreement of a Construction Management Plan and the implementation of the scheme in accordance with the agreed scheme.

2.6.5 In terms of the resultant noise environment for future occupiers then in commenting on the application Environmental Health have considered the approach to the noise mitigation and environ as a result of the development being undertaken across the whole site and without the 50 metre tree belt. The scheme has been subject of revisions and includes provision of acoustic fencing, which alongside some further conditions relating to details on sound reduction levels on habitable room windows and a scheme for ventilation has resulted in Environmental Health Officers confirming agreement to the scheme, which the developer has acceptable and implementable.

2.6.6 Therefore in terms of the resultant noise environ it is concluded that the proposed development would result in an appropriate environ for future occupiers in accordance with Policy ENV2 of the Local Plan and NPPF and a condition to secure a Construction Management Plan will protect residents during the construction stage.

2.7 Highways

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. These policies should be afforded significant weight.

2.7.2 Objectors have raised concern in terms of the impact of the scheme on the local highways network and parking provision.

2.7.3 The proposed scheme utilises one access from Eggborough High Lane and provide junction improvements and parking within the site for future occupiers.

2.7.4 The Highways Officer has considered the submitted information and as noted above the latest plans and the Fire Authority were consulted and do not appear to have concerns with the response times associated with a single access, as such it has been agreed that an emergency access is not required. As such the Local Highway Authority has confirmed support for the scheme subject to a series of conditions and an Informative in relation to the management of “mud on the highway”.

2.7.5 In light of the above it is considered that the proposals are acceptable and would not be prejudicial to highway safety in accordance with Policies ENV1(2), T1, T2 of Selby District Local Plan and Policy SP19 of the Core Strategy with respect of access, parking and transport and the non-provision of an emergency access.

2.8 Flood Risk and Drainage

2.8.1 Relevant policies in respect to flood risk, drainage and climate change include Policies and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.

2.8.2 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.

- 2.8.3 Objectors have raised concerns on the development of the site in terms of the top section of High Eggborough Lane and Tranmore Lane which they note regularly floods as the drains cannot cope already.
- 2.8.4 The application site is located in Flood Zone 1 which is at low probability of flooding. In terms of flood risk and drainage a Statement has been submitted as part of the application (received 23rd May 2017 – Ref 4625/FRA01B). This confirms that the sewers have capacity for the site and outline a drainage strategy for the site.
- 2.8.5 The approach to the drainage has been considered by Yorkshire Water, the Internal Drainage Board and the SUD's Officer. In this context a series of conditions are proposed.
- 2.8.6 Yorkshire Water have confirmed agreement to discharge to public surface water sewer at a rate not exceeding 3.5 litres per second and note a condition accordingly. They also note that the submitted drainage plan should not form part of the consent as this will need to be updated accordingly. The IDB have noted that if surface water is to be discharged to any watercourse then their consent would be required and rates would need to be restricted to 1.4 litres per second per hectare or greenfield run off and that there should also be no obstruction within 9 metres of the edge of the watercourse without the consent of the Internal Drainage Board. In addition the North Yorkshire County Council – Flood Risk Management confirmed that the scheme was acceptable subject to a condition requiring submission of the final design which would then be agreed and be required to be implemented.
- 2.8.7 Having taken account of the comments of the consultees and the submitted information, subject to the conditions and a requirement for separate systems to be provided then the proposed scheme is therefore considered acceptable in accordance with Policy SP16 and SP19 of the Core Strategy and the NPPF.

2.9 Nature Conservation and Protected Species

- 2.9.1 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 NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England. 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. The application site is not a formal or informal designated protected site for nature conservation itself or is known to support any populations of protected species or species or habitats of conservation interest.
- 2.9.2 As part of the application the applicants submitted a Phase 1 Habitat Survey prepared by Wold Ecology Ltd. This outlines the ecological context of the site, the findings of the desktop study and a series of approaches that should be utilised in development of the site and habitat management. These include:
- Need for an ecologically sensitive lighting on the site;
 - Provision of bat boxes on the site; and
 - Tree / shrub removal restricted to outside the breeding season;

- 2.9.3 The confirmation and implementation of an appropriate lighting scheme and provision of the bat boxes as recommended by the Report can be secured via Condition, as can delivery of the scheme in accordance with the methodologies noted in the submitted Survey.
- 2.9.5 It is therefore concluded that the proposals are acceptable with respect to their impacts on nature conservation and protected species. 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.

2.11 Trees and Landscaping

- 2.11.1 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.
- 2.11.2 In terms of the existing landscaping and trees on the site then there are established boundaries to all surrounding units, the road and High Eggborough Lane itself. The submitted survey and plans also confirm that nature of all planting within the main body of the site. There is also a Tree Preservation Order Ref 5/2000 relating to the grouping of trees on the frontage to High Eggborough Lane which notes the presence of a total 31 trees consisting of a mix of hawthorn, oak, prunus and ash.
- 2.11.3 The application is also accompanied by a Tree Statement which outlines:
- That the creation of the access will result in the removal of hedgerow (mainly elder and hawthorn);
 - Methods for no dig construction and use of cellular confinement system to protect roots during the creation of the access road;
 - Root protection for trees on the boundary areas during construction along High Eggborough Lane and Weeland Road;
 - Management of the hedgerows and reduction in heights of these to 2 – 3 metres on the northern boundary to High Eggborough Lane and cutting to 3m on the Weeland Road side;
 - Removal of vegetation along the western boundary;
 - Removal of Cherry (T24) and Rowan (T25) specimens on the southern boundary and the removal of a section of hedgerow on this boundary
 - Removal of elder and brambles grouping within the site.
 - Works to a series of specimens to manage their retention and health
 - Use of a tree protection strategy to protect all trees shown to be retained within the Tree Statement and on the Approved Layout post consent being attained.
- 2.11.4 Alongside the submitted Tree Statement, the proposed Site Layout Plan (Ref 016/033/SL/D) confirms areas of tree retention and specific trees for retention. Also as noted within the Tree Statement there will be a need for provision of a full Tree Protection Plan and Method Statement prior to the commencement of development or any site clearance work. Also as a full landscaping scheme would be required to define the tree and shrub planting approach within the site, secure its delivery and retention. Such a landscaping scheme can be secured via Condition.

- 2.11.5 On balance it is considered that the approach to the tree retention as shown on the Proposed Site Layout Plan, the information provided within the Tree Statement alongside provision of a Arboricultural Method Statement including Tree Protection Statement for the site via pre-commencement conditions will ensure that the trees on the site are appropriately protected during the life of the development. A landscaping scheme will be required, but this can be secured via condition.
- 2.11.6 As such, having considered the submitted information Officers considered that the proposals demonstrate that the site could incorporate appropriate landscaping in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF subject to the fully detailed landscaping scheme being conditioned in order to that the development is carried out in line with the recommendations as set out in the submitted plans and mitigation.

2.12 Contamination

- 2.12.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 2.12.2 The applicants have submitted information in support of the application which has been considered by the Council's contamination consultants. They have reviewed the submitted information and have advised that there no further information required at this stage and as such use of the standard conditions (CL1 to CL5 inclusive) is appropriate.
- 2.12.4 In this context subject to a suite of conditions requiring further assessments the proposal are therefore considered to accord with Policy ENV2 of the Selby District Local Plan.

2.13 Climate Change

- 2.13.1 Relevant policies in respect to Climate Change, Energy Efficiency and Renewable Considerations are Policies SP15 and SP16 of the Core Strategy and Paragraphs 94 and 95 of the NPPF.
- 2.13.2 Part (h) of Policy SP15 (B) refers specifically to the requirement to fulfil part (a) of Policy SP16 of the Core Strategy Local Plan.
- 2.13.3 The proposed development is above the threshold of 10 dwellings. Policy SP16 (c) requires development schemes to employ the most up to date national regulatory standard for code for sustainable homes which the proposed development would do through the current Building Regulations regime. Therefore having had regard to policies SP15 (B) and SP16 (a) & (c) of the Core Strategy Local Plan it is considered that the proposal is, on balance, acceptable.
- 2.13.4 The applicants have not shown how this specification meets the requirement to provide a minimum of 10% of the total predicted energy requirements from renewable, low carbon or decentralised energy sources. However, 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. A condition is still required in order to secure additional information to ensure compliance with SP16 (a).

2.14 Air Quality

- 2.14.1 Policy ENV2(A) notes that “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences”. The NPPF notes that account should be taken in policy and planning decisions on existing “Air Quality Management Areas”.
- 2.14.2 In commenting on the application the Councils Environmental Health Officer has noted that
- “The site is also close to the A19 which is used extensively as a route to the M62 from traffic serving the many industrial uses in the area. As such the EHO notes that they would request that an air quality assessment is provided and that irrespective of the remodelling and the results that ensue consideration is given to the application of good design and practice measures as outlined in Chapter 5 of the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality in accordance with the guidance given in this document in Section 6.20.”
- 2.14.3 The application is not accompanied by an Air Quality Assessment and the applicants have noted the comments of the EHO on the application, but consider that there is no requirement for any further assessment to be undertaken to support the submission.
- 2.14.4 The principle of the development of the site has been accepted via the allocation in the Local Plan 2005 under EGG/2. This policy does not require any further assessment of the inter-relationship of the development to the A19 in terms of the air quality and it is considered therefore that the scheme should be supported by Members without the need for further assessment or mitigation in the absence a local Air Quality Plan.

2.15 Affordable Housing

- 2.15.1 Policy SP9 “Affordable Housing” of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for Selby District.
- 2.15.2 Following detailed and protracted discussions with the District Valuer, the scheme will provide 5 affordable housing units (as discount for sale) and the applicants are willing to enter into a legal agreement relating to affordable housing to ensure that the homes would remain affordable in perpetuity.
- 2.15.3 Subject to the completion of the aforementioned legal agreement, it is considered the proposal would be in accordance with Policies SP9 and SP10 of the Core Strategy and the Affordable Housing SPD.

2.16 Designing Out Crime

- 2.6.1 Paragraphs 58 and 69 of the NPPF states that amongst other things 'planning policies and decisions, in turn should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.' In addition Policy SP19 of the Core Strategy requires crime prevention to be taken into account.
- 2.6.2 The comments of the PALO are noted however there is a need for ROS to be provided as part of the development, and the location is considered acceptable. With some overlooking being secured as a result of the design.
- 2.6.3 On balance, although it is noted that the PALO has some outstanding concerns with the proposed layout, overall the proposal is considered to accord with Policy SP19 of the Core Strategy and the core principles and design objectives set out in the National Planning Policy Framework.

2.17 Recreational Open Space Provision

- 2.17.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.
- 2.17.2 As part of amendments sought during the negotiation of the application the scheme now includes some provision of ROS as part of the scheme and the applicants have submitted information on the range of provision available in the settlement. Given the range of provision available and given that there is some provision on site as part of the scheme this is considered acceptable.
- 2.17.3 The provision would be secured and maintained via the approved site layout and through the Section 106 agreement. It is therefore considered that the proposals, subject to a Section 106 agreement, are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

2.18 Education, Healthcare, Waste and Recycling

- 2.18.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare and waste and recycling are required. In regards to contributions towards education and healthcare these policies should be afforded limited weight due to their conflict with the Community Infrastructure Levy. It is considered that no direct contribution is required due to the adoption of CIL.
- 2.18.2 With respect to Waste and Recycling a scheme for the provision of facilities can be delivered via the S106 for the scheme of this scale.
- 2.18.3 Having had regard to the above the proposals comply with policies ENV1, RT2 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.19 Conclusion

- 2.19.1 The application seeks full planning permission for the erection of 54 dwellings for land at High Eggborough Lane, Eggborough for a mixed scheme which will include delivery of 5 affordable units.
- 2.19.2 The application site is located within the development boundary for the settlement and was allocated in the Local Plan for development under EGG/2, taking account of all material considerations its development complies with the Core Strategy.
- 2.19.3 Other matters of acknowledged importance such as design, layout, scale, residential amenity, flood risk, drainage, climate change and energy efficiency, impact on the highway network, impact on residential amenity, noise environ and matters of nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.
- 2.19.4 On balance the proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. The proposal accords with the overarching aims and objectives of the NPPF and it is on this basis that permission should be granted subject to conditions.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to competition of a Section 106 agreement to secure 5 Affordable Units offered at discount for sale in perpetuity, on-site recreational open space (provision and management) and a waste and recycling contribution and 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 carried out in accordance with the plans/drawings listed below:
- Location Plan Ref 016/033/LP received 22nd July 2016
 - Site Layout Ref 016/033/SL/D received 22nd May 2017
 - Topographical Survey received 22nd July 2016
 - Tree Constraints Plan received 30th January 2017
 - Planning Drawing – Coppergate Ref 016/033/CO received 22nd July 2016
 - Planning Drawing – Fishergate Ref 016/033/FG received 22nd July 2016
 - Planning Drawing – Hungate 3 Block Ref 016/033/HU3 received 22nd July 2016
 - Planning Drawing – Hungate Ref 016/033/HU received 22nd July 2016
 - Planning Drawing – Affordable 2 Bed Ref 016/033/AF2 received 22nd July 2016

- Planning Drawing – AF 3 Block Ref 016/033/AF2/3 received 22nd July 2016
- Planning Drawing – Stonegate 3 Block Ref 016/033/ST3 received 22nd July 2016
- Planning Drawing – Stonegate Ref 016/033/ST received 22nd July 2016
- Planning Drawing – AF Ref 016/033/AF3 received 22nd July 2016

Reason:

For the avoidance of doubt

03. The scheme shall be implemented in accordance with the Development Levels Plan” in relation to finished flood levels as shown on Plan 4625-C-D-10-01.

Reason:

For the avoidance of doubt

04. Prior to the commencement of development details of the external materials 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 the Selby District Local Plan.

05. The boundary treatments as shown on Proposed Site Plan (Ref 016/033/SL/D) shall be implemented in accordance with the approved scheme before the occupation of the associated dwelling hereby approved.

Reason:

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

06. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. 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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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 safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

- 07 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

11. 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.

12. 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.

13. The clearance of the land and the commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan.

The Plan shall include details of

- a) how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated,
- b) details of on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- c) details of on-site materials storage area capable of accommodating all materials required for the operation of the site.

The clearance of the land and 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 and the approved storage and compound areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:

To protect the amenity of the area, the environment and local residents from noise and other emissions and in the interest of highways safety.

14. Notwithstanding the provisions of Class A and Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

15. 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 and the NPPF.

16. 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.

17. 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.

18. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and the NPPF.

19. The development shall be carried out in complete accordance with the recommendations set out in the Extended Phase 1 Habitat Survey dated May 2016 by Wolds Ecology Ltd, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that the scheme avoids potential impacts on nesting birds / protected species and to ensure the enhancement of the site for wildlife purposes.

20. No development shall take place until details of the proposed Bat Boxes, as referenced in the submitted set out in the Extended Phase 1 Habitat Survey dated May 2016 by Wolds Ecology Ltd. The approved boxes shall be implemented in accordance with the details prior to completion of the development.

Reason:

In the interests of ensuring that the enhancement of the site for wildlife purposes.

21. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
 - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
 - c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all
 - the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the
 - existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
 - d. Details of the method and means of surface water disposal.
 - e. Details of all proposed street lighting.
 - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

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

INFORMATIVE

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

Reason

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

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 ENV1 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. 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 has 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 A1.
 - ii. The crossing of the highway verge and/or footway for individual dwellings shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - iii. 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.

- iv. Provision should 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.
- v. Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE

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

Reason

In accordance with Policy ENV1 of the Selby District 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

24. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along the north eastern channel line and 33.5 metres measured along the southwestern channel line of the major road High Eggborough Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.5 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.

INFORMATIVE

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

Reason

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

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 45 metres measured along both channel lines of the major road Weeland Road 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.

Informative

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

Reason

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

26. 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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre 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.

Informative

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

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

27. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the provision of a pedestrian dropped crossing on High Eggborough Lane. have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason

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

28. The development shall not be brought into use until provision of a pedestrian dropped crossing on High Eggborough Lane has been constructed in accordance with the details approved in writing by the Local Planning Authority under Condition Number 27.

Reason

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

29. 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 (drawing number 016/033/SL/D). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason

In accordance with Policy ENV1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

30. 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 ENV1 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.

31. There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway 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 ENV1 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area

32. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason

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

33. Prior to the commencement of development a scheme to secure details of specifications to
- a) windows to all habitable rooms on all plots (living, dining and bedrooms) shall provide, with the windows shut, a sound reduction index of 25 dB RTRA .
 - b) a scheme for the ventilation of the habitable rooms to ensure that the rooms are adequately ventilated without the acoustic properties being reduced.

The scheme shall be submitted to the Local Planning Authority for approval and the agreed scheme maintained throughout the life of the development.

Reason

In accordance with Policy ENV1 and ENV2 of the Selby District Local Plan

INFORMATIVES

- NPPF Compliance
- Coal
- Mud on the Highway - You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

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

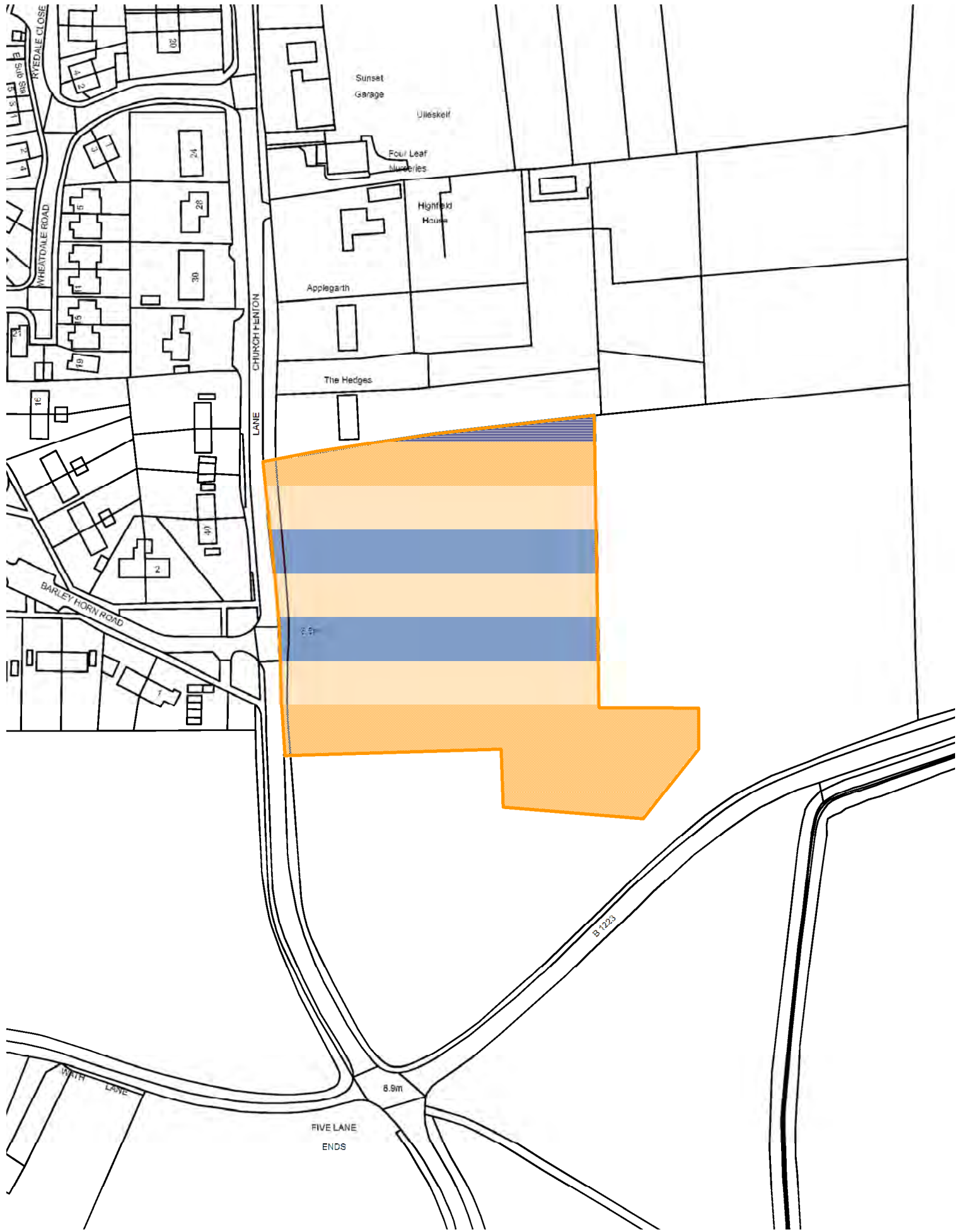
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/0875/FUL and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None



APPLICATION SITE

Item No: 2016/0892/FUL

Address: Church Fenton Lane, Ulleskelf

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Enclosure Details.

- Indicative Landscaping - Refer to Landscape Architects Details
- Rear and dividing fences to be 1.8m Feather edge timber close boarded Fence
- 900mm Post and Rail Fence
- 450mm Timber Knee Rail
- Garden Gate - SW legged and braced gate 1.8m high
- Tarmac driveways with concrete path edging
- Rear Garden Patios and Access Paths Marshalls Saxon concrete paving slabs. Colour Buff.
- BCP Bin collection point

RECEIVED
05/06/2017
BUSINESS SUPPORT

AMENDED DRAWING

Refer to Landscape Architects details for proposed Landscaping

Site Access road - Tarmac to adoptable highway standards

Extent of adoptable road

New Easement connecting into existing drainage ditch

Post & Rail fence with Hawthorn Planting to South and East boundary

Retention Basin to Engineers Details

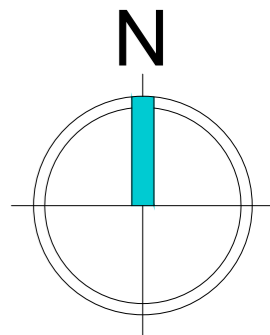
10m Access Strip for Land owner

SCHEDULE OF ACCOMMODATION

Type	Details	Size(sqft)	No.
T1 Alt	5B2S	1767	3
T9	4B2S	1649	1
T9 Alt	4B2S	1649	1
T1	4B2S	1515	6
T3	4B2S	1422	3
T5	3B2S	1055	1
T13	3B2S	1052	3
T7	3B2S	874	6
T6	2B2S	755	6
Total		35,940	30

Key to Affordable Housing Mix

- 3 Bed - 30% Discounted Sale
- 2 Bed - 30% Discounted Sale
- 3 Bed RSL Price Rented
- 2 Bed RSL Price Rented



Revision notes:

Rev:	Date:	Revision:
D	18.01.16	Turning head moved closer to eastern boundary. Plot 14 handed.
E	20.01.16	Plots 7-9 amended to T7 housetype. Adoptable road reduced in length by plots 10-12. Plots 25-30 amended to T7 semi-detached housetypes.
F	09.03.17	Plots 25-30 and 7-9 amended house types to affordable
G	04.04.17	Plots 22 amended to T1 Alt
H	12.04.17	Affordable Mix highlighted on layout. POS size noted
J	05.06.17	Plot 1 amended. Plots 7-9 & 25-27 updated to match floor plans

Drawing Number:
1620.02

Client:
Ulleskelf Development Company Limited

Project:
Proposed Residential Development
Church Fenton Lane, Ulleskelf

Drawing Title:
Planning Layout

Date:
May 2016

Scale @ A2:
1:500

Revision:
J

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To: Planning Committee
Date: 12th July 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Development Planning Manager)

APPLICATION NUMBER:	2016/0892/FUL (8/64/174B/PA	PARISH:	Ulleskelf Parish Council
APPLICANT:	Alfa Homes	VALID DATE:	30 th August 2016
		EXPIRY DATE:	29 th November 2016 (EOT 1 st August 2017)
PROPOSAL:	Proposed erection of residential development of 30 units		
LOCATION:	Church Fenton Lane, Ulleskelf		

This application has been brought before Planning Committee due the proposals being a Departure from the Development Plan.

Summary:

The application seeks full consent for the erection of 30 dwellings on 0.99 hectares of land.

The application site is located outside the defined development limits of Ulleskelf and therefore the proposal is contrary to Policy SP2A(c) of the Core Strategy.

However, 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 paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.

Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:

- (i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted.

No specific policies which restrict development apply to this application therefore the 'tilted balance' in paragraph 14 applies.

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 generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

The proposals achieve a social role in that they would deliver levels of both open market and affordable housing in Ulleskelf, promoting sustainable and balanced communities and would assist the Council in achieving a 5 year supply of housing land. Following discussions with the District Valuer which resulted in no agreement on a reduced provision the Agents have agreed that the proposals would provide 40% on-site provision of affordable housing which would improve the tenure mix in this location. In addition the scheme would provide 515 sq m of recreational open space.

The proposals would have an environmental role in that it would deliver high quality homes for local people and the proposals take into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to its proximity to local services and its access to public transport it would also reduce the need to travel by car.

The layout plan achieves an appropriate layout, appearance, and scale of development so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, highways the impact on flooding, drainage and climate change, protected species and contamination in accordance with policy.

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. In this case the "tilted balance" in paragraph 14 applies. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

Recommendation

This application is recommended to be Granted subject a S106 Agreement in relation to the provision of 40% of units for Affordable Housing in accordance with Plan 1620.02 Revision J, a Waste and Recycling and Provision and Management of On Site Recreational Open Space in accordance with Plan 1620.02 Revision J and subject to the conditions detailed in Paragraph 2.22 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 Ulleskelf adjoining the southern boundary of the settlement.
- 1.1.2 The site is currently agricultural land.
- 1.1.3 There are two storey residential properties located to the north and west along Church Fenton Lane, the land to the south and east would remain in agricultural use.
- 1.1.4 There is a mature hedgerow along the northern and western boundaries of the site.
- 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 for full planning permission for 30 dwellings with access taken from Church Lane and on site ROS provision equating to 515 sq m.
- 1.2.2 Vehicular access is to be taken from one proposed access point from Church Fenton Lane and this would be located towards the north western corner of the site.
- 1.2.3 The scheme includes a mix of house types and sizes with all units being 2 storey and providing between 2 and 5 bed spaces, in the following ratio:
 - 2 x 2 bed (House Type T6)
 - 13 x 3 bed (House Types T5, T13, T14 and T7)
 - 14 x 4 bed (House Types T1, T9alt, T3, T8, T11 and T9)
 - 1 x 5 bed (house Type T1alt)

Units have a mix of integral garaging or detached garaging with the exception of the House Types T6 and T7 which have parking spaces to the front of the units. `

- 1.2.4 The submitted scheme also confirms all boundary treatments which combine 1.8m close board fencing and walls, post and rail fencing and knee rail fencing on the frontages between units.
- 1.2.5 The site is also proposed to include provision of 579 square metres of recreational open space within the central part of the site which is overlooked by the residential units.

1.3 Planning History

- 1.3.1 Outline planning permission was granted on the 30th July 2015 (reference 2015/0190/OUT) for residential development including access. The consent was subject to a S106 relating to on site affordable housing provision at 40%, an education contribution for the primary school, an off-site recreational open space contribution and a waste and recycling contribution and a series of conditions.

1.4 Consultations

1.4.1 Ulleskelf Parish Council

Objected to the scheme on the following summarised grounds:

- The proposed development is outside the development limits for the village and is therefore contrary to Policy SP2A(c) of the Selby Core Strategy. This was given as a reason for the refusal of planning applications 2016/0309/OUT and 2016/0403/OUT. The Parish Council request that a consistent approach is applied in consideration of this issue.
- It is recognised that outline planning has already been passed on this site and if development is necessary outside the village development limits this is the Parish Councils preferred site. Also, it is not tandem building which is a development feature that the village plan wanted to avoid.
- Concerned about the ability of local schools to accommodate the additional pupils this development would create at both primary and secondary level as current provision is already at capacity and the local primary school has not further possibility for expansion.
- Would also like assurances from the local education authority that they can accommodate the additional secondary school pupils created by this development, alongside other planned developments in the area, which would allow pupils from the parish to continue to attend Tadcaster Grammar School.
- The increased levels of traffic this development would create, as car ownership is almost essential for anyone living in village, due to significant cuts to both train and bus services. With most households now having two cars the increase of up to 60 cars using this already busy and fast road raises concerns about the safety of pedestrians and particularly children in the village. Since the outline application for this development was approved, application 2016/0160/COU has been approved which allows up to 24 car transporters to use Church Fenton Lane every day. This has already made this road significantly more dangerous for residents and this development would expose this risk to an increased number of residents.
- The residents on this development would be directly exposed to the dangers of speeding traffic and car transporters as not only is the road entrance/exit to the development directly onto Church Fenton Lane, but 6 of the properties (25 to 30) have their driveways entrance/exit directly onto this B road. This raises additional concerns about cars from these properties potentially needing to reverse onto this busy road which is unsafe and a risk to traffic using the road.
- The speed of traffic entering the village, where this proposed development is located, was raised as a concern in response to the outline application for this development and the Parish Council requested the inclusion of a traffic calming measure in the development to slow the traffic down as it enters the village. PC are disappointed that no such measure has been included in the development and would request that this is looked at again. The Councils preferred measure would be for the development to be flipped (as per the original application), so that the entrance to the development is aligned to the entrance of Barley Horn Road, with a roundabout used to slow the traffic down and control the flow of traffic entering and exiting the two housing estates.
- Parish Council requested an extension of the 30mph zone, or a 40mph speed limit to be imposed on the approach to the village along this road.
- Road flooding is also a concern with Raw Lane/New Road flooding most winters, which diverts all the village traffic, on a 4-mile detour through Church Fenton and Barkston Ash, on roads unsuitable for the current level of traffic this

creates, so any increase to this will only exacerbate the problem. Last year, during the severe flooding in December 2015- January 2016, all three access roads to the village flooded, cutting off the village completely, except for the limited access that was allowed through the Airfield. Again any increase in the traffic volume will exacerbate the problem if this occurs again. The roads in the development are narrow and concerns were raised that visitors will be parked on the road and potentially block access for emergency vehicles.

- The existing land drainage and sewerage in Ulleskelf is insufficient to deal with existing demands in times of heavy rain. Are the developer's drainage proposals sufficient to ensure they do not make this problem worse?
- The proposed development is too dense with too many properties on it and this estate-style development is not in character with the style of nearby properties, which is contrary to Policy SP19 of the Core Strategy. The Parish Council would like the retention pond to be included within the curtilage of the development and the number of houses reduced so it is more in character with adjacent properties.
- The planning statement state that the properties to the west are located "more than 50m from the rear of the proposed dwellings" (para 6.12) and therefore the amenity of these properties will not be detrimentally impacted. Concern was raised that this does not apply to the frontage of the proposed dwelling which is considerably nearer to the existing properties and therefore will have a detrimental impact in terms of outlook and loss of privacy.
- The Parish Councils response to the outline application stated that the houses facing directly onto the road are too close to the road which is out of character with other properties in the village and that the neighbouring property is overlooked. These issues have not been addressed.
- Plots 16 and 21 appear to have views restricted by the garage blocks.
- Plot 15 is unable to access vehicles by same route as adjacent properties 13 and 14 due to cessation of entry road and planting.

1.4.2 North Yorkshire County Council – Flood Risk Management

It is accepted that the Applicants can secure management of the drainage mechanisms through a management company should IDB or Yorkshire Water adoption not be practicable.

1.4.3 Yorkshire Water

Initially in September 2016 raised no objections subject to conditions on drainage detailing and easement to existing infrastructure on the site frontage. Further comments in March 2017 noted concerns that the 6" diameter live water main was within the red line and located within the proposed garden areas meaning access to repair and locating of buildings such as sheds and planting over the main may also occur. In this context they noted the need for the water main to be diverted. Having reviewed this matter with Yorkshire Water have advised that although there are concerns that the main is within the garden areas which would make repair harder it would not be a reason for re-design of the scheme or refusal. In verbally commenting on the re-consult in May 2017 Yorkshire Water also confirmed that in terms of the conditions noted in their September 2016 response they would wish to see these utilised on any consent.

1.4.4 Internal Drainage Board

As part of the application and following receipt of initial comments from the IDB the Developer liaised further with the IDB and further information was submitted in

support of the scheme and comments from the IDB of February 2017 note no objection to the application and the proposed approach subject to a noted Condition. Further correspondence on the re-consultation in May 2017 noted that the Board would wish to see any approval granted conditioned to ensure that the drainage issues are addressed prior to the development being brought into use.

1.4.5 Lead Officer – Environmental Health

No objections subject to condition relating to a requirement for the submission of a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site.

1.4.6 NYCC Highways

Will require the developer to seek adoption of the highway and therefore conditions are suggested relating to

- Detailed plans of road and footway layout
- Construction of roads and footways prior to occupation of dwellings
- Discharge of surface water
- Travel plans
- Construction management plan

1.4.7 Education Directorate North Yorkshire County Council

Noted a contribution level, that if appropriate outside of CIL charging arrangements of £101,970 should be sought from the development. Based on noted comments that based on the proposed 30 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. NYCC Education also notes in commenting on the application that a developer contribution would not be sought for secondary school facilities at this time.

Please note that 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.

1.4.8 North Yorkshire Fire & Rescue Service

No objections received.

1.4.9 Police Architectural Liaison Officer

Incorporates key design approaches that are supported, and were suggested on the previous outline application, for example:

- Dwellings have been sited to provide effective overlooking of frontages.
- Parking has been provided within the curtilage of the property through a drive and/or garage or a secure space to the front of the dwelling.
- Public and private spaces appear to be clearly defined in order to minimise the risk of crime/anti-social behaviour going unchallenged. Frontages are clearly demarcated.
- Where it has been possible, rear gardens have been plotted against other rear gardens. This minimises the risk of possible unwanted access.
- Boundary treatments have been balanced between security, surveillance and privacy.

- Secure rear gardens are being provided with access restricted by the use of suitable gates.
- The proposed Public Open Space (POS) within the development will be directly overlooked by housing, where it will achieve good surveillance opportunities. It is located far enough away from properties to ensure that residents do not suffer from loss of amenity as a result of noise or nuisance.

Believe that this proposed development will provide residents with a safe, non-threatening environment in which to live. This accords with the core principles and design objectives set out in the National Planning Policy Framework. Therefore the PALO has raised “no concerns”.

1.4.10 North Yorkshire And York Primary Care Trust

No comments received.

1.4.11 Contaminated Land Consultant

No objections subject to conditions attached to any permission granted.

1.4.12 Yorkshire Wildlife Trust

Initial comments from the trust noted that they “have been informed by a local member of the Trust that there are water voles in the Outwood drain. The applicants have provided further documents on a scheme to widen the Outwood drain and provide additional flood water capacity. Water voles are a protected species under the Wildlife and Countryside Act see <https://www.gov.uk/guidance/water-voles-protection-surveys-andlicences>. Nationally water vole populations are declining in the UK. The Selby District has regionally important populations of water voles due to the low lying nature of the area and the many drains present. Water voles will become active during March and April so surveys to assess the use of the drain by water voles can be carried out very soon. Water vole surveys and a mitigation plan will be required before planning permission is given.

Further comments from the Trust following receipt of a Water Vole Survey noted that the submitted Delta Simmons Report “does give a good idea of the size and distribution of the water vole population in Outwood Drain. The section “Recommendations” at 5.2 on page 9-10 of the report must be conditioned so that there are no impacts on water vole”

1.4.13 North Yorkshire Heritage

Confirmed there are known archaeological deposits within the development area or its immediately vicinity, therefore have no objection to the proposal or any further comments.

1.4.14 Waste and Contracts

Initial comments on the earlier versions of the layout requested changes to the scheme, subsequently it has been confirmed that there no objections to Revision H of the proposed site plan.

1.4.15 Rural Housing Enabling Officer

Has reviewed the offered units, noted as 40% of the 30 units to be constructed on the site, so a total of 12 AH units, split as follows

- 3 x 3 bed at 30% Discounted sale
- 2 x 2 bed at 30% Discounted sale
- 3 x 3 bed RSL Price Rented

- 4 x 2 bed RSL Price Rented

With house types T6 and T7 plots 7 – 12 and 25 – 30, as shown on Revision H. She has noted that “if anything just slightly under Nat Space standard sizes so this might be reflected in an offer from a Registered Provider”, however the scheme is considered acceptable and the delivery of these units should be controlled via an appropriately worded S106 Agreement.

1.14 Publicity

The application was advertised via a site notice, neighbour letters and a press notice. A total of 8 properties have submitted objections, in summary the comments made were as follows:

Principle of Development

- Outside development limit of the settlement and thus contrary to SP2A(c) of the Core Strategy
- Consent for this site would be contrary to decisions made by the Council on smaller developments within the settlement which the Council refused
- Unacceptable level of growth of the village which is inappropriate to the size and role of the settlement and would exceed the growth options of 7-24 dwellings for Ulleskelf
- The settlement has already significantly contributed to the level of development needed in the District
- Results in the loss of green belt land which is also good agricultural land – new development should be directed to brownfield sites

Character

- Development is intrusive and out of character with this part of the village and area contrary to Policy ENV1 of the Local Plan and SP19 of the Core Strategy
- The surrounding existing properties are of a distinct character - individually designed or renovated, expensive and large – the proposed development differs significantly adversely affecting the character of the immediate area

Highways

- Will result in significant increase in traffic with a reliance on the private car because of the sites relationship to employment and services
- Access to the site should be considered
- Will result in congestion and highways conflict on a road which is already very busy
- Public transport linkages inadequate
- The revised plans show that parking for plots numbered 28, 29 and 30, at the front of the development, have space for only one car to park. Given that these are 2 bedroomed properties and the lack of public transport in Ulleskelf, it is likely that these properties will have more than one vehicle, with space for only one. Raises concern that should they park their cars on the main road this will cause another hazard on an already busy road.
- Cars from the houses opposite the development already park on Church Fenton Lane, and that added to the volume of traffic and car transporters that travel through the village, will make it even more hazardous for cars pulling out of the B1223 junction onto Church Fenton Lane.

- The revised plans show trees planted in front of the aforementioned properties, taking up space that could be used for parking.

Amenity

- Would increase traffic noise experienced in the area

Flood Risk and Drainage

- The proposed development will increase the risk of flooding, in a settlement that flooded in December 2015
- Will result in an increase in surface water run off
- Foul drainage systems will not be able to accommodate the new development

Ecology

- The site is rich in species and used for feeding by a range of species.

Other Matters

- Cycle routes noted as accessible as noted in the submission as access only attainable by going to Tadcaster first.
- Water pressure in the village is already low and further development will exacerbate this.

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 as follows:

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Development Strategy
SP5	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
T1:	Development in Relation to Highway
T2:	Access to Roads
RT2:	Recreational Open Space
CS6:	Developer Contributions to Infrastructure and Community Facilities

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
- Ulleskelf Village Design Statement, February 2012
- North Yorkshire County Council SuDs Design Guidance, 2015

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 of the proposal.
 1. Layout, appearance, scale and landscaping
 2. Flood risk, drainage and climate change

3. Highways
4. Residential amenity
5. Nature conservation and protected species
6. Affordable housing
7. Recreational open space
8. Contamination
9. Education, healthcare, waste and recycling
10. Designing out Crime
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.

2.7 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 Outline planning permission was granted on the 30th July 2015 (reference 2015/0190/OUT) for residential development including access. The consent was subject to a S106 relating to on-site affordable housing provision at 40%, an education contribution for the primary school, an off-site recreational open space contribution and a waste and recycling contribution and a series of conditions. Therefore the principle of development has been established in principle through the outline permission and reserved matters submissions could be made against this consent by the applicants. The current application was made as a full application as the developer initially was looking at a reduced level of affordable housing provision, below that required under Consent 2015/0190/OUT.
- 2.7.2 It is noted that the site was put forward under the Site Allocations DPD (Preferred Options) (2011) under reference ULES006 and was discounted on the basis that the site was in open countryside and there was a preferable site to locate development. The preferred housing allocation for Ulleskelf comprised a site marked ULES002 which is located within the development limits and could provide a mixed use development incorporating additional parking for the railway. It should however be noted that despite a preferred site being identified, no application has been submitted and furthermore the Site Allocations DPD (Preferred Options) did not proceed to formal adoption and as such can be afforded little weight in the decision making process. The application site is therefore assessed on its own merits having had regard to the current policy position.
- 2.7.3 The site lies outside the defined development limits of Ulleskelf and therefore is located in open countryside.
- 2.7.4 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.

- 2.7.5 Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy” and Policy SP5 “The Scale and Distribution of Housing” of the Core Strategy.
- 2.7.6 Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 2.7.7 In light of the above policy context the proposals to develop this agricultural land for residential purposes are contrary to Policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework and any extant planning consent for the site.
- 2.7.8 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%.
- 2.7.9 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 paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.
- 2.7.10 Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or
 - (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted

No specific policies which restrict development apply to this application therefore the ‘tilted balance’ in paragraph 14 applies

- 2.7.11 The Council’s Guidance Note “Five Year Supply Guidance Note for Applicants May 2017 describes how proposals will be assessed. In particular, the settlement hierarchy remains a key consideration in the determination of planning applications for housing; in terms of the level of services and facilities within the settlement i.e. education and health, shops, transport services and sports and recreational

facilities. In considering the weight to be afforded to development plan policies the Council will consider the extent of housing supply shortfall, the measures in place to remedy the shortfall and the particular purpose of the policy. As such each application will be judged on its own merits.

2.7.12 In respect of sustainability, the site is adjacent to the development limits of the village of Ulleskelf 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 post office/general store, a public house, a Methodist chapel, village hall and sport and recreation facilities. It also benefits from a railway station and is on the bus route between Tadcaster and Pontefract with a bus stop located on Church Fenton Lane. It is therefore considered that the settlement is reasonably well served by local services which weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.

2.7.13 In addition to the above it is noted that the village of Ulleskelf has been designated as a Designated Service Village, both within the Selby District Local Plan and within the Core Strategy which demonstrates that the Council has considered the village a sustainable location. The village is considered to be “less sustainable” in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, however this is due to the settlement not containing a school nor doctors surgery, although it is noted that these are accessible in neighbouring villages and indeed a school bus service operates to and from the village. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Ulleskelf 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.

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

Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

Social

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

Environmental

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

- 2.7.15 With regard to paragraph 14 of the NPPF, in this case the “tilted balance” referred to in paragraph 2.7.10 applies. 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.
- 2.7.16 Comments have been made by local residents regarding the size of the development and the fact they consider the village to have reached its capacity and there being, in residents’ opinion, more preferable sites for housing. As set out above the policies in the Core Strategy which relate to housing provision within each of the settlements is considered out of date due to the lack of a five year supply and there is also an extant outline consent for the site which could be progressed. As such the proposals are assessed on their own merits with respect to the impacts of this size of development on the existing services and facilities which are considered in detail below and concluded to be acceptable.

2.8 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 sections looks at the impacts arising from the proposal.

2.9 Layout, Appearance, Scale and Landscaping

- 2.9.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) and ENV3 (external lighting) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy. In addition Policy SP8 of the Core Strategy of the Local Plan requires an appropriate housing mix to be achieved.
- 2.9.2 Significant weight should be attached to Local Plan policies ENV1 and ENV3 as they are consistent with the aims of the NPPF.
- 2.9.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.9.4 Objectors have noted concerns in relation to the design of the scheme and the impact on the character of the area which is noted as being “of a distinct character - individually designed or renovated, expensive and large” and stating that “the proposed development differs significantly adversely affecting the character of the immediate area”.
- 2.9.5 The application is a full application for the erection of 30 dwellings, with a new access from Church Fenton Lane serving 23 of the units and the remaining 7 units have driveways onto Church Fenton Lane. The majority of the internal road way will be progressed for adoption, and areas for bin presentation for the areas outside the adoption areas have been shown on the submitted layout.

- 2.9.6 The units comprise a range of house types including terraced configurations, semi-detached and detached units providing between 2 and 5 bed provision and all two storey.
- 2.9.7 There is also a mix of integral and detached garaging provision, with the smaller T6 and T7 house types having parking space provision to the front of the units.
- 2.9.8 The elevations of the proposed dwellings include use of string course detailing, storm porches, window soldier courses and dormer style detailing. The proposed materials for the units are shown on the elevations as brick and pantile roofing, with the precise materials to be agreed via Condition upon any consent, however given that the area has a mix of materials evident then it is considered that an appropriate materials pallet can be agreed. The submitted information does confirm that the rear garden patio areas and access paths would be “Marshalls Saxon Concrete paving slabs” in a buff colour.
- 2.9.9 The scheme also includes an area of Recreational Open Space, totalling 579 square metres, which will be grassed and demarcated by a 450mm timber rail fence.
- 2.9.10 All boundary treatments are also shown on the submitted layout with rear and dividing boundaries being defined through use of a 1.8m feather edge timber close boarded fences, and there are garden gate locations confirmed on the submitted layout which would be 1.8m in height.
- 2.9.11 Policy SP8 states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. It is considered that the mix shown on the development is an appropriate mix taking into account the housing needs identified in the Strategic Housing Market Assessment which notes for the “northern area” within which Ulleskelf sits there is a demand exceeds supply on all house types and tenures and that there is some pressure on stock as a result.
- 2.9.12 The scheme layout will result in a mix of units being provided with a strong frontage to Church Fenton Lane and appropriate relationships to existing development in the vicinity of the development. The scheme also incorporates parking provision within curtilages of the dwellings, boundaries treatments, defined private amenity space for all the units and an area of recreational open space in the central part of the scheme which is directly overlooked and appropriately sited to protect amenity.
- 2.9.13 The appearance and scale of the proposed units then details have been utilised on the elevations of the proposed dwellings to add interest and although materials are still be confirmed it is considered that the appearance of the units is acceptable in this mixed area. The comments of objectors are noted and it is accepted that there are some properties in the vicinity of the site that have a non-traditional design however it is considered that the area is a mixed design area and the proposed approach is considered acceptable.
- 2.9.14 In terms of landscaping, although the submitted layout notes indicative landscaping and is cross referenced to a “Landscaping Scheme for the Site”, such a scheme has not been submitted as part of the application, as such a condition would be appropriate to agree the final approach. The submitted layout does show indicative

tree planting on the frontage to Church Fenton Lane and within the site and shows planting of a hawthorn hedge to the southern and eastern boundaries to the development abutting the surrounding fields. This is considered appropriate and Officers would look to secure this as part of the landscaping scheme but can also control use of this approach in referencing the Planning Layout.

2.9.15 Policy ENV3 of the Local Plan requires consideration be given to external lighting and it is considered that an appropriate lighting scheme can be achieved via condition on the consent

2.9.16 As such, having had regard to all of the above elements it is considered that an appropriate design has been achieved as part of the application and there are no significant detrimental impacts are caused to the character of the area in accordance with policies ENV 1 (1) and (4) and ENV3 of the Local Plan, policies SP8 and SP19 of the 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 require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.

2.10.2 The application site is located in Flood Zone 1 (low probability of flooding).

2.10.3 The Planning Layout shows a “Retention Basin” to the south east of the application site and an easement to this basin, as well as retained easement to an existing water main on the northern boundary of the site. The application form confirms that this approach is considered to be a sustainable drainage approach for the management of the surface water. Foul sewerage provision will be via a connection to the public sewer which runs along Church Fenton Lane via a gravity connection which has been confirmed by the Agents.

2.10.4 It is noted that comments have been made by the Parish Council and residents with respect to localised flooding and raising concerns in terms of the capacity of existing drainage provision and possible impacts of further development in the settlement on water pressure levels and sewage disposal.

2.10.5 In commenting on the application no objections have been received from the IDB, Yorkshire Water or the SUD’s Officer and a series of conditions have been requested. The suggested conditions do overlap and as such consolidated conditions have been set out in the recommendation, securing the requirement for a final scheme and the protection of easements.

2.10.6 With respect to energy efficiency, the applicants have not made any submissions as to how Policies SP15 and SP16 of the Core Strategy requirements would be met however, the scheme would need to comply with Building Regulations and in accordance with Policy SP16(a) which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources a condition should be imposed to any consent.

2.10.7 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 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

- 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. These policies should be afforded significant weight.
- 2.11.2 As noted above the application will have a single main access point serving 23 of the dwellings from Church Fenton Lane and then 7 dwellings facing Church Fenton Lane will have driveway access to the road.
- 2.11.3 In commenting on the application the Parish Council and residents have noted concerns of the highways impact in terms of increase in traffic levels and resultant congestion. Objectors have also raised concerns in terms of the level of car parking and real accessibility of the site to cycle networks.
- 2.11.3 The application has been considered by NYCC Highways and they have raised no objections to the scheme subject to a series of conditions relating to confirmation of technical details and requirements for provision detailed plans of the road and footway layouts, construction of roads and footways prior to occupation, discharge of highways surface water, travel plan requirements and a requirement for a construction management plan.
- 2.11.6 It is therefore considered that the scheme would 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.

2.12 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, as part of the Core Principles of the NPPF and within Paragraph 200 of the NPPF.
- 2.12.2 In considering residential amenity the then the key considerations are overlooking, overshadowing overbearing impacts and separation distance.
- 2.12.3 Comments from local residents have been made with respect to the impact on residential amenity in terms of the impact of would increase traffic noise experienced in the area.
- 2.12.4 The application site is not in a location which would be subject to significant noise impacts from roads or other sources within close proximity to the site. In commenting on the application the Council's Environmental Health Officer has noted that the "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 1990 allows for the abatement of statutory nuisance in relation to noise, dust and vibration". They have therefore in this case 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'. As such they have recommended a condition requiring that prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, should be submitted to and agreed in writing with the Local Planning Authority in order to protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

2.12.5 In terms of the proposed scheme then having considered detailed layout the resultant The separation distances with surrounding existing properties are acceptable and all internal relationships are also considered appropriate with the units siting ensuring that overlooking and overshadowing is minimised and that separation distances are achieved.

2.12.6 Concern has been expressed with respect to the noise, nuisance and general disturbance caused to existing residential properties. Whilst it is acknowledged that there would be some noise and disturbance during the construction phase, a scheme for mitigating noise and dust can be controlled via condition. Once occupied as residential properties the noise resultant from these would be akin to any residential scheme and as such would not be considered unduly detrimental to existing residents.

2.12.7 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) and ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF, however the suggested condition noted by Environmental Health is considered appropriate.

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 NPP and accompanying NPPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

2.13.2 The application is accompanied by an Ecological Appraisal by Brooks Ecological which assesses the site having particular regard to wildlife corridors, water bodies, statutory designations and non-statutory designations and assesses the potential for protected species to be using the site and the impacts of the development on these species. The report states that the site supports habitats typical of farmland in the area, being of low ecological value and as such the development need not impact on protected or otherwise important habitats, designated sites or protected or notable faunal groups. The report recommends the retention of the hedgerow along the northern and western boundaries, as despite being species poor hedgerows are identified as a UKBAP priority habitat. Alongside this it recommends the extension of the hedgerow network within the developed site. The report sets out general precautions with respect to nesting birds. With respect to

enhancement the report states that opportunities should be realised to plant additional hedgerows around the eastern and southern boundaries of the site and hedge planting should be included through the site and existing gappy hedges beat up with additional native species. It also recommends that standard trees should be planted every 20m if possible around boundary hedges. It goes on to state that should an open space be retained a standing water body would be beneficial and this could be designed to work in conjunction with any SuDS.

2.13.3 A further Water Vole Survey was undertaken during the life of the application following comments on the application from the Yorkshire Wildlife Trust. The submitted Report notes that there was evidence of water vole activity including burrows with a medium relative population density identified. The report also notes that “the majority of activity was recorded within the central and southern sections of the drain. A length of the northern bank within the northern section of the Site did not support any water vole burrows at the time of the survey and has been highlighted as the most appropriate position for the proposed headwall installation”, also noting that “since no water vole burrows were recorded within the proposed working footprint or within immediate proximity it is anticipated that, with appropriate mitigation in place, the proposed outlet can be installed without the need to obtain a conservation licence from Natural England”. In this context the Report sets out a series of recommendations

2.13.4 The Report has in this context set out a series of recommendations which can be summarised as follows:

- To discourage water voles from digging burrows within the identified area prior to commencement of works the banks should be strimmed to the ground to remove any vegetation. The exact location of the works is to be established by a suitably qualified ecologist, who will undertake a further check to ensure no burrows are present before supervising the clearance works. The vegetation should be strimmed within the working footprint and up to 5 m in either direction (depending on the location of known burrows);
- Prior to the installation of the headwall, a suitably experienced ecologist will first check the area to ensure no burrows are present within the working footprint and up to 5 m in either direction, and will then supervise the installation works to ensure all mitigation measures are followed and that no water voles are impacts by the works;
- The working footprint is to be kept to the minimum required for the installation works to be completed; and
- All machinery used to install the head wall should be located on the same bank of the watercourse to be impacted by the works, in order to prevent inadvertent impact to the watercourse and potential disturbance to water vole within the surrounding area.
- In the event that a water vole burrow is identified within the working footprint or identified buffer zone, the proposals will be reviewed, and
- where possible the working footprint shifted accordingly, otherwise it may be necessary to apply for a conservation licence for water voles, which will require a programme of detailed habitat improvement works to be granted.
- The grassland banks provide a range of floral species, however, in order to enhance the diversity of foraging opportunities it is recommended that following the works, the area of disturbed ground surrounding the installed

headwall is planted with an appropriate species-rich seed mix for the soil type.

2.13.5 The report and the full recommendations included within have been considered by the Yorkshire Wildlife Trust and they have confirmed that the scheme should be implemented in accordance with the full recommendations as set out so that there are no impacts on water vole.

2.13.3 In terms of the inter-relationship between the Ecological Assessment and the landscaping scheme it is recommended that the detailed landscaping scheme takes into account the above comments and that these recommendations for enhancements are secured via condition.

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

2.14 Affordable Housing

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

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

2.14.3 After protracted discussions between the Local Planning Authority, the applicants and the District Valuation Service the applicants have now confirmed that they are prepared to provide 40% affordable units and that this would be secured via a Section 106 agreement with the units and mechanism for their delivery being confirmed on the submitted Planning Layout, which will be incorporated into the S106. The Council's Rural Housing Enabling Officer supports the provision and mix of 12 affordable units.

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

2.15 Recreational Open Space

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

2.15.2 On the extant outline consent for the site then it was considered that given that the site is on the edge of the settlement and given the scale of the development that the recreational open space provision would be better provided by way of contribution and there is provision for this within the Local Plan Policies. This approach is no longer available in the context of the Case Law, as such the developer has provided on area of open space on the site for ROS totalling 579 m².

2.15.3 The January 2017 Planning Committee considered an application for the development of the Four Leafs Nursery in the settlement, Ref 2016/0926/FUL. In this case the Committee were advised that no on-site provision was to be made and that the applicants argued that “there are adequate facilities locally within the village, including a children’s play area, playing fields and a MUGA”. This argument was accepted in this case as these facilities are all within walking distance of the site and there is no deficiency of recreational open space reported in the Recreation Open Space Strategy. A contribution will, in any event be made towards off-site recreational open space through CIL. This is considered also to be the case with the now application before you although clearly some on-site space has been secured.

2.15.3 It is therefore considered that subject to a Section 106 agreement to secure the management and 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.

2.16 Contamination

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

2.16.2 The application is accompanied by a Preliminary Contamination Investigation which recommends that further investigation is carried out, however given that significant contamination is unlikely any site investigation works could be conditioned. The report has been assessed by the Council’s Contamination Consultant who has raised no objections to the proposal and has recommended conditions.

2.16.3 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.

2.17 Education, Healthcare, Waste and Recycling

2.17.1 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight but considered in the context of the CIL requirements.

2.17.2 Having consulted North Yorkshire County Council Education they have confirmed that a contribution of £101,970 would be required towards education provision at Kirk Fenton Parochial CE Voluntary Controlled Primary School and this should be secured via Section 106 agreement. NYCC Education has confirmed that no contribution would be sought for secondary school facilities from the development. However, it is considered that such a contribution cannot be sought in this instance

now that the Council has CIL in place.

2.17.3 A consultation has been sent to the Healthcare Service in relation to this application and an update will be provided to Committee, if a response is received, however, it is considered that such a contribution cannot be sought in this instance now that the Council has CIL in place.

2.17.4 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.

2.17.5 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

2.18 Designing Out Crime

2.18.1 Paragraphs 58 and 69 of the NPPF states that amongst other things 'planning policies and decisions, in turn should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.' In addition Policy SP19 of the Core Strategy requires crime prevention to be taken into account. The layout has been considered by the Police Architectural Liaison Officer and raised no objections to the scheme, as such it is considered that the scheme accords with Policy SP19 of the Core Strategy and the core principles and design objectives set out in the National Planning Policy Framework.

2.19 Other Issues

2.19.1 An objector has raised concerns on the loss of the agricultural land and noting concern at the loss of green belt land. Firstly, the site is not located within the Green Belt as defined by the Local Plan but within the open countryside, as such the policy context is defined accordingly. Secondly in terms of the loss of agricultural land then it is noted that the proposals would result in the loss of agricultural land which is land with minor limitations which affect crop yield, cultivations or harvesting (Grade 2) land. Large amounts of land within the Selby District is of this grading and as such it is not considered that the proposals result in the loss of the best and most versatile agricultural land and as such limited weight should be afforded to this issue.

2.20 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.

2.20.1 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. Having considered the issues outlined above against the relevant policy tests it is considered that the proposal would result in the substantial benefit of meeting the local need for both market and affordable housing that has been demonstrated to exist and would comply with the three dimensions of sustainable development of sustainable

development set out within the NPPF alongside the consideration of the fallback Outline consent.

2.20.2 It is therefore considered that the proposal accords 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.

2.21 Conclusion

2.21.1 The application proposes full consent for the erection of 30 dwellings. The site is located in an area of open countryside immediately adjacent to the defined development limits of Ulleskelf. 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. With regard to paragraph 14 of the NPPF, in this case the “tilted balance” referred to in Paragraphs 2.7.10 and 2.7.15 applies.

2.21.2 Having had regard to all of the above, the extant consent for the site and the technical issues as assessed in the Report, 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.

2.22 Recommendation

This application is recommended to be Granted subject a S106 Agreement in relation to the provision of 40% of units for Affordable Housing in accordance with Plan 1620.02 Revision J, a Waste and Recycling and Provision and Management of On-Site Recreational Open Space in accordance with Plan 1620.02 Revision j and 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 carried out in accordance with the plans/drawings listed below:

- Location Plan Ref 1620.01
- Planning Layout Ref 1620.02 Revision J
- House Type T1, Plans Ref 1620.T1.03
- House Type T1, Elevations Ref 1620.T1.04
- House Type T1 Alt, Plans Ref 1620.T1.01
- House Type T1 Alt, Elevations Ref 1620.T1.02

- House Type T3, Plans Ref 1620.T3.01
- House Type T3, Elevations Ref 1620.T3.02
- House Type T5, Plans Ref 1620.T5.01A
- House Type T5, Elevations Ref 1620.T5.02A
- House Type T6, Plans Ref 1620.T6.01
- House Type T6, Elevations Ref 1620.T6.02A
- House Type T7, Plans Ref 1620.T7.01
- House Type T7, Elevations Ref 1620.T7.02
- House Type T9, Plans Ref 1620.T9.01
- House Type T9, Elevations Ref 1620.T9.02
- House Type T9 Alt, Plans Ref 1620.T9.03
- House Type T9 Alt, Elevations Ref 1620.T9.04
- House Type 13, Plans Ref 1620.T13.01A
- House Type 13, Elevations Ref 1620.T13.02A
- Single Garage Ref 1620.G1.01
- 5m Garage Ref 1620.G.02
- Twin Garage Ref 1620.G.03
- 1.8m Timber Fence Ref 1620.EN.01
- Timber Gates Ref 1620.EN.02
- 1.8m Screen Wall Ref 1620.EN.03

Reason:

For the avoidance of doubt

03. Prior to the commencement of development details of the external materials 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 the Selby District Local Plan.

04. The boundary treatments as shown on Planning Layout (Ref 1620.02 Revision J) shall be implemented in accordance with the approved scheme before the occupation of the associated dwelling hereby approved.

Reason:

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

05. Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. 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, or within such longer period as may be agreed in writing with the Local Planning Authority. 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. The submitted Landscape Scheme

should take into account the recommendations of the submitted Ecological Appraisal Reference: R-2165-01 dated February 2015 by Brooks Ecological.

Reason:

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

06. 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:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
 - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
 - c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification
 - for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
 - d. Details of the method and means of surface water disposal.
 - e. Details of all proposed street lighting.
 - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Informative

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

Reason

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

- 07. 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 ENV1 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.

- 08. 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 ENV1 of the Selby District Local Plan and in the interests of highway safety

- 09. 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 in consultation with the Highway 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 private car by persons associated with the site
- 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 Policy ENV1 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport

10. 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

Reason

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

11. Prior to the site preparation and construction work commencing, 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 Local Planning Authority.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

12. 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.

13. 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.

14. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses 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 that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

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

event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

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

Reason:

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

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 shall be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- a) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - b) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - c) 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 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must 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 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must 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.

21. The development shall be carried out in complete accordance with the recommendations set out in the Ecological Appraisal Reference: R-2165-01 dated February 2015 by Brooks Ecological, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that the scheme avoids potential impacts on nesting birds / protected species and to ensure the enhancement of the site for wildlife purposes.

22. The development shall be carried out in complete accordance with the recommendations set out in the Water Vole Survey Reference 15-1188.02 dated April 2017 by DeltaSimmons, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that the scheme avoids potential impacts on Water Voles and to ensure the enhancement of the site for wildlife purposes.

23. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason:

In accordance with Policy ENV1 and ENV3 of the Selby District Local Plan and the NPPF.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

3.2 Financial Issues

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

4. Conclusion

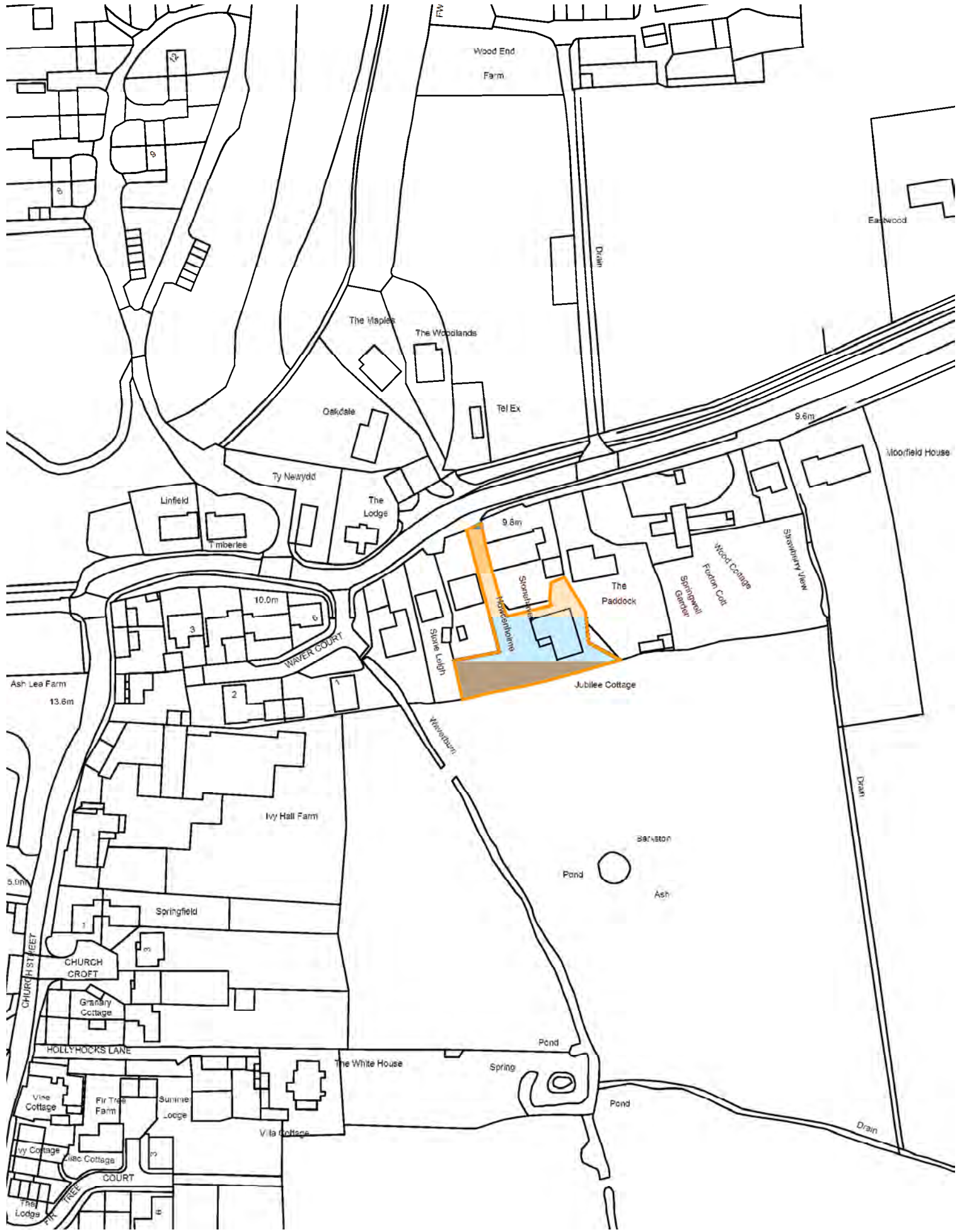
- 4.1 As stated in the main body of the report.

5. Background Documents

- 5.1 Planning Application file reference 2016/0892/FUL and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

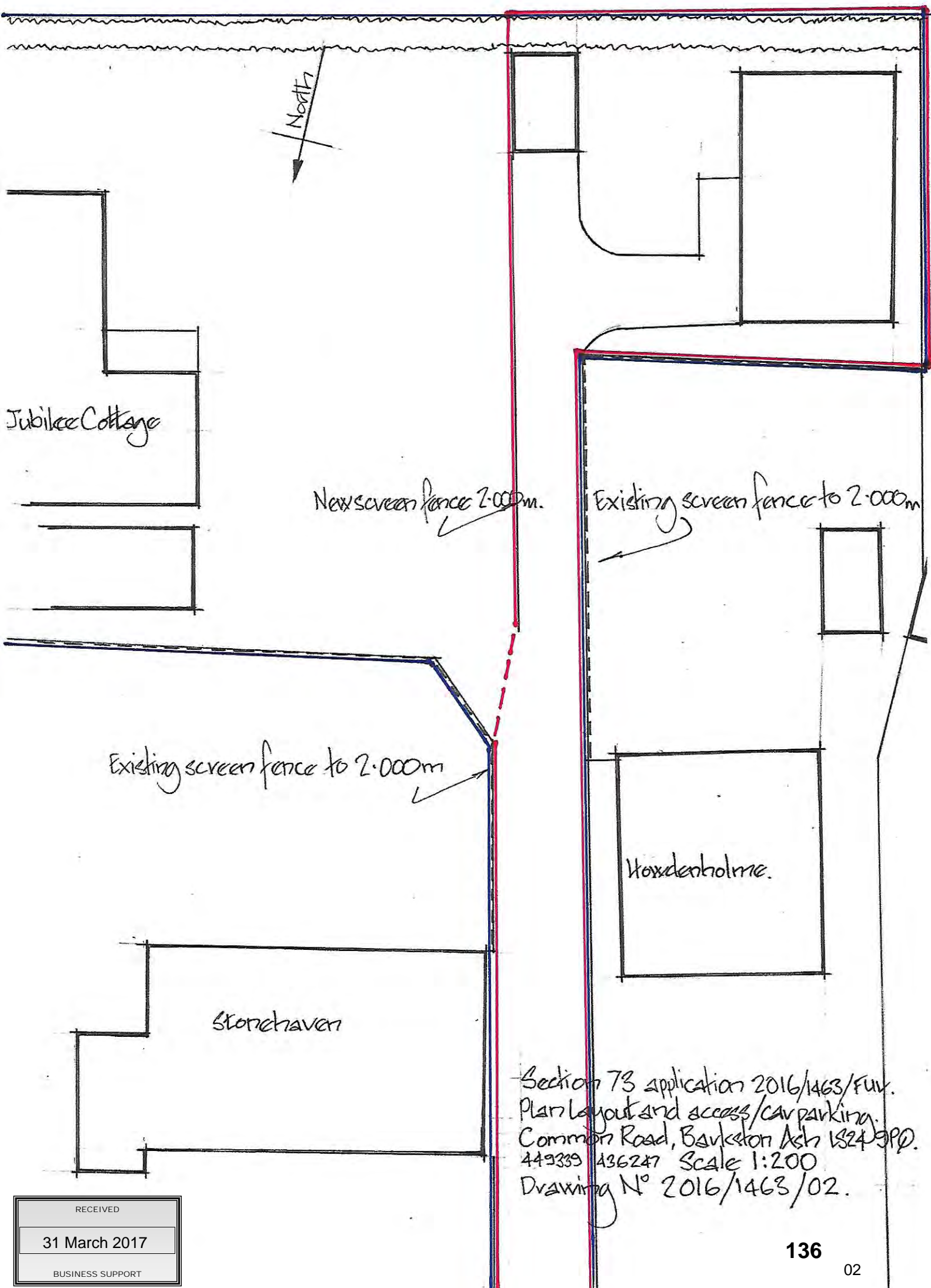


APPLICATION SITE

Item No: 2017/0349/FUL

Address: Jubilee Cottage, Common Road, Barkston Ash

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North

Jubilee Cottage

New screen fence 2.000m.

Existing screen fence to 2.000m

Existing screen fence to 2.000m

Stonehaven

Woxdenholme.

Section 73 application 2016/1463/FUV.
 Plan layout and access/car parking.
 Common Road, Bursledon Ash (S24) SPD.
 449339 436247 Scale 1:200
 Drawing N° 2016/1463/02.

RECEIVED
 31 March 2017
 BUSINESS SUPPORT



Report Reference Number 2017/0349/FUL (8/66/28M/PA) Agenda Item No: 6.5

To: Planning Committee
Date: 12th July 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Officer)

APPLICATION NUMBER:	2017/0349/FUL	PARISH:	Barkston Ash Parish Council
APPLICANT:	Mcm Developments Mr Mason	VALID DATE:	31st March 2017
		EXPIRY DATE:	26th May 2017
PROPOSAL:	Section 73 application to remove condition 03 (occupation of annexe) of approval 2011/0017/FUL Extension of time to approval 2008/0433/FUL (8/66/28F/PA) - Erection of a detached two bedroom annexe		
LOCATION:	Jubilee Cottage Common Road Barkston Ash Tadcaster North Yorkshire LS24 9PQ		

This application has been brought before Planning Committee due there being 11 letters of support received against the officer recommendation.

Summary:

Planning permission was granted in 2008 (Planning Reference: 2008/0433/FUL) for a detached two bedroom annexe within the grounds of Jubilee Cottage, Barkston Ash and was subject to Condition 3, which restricted occupancy for purposes ancillary to the use of Jubilee Cottage. The annexe has not yet been constructed but the permission remains live due to a technical commencement being made.

This application seeks permission for the removal of Condition 3 which would result in the building becoming a separate independent dwelling house.

It is considered that the removal of Condition 3 would result in a significant increase in vehicular movement and associated noise and disturbance, which would cause significant detrimental impact on the residential amenities of both existing and future occupants of

Jubilee Cottage. The development would, therefore, not be in accordance with Policy ENV1 (1) of the Local Plan and the NPPF.

Other matters of acknowledged importance such as design, layout, scale, Green Belt, drainage, climate change and energy efficiency, impact on the highway, nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.

Recommendation

This planning application is recommended to be REFUSED as detailed in Paragraph 3.0 of the Report.

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises part of the garden of Jubilee Cottage, which is a large detached dwelling constructed of stone under a red tile roof.

1.1.2 The boundary of the garden shared with Howdenholme and Stone Leigh is comprised of low stone wall augmented in places by trellis fencing and a variety of trees and shrubs.

1.1.3 Access is gained between two bungalows 'Howdenholme' and 'Stonehaven'.

1.2 The Proposal

1.2.1 The proposal is to remove the condition 3 for occupation annexe from planning application reference 2011/0017/FUL on land forward of Jubilee Cottage Common Lane Barkston Ash.

1.3 Planning History

1.3.1 2006/1295/FUL Erection of a detached annexe in the garden of Jubilee Cottage – Refused and allowed on appeal under reference APP/N2739/A/07/2034490.

1.3.2 2007/1145/FUL resubmission for the annexe which was refused.

1.3.3 2008/0433/FUL proposed erection of a 2 bedroom annexe re-siting of previously approved annexe which was permitted on 26.06.2008.

1.3.4 2011/0017/FUL Extension of time application for a 2 bedroom annexe reference 2008/0433/FUL with was permitted on 07.03.2011.

1.3.5 2016/1463/FUL Section 73 application to remove condition 3 (occupation of annexe) of approval 2011/0017/FUL for the erection of a detached two bedroom annexe was refused on 24.02.2017 for the following reasons:

- It would create an independent dwelling, leading to the intensification of vehicular movements associated with the site, resulting in increased noise and disturbance in close proximity to nearby dwellings. This scenario would result in having a significant detrimental impact on the current levels of residential amenity of that the neighbouring occupants currently enjoy. Consequently, it would conflict with the aims of Policy ENV1 (1) of the Local Plan and the NPPF.

1.4 Consultations

1.4.1 Parish Council

The following comments in summary have been received from Barkston Ash Parish Council:

- The Parish Council are concerned in regards to the size of the property and that it would have a detrimental effect on the bordering neighbours.
- It is considered that the timeline has now passed for the building works to be started and it would appear that there is no longer a need for the property to be used for a family member.
- Questions raised whether this application should be treated as a new application for a detached house.

1.4.2 Selby Area Internal Drainage Board

No comments to make.

1.4.3 NYCC Highways

No comments received.

1.5 Publicity

1.5.1 The application has been advertised by site notice and neighbour letter, resulting in the 4 letters of objections being received which are summarised below:

- The additional information received states that a material start has been made and acknowledged however since 2011 there has been no evidence of the planning permission being implemented.
- The previous application for an annex was refused on appeal and the inspector stated that the application was for an annex and not for an independent dwelling.
- The detached dwelling with its present restriction would have been used ancillary to the main house. However a separate dwelling with the sole purpose of being sold separated would have to have new boundaries to separate it from Jubilee Cottage.
- The garden area of Jubilee Cottage has already been diminished by the recent erection of a separate detached single garage and this together with the new proposed independent dwelling would mean that the outside space of a large 5 bedroom house is disproportionate and would not protect the amenity and standard of living of any future occupants of Jubilee Cottage.
- Additional traffic implications around the back and side of Howdenholme are an extra hindrance to the enjoyment of a home. Already a great deal of money

- for the erection of timber fencing on top of a boundary wall has been spent due to the lack of privacy, which would be worsened by an additional dwelling
- The proposed side elevation will be 5.2 metres tall which is almost the size of a standard two storey design which indicates that the house will be extended in the future.
 - There are queries in relation to the applicant's intentions given the history of the site.
 - The driveway was formed long before the applicant submitted a planning application to build an annexe. The garden boundary between the driveway and neighbouring property Howdenholme was covered in decorative loose stones which are noisy when driven on. This together with car headlights bright security lights, motion detection cameras and normal residential outdoor actives at Jubilee Cottage promoted the erection of a fence to assist in reducing noise levels.
 - The 2 metre fencing at Howdenholme combined with the new proposed dividing screen timber fence and the high hedge and neighbouring trees make the outlook very cramped in.
 - The definition of an annexe would mean guests would be family members and would at least have the use of the main house, and would be able to park and reverse with greater ease and safety. Whereas the residents of the detached two bedroom dwelling would require amenity space and some privacy and the immediate neighbours at Jubilee Cottage and Howdenholme would expect at least the same standard.
 - Vehicular movements associated with an annexe would result in usually only one car and go out seldom as probably reliant on the family in the main house. Whereas two bedroom dwelling could have two cars and would result in additional vehicular movements over and above that of an annexe.
 - The Highway Authority has stated previously that there are no issues in terms of highway safety. However there have been disputes in terms of parking, and visibility site lines along Common Lane.
 - There has been no consideration by the applicant on the neighbouring properties in the area.

The application has been advertised by site notice and neighbour letter resulting in 11 letters of support being received for the reason given below:

- Support is given for the reasons stated by the applicant within the submission. It is considered that there is no material harm by removing this condition and the proposals would contribute to delivering much needed housing.

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 as follows:

Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Development Strategy
Policy SP3	Green Belt
Policy SP8	Housing Mix
Policy SP9	Affordable Housing
Policy SP15	Sustainable Development and Climate Change
Policy SP16	Improving Resource Efficiency
Policy SP18	Protecting and Enhancing the Environment
Policy SP19	Design Quality

2.3 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

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

2.4 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.

2.5 Key Issues

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

1. Scope of Submission
2. Impacts to Residential Amenity

3. Determination as to whether the proposal constitutes appropriate or inappropriate development within the Green Belt
4. Analysis of other material considerations
5. Other Matters

2.6 Scope of Submission

2.6.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

2.6.2 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. The previous planning permission was approved (reference 2011/0017/FUL), subject to conditions and in accordance with relevant policies in place at the time within the Selby District Local Plan (2005).

2.6.3 The policy context for the determination of the current application has changed from the previous approval, by virtue of the Council adopting the Selby District Core Strategy which resulted in some of the Local Plan policies being superseded by the Core Strategy.

2.6.4 The access to Jubilee Cottage and to the annexe is via a narrow drive way between properties Stonehaven and Howdenholme. The application lies in a predominantly residential area. The annexe is sited to the west of the Jubilee Cottage and to the south of the dwelling known as Howdenholme. It is also adjacent to the rear garden of Stone Leigh.

2.6.5 This site has been considered by the Planning Inspector at the time of the appeal under reference APP/N2739/A/07/2034490. The appeal decision granted approval in February 2008.

2.6.6 The Inspector sought to control the function of the building through condition 3 in order to restrict use of the annexe when occupied.

The condition states that:

"The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Jubilee Cottage.

Reason: In the interests of protecting the amenity of the occupiers of the adjacent residential properties in accordance with Policy H7 of the Selby District Local Plan.

2.6.7 The planning inspector concluded on the appeal that:

‘...a condition shall be imposed requiring the use to be ancillary to the residential use of Jubilee Cottage. The annexe has no access parking or private garden area of its own and use of a separate dwelling would result in a loss of amenity to the occupiers of neighbouring dwellings.. Therefore I consider that this condition is necessary to prevent harm to the living conditions of the occupiers of Jubilee Cottage and other nearby dwellings...’

2.7. Residential Amenity

2.7.1 The importance of having good levels of amenity for residential occupiers is also a core planning principle of the NPPF which seeks "good standard of amenity for all existing and future occupants of land and buildings".

2.7.2 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 of the Selby District Local Plan. It is noted that H7 of the Selby District Local Plan used in the previous decision has been superseded by the Selby District Core Strategy Local Plan SP5 the Scale and Distribution of Housing.

2.7.3 Representations from adjacent properties submitted with this application have highlighted and questioned whether development of reference 2011/0017/FUL has in fact commenced. Officers, however, have considered previous communications held between the applicant and the previous planning officer and, it is considered, that work has commenced by virtue of the access road being created to the site.

2.7.4 The removal of the Condition 3 would result in the building becoming an independent dwelling in this location. The main issue is the impact of creating an independent dwelling in this location on the living conditions for the occupants of the surrounding dwellings. In terms of the impact on Jubilee Cottage, windows in the eastern elevation would face Jubilee Cottage. However, it is considered that given the separation distance between the main dwelling and proposed building it would not result in any loss of privacy to the occupiers. In respect of the impact on the amenities of Stone Leigh it is noted that the rear elevation of the annexe would be within 2 metres of the shared boundary. In addition the rear elevation would contain a door and small window, with a further four velux roof lights.

2.7.5 Previous conditions have been attached requiring obscure glazing and to also control any further openings by removing permitted development rights. It has been previously considered that, in terms of the impact resulting from the scale and massing of the building the height of the annexe and the separation distance between the building and Stone Leigh, the building would not appear unduly oppressive; any additional degree of overlooking would be insufficient to warrant refusal in this respect.

2.7.6 It is also noted however that in terms of overlooking, overshadowing and the creation of an oppressive outlook this has already been considered acceptable under the previous planning applications and appeal decisions.

- 2.7.7 The boundary and relationship between the neighbouring properties in terms of the location of the annexe has not changed in the last 9 years.
- 2.7.8 In respect of resulting impacts from noise and general disturbance on the amenities of neighbouring properties this has been referred to in the planning appeal and planning application 2008/0433/FUL.
- 2.7.9 This application has been separated from Jubilee Cottage by virtue of a boundary fence, and parking space for one vehicle. The red line around the location plan identifies that the same access point would be used to facilitate access to the building. This access is currently used by Jubilee Cottage between neighbouring properties Howdenholme and Stone Heaven.
- 2.7.10 The applicant has included a 2 metre high boundary fence to separate the annexe from Jubilee Cottage. The applicants state that this is an acoustic fence, although no details of its sound insulation properties have been provided with the application. This proposed fence would bind the neighbouring properties of Howdenholme and Stonehaven. Objections have been received from neighbouring properties disputing the benefits of the acoustic fence. The immediate neighbours have stated that they expect the same standard of amenity, which has been enjoyed to the present day, to continue. The neighbour objection goes on to further state that the proposed fence would create a hemmed in design and would not disperse sound pollution and the acoustics within the grounds would rebound and amplify making sounds much louder. Whilst these comments are noted, there is no evidence to support either party's claims in this case. Officers consider that it cannot be concluded that the fence would be effective in reducing noise levels to an acceptable degree.

Manoeuvring and vehicular activity in between neighbouring properties

- 2.7.11 As previously mentioned, there are concerns from an amenity perspective in terms of the potential disturbance from the coming and goings to and from the site, should this become an independent dwelling. The Council acknowledge that there were no restrictions to seek to prevent, or restrict, vehicle movements generated by the occupation of the annexe, or the overall level of parking provided at the site. However, Officers have concerns in regards to potential disturbance resulting from the coming and goings to and from the occupants of an independent dwelling. These concerns reflect the concerns of the occupiers of the neighbouring property (Howdenholme), who have objected. The Inspector, who dealt with the appeal, considered that because it was an annexe, the development would not result in a significant increase in vehicular movement or noise or other disturbance.
- 2.7.12 On that basis, the Inspector imposed a condition restricting occupation to purposes ancillary to the main dwelling. Officers are of the view that the Inspector imposed this condition on the grounds that that she was concerned that a separate occupation would have an unacceptable impact in terms of, amongst other matters, increased vehicular movements and general disturbance. The occupancy Condition 3 was also attached to subsequent approvals. This condition is in line with saved Policy ENV1.
- 2.7.13 Officers consider that there is a clear distinction between ancillary accommodation and a completely independent dwelling. This distinction was drawn on by the Inspector on the previous appeal decision. It is considered that annexes are

generally an ancillary form of additional living area which can be used as an extension to the accommodation of a main dwelling. Annexes are usually occupied on a low key level by guests or relatives and are not always permanently occupied. Generally they are also not occupied by separate families, or groups but are often for an elderly relative. Annexes share the same postal address, and billing or share some other fundamental aspect with the main house as well as the total curtilage.

2.7.14 Officers consider that an independent dwelling would be a much more intensive use of the site. The proposed annexe could be used to its maximum intensity and its occupation could be by a separate family or separate group on a permanent basis. On this instance the access runs very close to the rear gardens and elevations of the two nearby dwellings and as a result there would be additional impacts from the more intensified use of the access. The need to safeguard amenity by allowing ancillary occupation was recognised by the Inspector and in the previous decisions by the Council. Both the original and the proposed dwelling would need independent parking, turning and manoeuvring areas. These would intensify vehicle movements close to the boundaries of the adjacent dwellings resulting in unacceptable degree of noise and disturbance.

2.7.15 Therefore, whilst the Council understand and appreciate the points made by the applicant, in terms of the extent to which independent occupation of the building would be more harmful than the approved accommodation, Officers remain of the view that there would be an unacceptable level of harmful impact arising from the creation of a separate dwelling in this location.

2.7.16 It is considered there has been no change in circumstances in terms of the relationship between site and the neighbouring properties nor the vehicular access to the site. Furthermore, it is concluded that in policy terms ENV1 of the Selby District Local is still a sound policy. Notwithstanding the introduction to new policy through the Selby District Core Strategy adopted in 2013 and national guidance the NPPF 2012 it is considered in all other respects remain the same.

2.7.17 Therefore, when revisiting the principle of Condition 3, it is considered that it still satisfies all the tests about the use of conditions in planning permissions in paragraph 206 of the Framework. The condition is necessary and reasonable in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. In short, the condition is relevant, enforceable and precise. The application to remove condition 3 of planning permission 2011/0017/FUL on this basis should therefore be refused.

2.8 Determination as to whether the proposal constitutes appropriate or inappropriate development within the Green Belt.

2.8.1 Policy SP2 states that in Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies. Relevant policies in respect to the principle of the development in the Green Belt include Policies SP2A (d) and SP3 of the Core Strategy and paragraphs 87 to 89 of the NPPF.

2.8.2 Therefore, having had regard to the above the decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows:-

- a. It must be determined whether the development is appropriate or inappropriate in the Green Belt. Paragraphs 89 to 90 of the NPPF set out the categories of development that do not constitute inappropriate development in Green Belt
- b. If the development is not inappropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than preservation of the Green Belt itself.
- c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.

2.8.3 Given that, as explained in the introduction above, the permission remains extant and the building could be completed at any time. For the purposes of considering whether or not the development is appropriate development in the Green Belt, the starting point must therefore be as if the building already exists.

2.8.4 Officers consider that the effect of the removal on Condition 3 would result in change from an annexe to an independent dwelling unit. The proposal is therefore in effect a change of use. The proposal does not involve the construction of any new buildings beyond those already permitted. Moreover, no extensions are proposed and the building would not therefore increase in size. Paragraph 90 of the NPPF sets out that the re-use of buildings is not inappropriate development in the Green Belt provided they are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. It is therefore concluded that the proposed development would not be inappropriate.

2.8.5 In assessing the impact on the openness of the Green Belt, the proposal would not result in any increased building bulk on site. The design of the building approved appears to be of a permeant form. There would be new boundary fencing which would subdivide and reduce the open plot site. However, this would have only limited impact on the openness of the site. The harm associated with the openness has been considered under the previous planning appeal decision and planning applications and was considered acceptable. Any additional impact from garden buildings or paraphernalia could already take place at the site as it is within the domestic curtilage of Jubilee Cottage which already enjoys domestic permitted development rights. Therefore it is considered that the proposed use as an independent dwelling would not have a greater impact on the openness of the Green Belt nor would it conflict with the purposes of including land within it. As such the proposal would not represent inappropriate development in the Green Belt.

2.8.6 The proposal is therefore consistent with Policy SP3 of the Core Strategy, with and national Green Belt policies in the NPPF.

2.9 Other Material Considerations

2.9.1 In terms of other matters of importance which include:

- Impact on the Character and Form of the Locality
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Highway Safety Issues
- Nature Conservation Issues
- Affordable Housing

The above material considerations are not considered to be relevant in the determination of this application given all of these matters have been considered under previous aforementioned planning applications.

2.10 Other Matters

2.10.1 Letters of objection have been received from neighbours and members of the public questioning the material start made on the application

2.10.2 In terms of whether a material start has commenced it has been acknowledged that by virtue of the access road being constructed is considered to be the material start required although this was not a condition which needed to be discharged. Therefore the Council consider that although the decision was approved in 2011 a material start has commenced which validates the permission under approval 2011/0017/FUL.

2.10.3 Neighbour comments have been made in relation to parking on Common Lane these comments are noted. Notwithstanding the issues raised in terms of parking and visibility in to the drive way which serves the site area it is considered that this issue is a civil matter between neighbours.

2.11 Conclusion

2.11.1 Planning permission was granted in 2008 (Planning Reference: 2008/0433/FUL) for a detached two bedroom annexe within the grounds of Jubilee Cottage, Barkston Ash and was subject to Condition 3 which restricted occupancy for purposes ancillary to the use of Jubilee Cottage. The annex has not yet been constructed but the permission remains live due to a technical commencement being made.

2.11.2 This application seeks permission for the removal of Condition 3 which would result in the building becoming a separate independent dwelling house.

2.11.3 It is considered that the removal of Condition 3 would result in harm to the amenities of neighbouring properties, by virtue of a significant increase in vehicular movement leading to noise and disturbance issues that cannot be remedied by a boundary fence. The development would not be in accordance with Policy ENV1 (1) of the Local Plan and the NPPF.

2.11.4 Other matters of acknowledged importance such as design, layout, scale, Green Belt, drainage, climate change and energy efficiency, impact on the highway, nature conservation Interest and affordable housing are considered to be acceptable in accordance with the Development Plan and the advice contained within the NPPF.

3.0 Recommendation:

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

The removal of condition 3 which limits occupancy as ancillary to the main residence of Jubilee Cottage would create an independent dwelling which would increase the intensification of vehicular movements associated with the site resulting in increased noise and disturbance in close proximity to nearby dwellings which would cause significant detrimental impact to the current levels of residential amenity of the occupants and would therefore conflict with the aims of Policy ENV1(1) of the Local Plan and the NPPF

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

3.2 Financial Issues

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

4. Conclusion

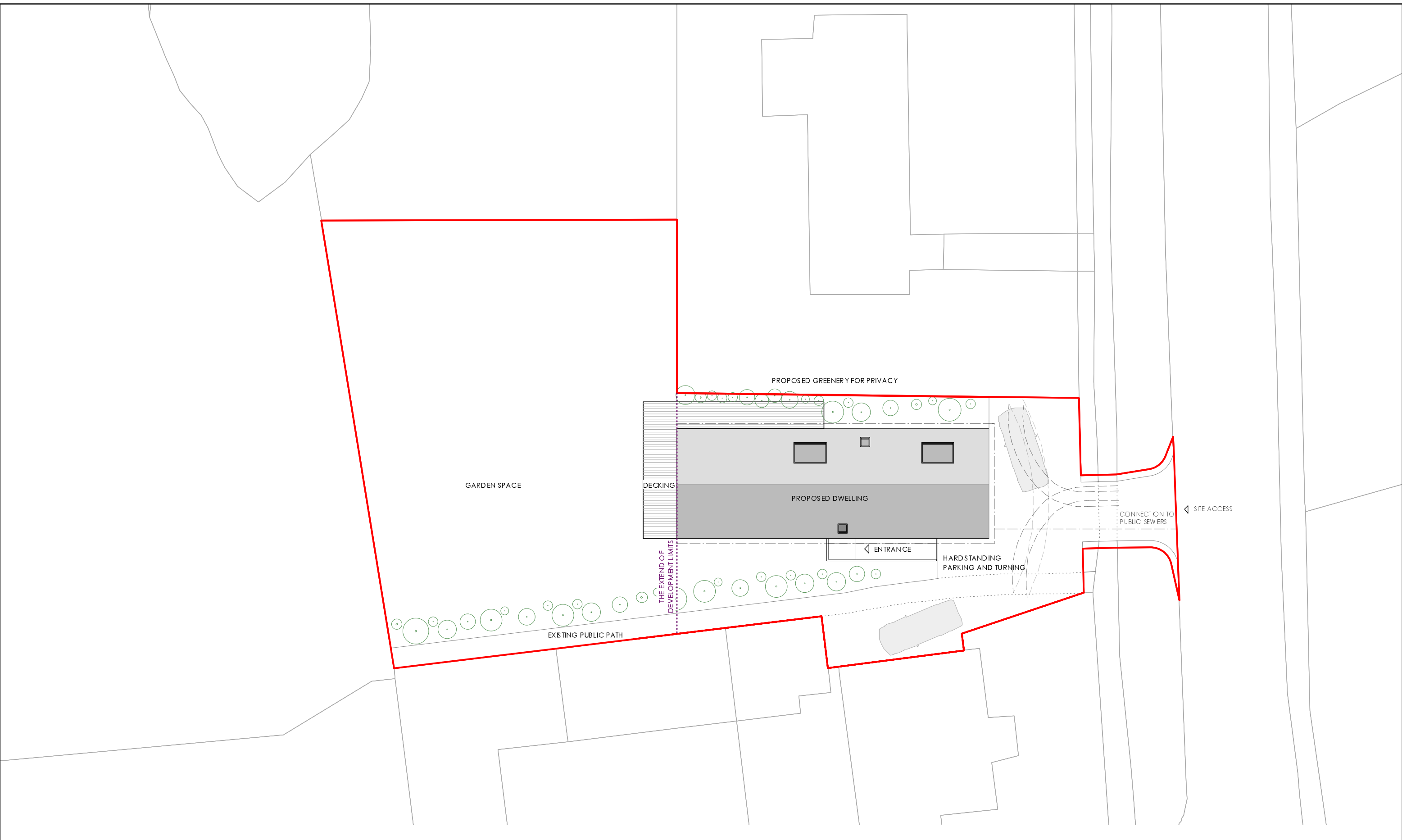
4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2017/0349/FUL and associated documents.

Contact Officer: Diane Wilson, Planning Officer

Appendices: None

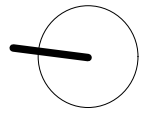


RED LINE DENOTES EXTENT OF LAND AFFECTED BY PROPOSAL

PROPOSED HOUSE FOR
SPORT TOWERS
CROWN COTTAGE
COLTON
TADCASTER
LEEDS
LS24 8EP
SIZE AREA 809 SQM

**AMENDED
DRAWING**

0 2 10m



RECEIVED
16.05.2017
DEVELOPMENT MANAGEMENT

HEB HOMES

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Copyright © Hebridean Contemporary Homes Ltd (2017). All rights reserved. Any breach of copyright will be pursued. To be read in conjunction with the specification and all relevant drawings. Contractor to check all dimensions on site. Do not scale from this drawing. Architect to be advised of any variation between the drawings and site conditions.
 Note: Construction must comply with all NHBC and industry standards.

DRAWING SET PLANNING		CLIENT H_480_TOWERS
DRAWING TITLE PROPOSED BLOCK PLAN		
DRAWING NUMBER 103_REV_A	DRAWN BY HS	DATE 15/05/2017
CAD FILE NAME H_480_PL_TOWERS		SCALE 1:200 @ A3



APPLICATION SITE

Item No: 2017/0238/FUL

Address: Land adjacent St Pauls Church, Main Street, Colton

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Report Reference Number 2017/0238/FUL (8/77/15D/PA) **Agenda Item No: 6.6**

To: Planning Committee
Date: 12 July 2017
Author: Jenny Tyreman (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0238/FUL	PARISH:	Colton Parish Council
APPLICANT:	Mr Stuart Towers	VALID DATE:	22nd March 2017
		EXPIRY DATE:	17th May 2017
PROPOSAL:	Proposed erection of dwelling house, parking and turning		
LOCATION:	Land Adjacent St Pauls Church Main Street Colton Tadcaster North Yorkshire		

This application has been brought before Planning Committee as more than 10 letters of representation have been received, which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

Summary:

The application seeks planning permission for the erection of a detached dwelling. The development limit boundary runs through the application site, such that the proposed dwelling and access would be located within the defined development limits of Colton, which is a Secondary Village as identified within the Core Strategy, and is washed over by the Green Belt, while the proposed garden land would be located outside the defined development limits of Colton and would therefore located within the Green Belt.

Relevant policies in respect of the principle of this proposal include Policies SP2 "Spatial Development Strategy", SP3 "Green Belt" and SP4 "Management of Residential Development in Settlements" of the Core Strategy and paragraphs 89 and 90 of the NPPF. The principle of the proposed development is considered to be acceptable having regard to Policies SP2A (b) and (d), SP3B and SP4 (a) of the Core Strategy and paragraphs 89 and 90 of the NPPF given the proposal is for limited infilling.

Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination.

The proposal is considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF. The proposed dwelling would be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. Furthermore, the contrived appearance of the dwelling, responding to the constraints of the site, would result in the proposed dwelling appearing cramped within its plot.

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

Recommendation

This planning application is recommended to be REFUSED for the reasons detailed in Paragraph 2.12 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The development limit boundary runs through the application site, such that the proposed dwelling and access would be located within the defined development limits of Colton, which is a Secondary Village as identified within the Core Strategy, and is washed over by the Green Belt, while the proposed garden land would be located outside the defined development limits of Colton and would therefore be located within the Green Belt.

1.1.2 The application site comprises an area of vacant grass land, which has a public footpath running through it from north to south. The application site is surrounded by residential development to the west and to the south on the opposite side of Main Street, St Pauls Church to the east and open fields to the north.

1.1.3 The application site is located within Flood Zone 1.

1.2 The Proposal

1.2.1 The application seeks planning permission for the erection of a detached dwelling.

1.2.2 The proposed dwelling would measure a maximum of 5.9 in width by 18.2 metres in depth and would have a pitched roof with gable ends to the north and south, with eaves to a height of 3.3 metres above ground floor level and ridge to a height of 6.3 metres above ground floor level. There would be a dormer window in the eastern

roof slope which would measure a maximum of 2.8 metres in width by 2 metres in depth and would have a flat roof to a height of 1.9 metres.

1.2.3 The proposed dwelling would benefit from a vehicular access from Main Street to the south, an area of hardstanding for parking to the front and west side of the dwelling and an amenity area to the rear of the dwelling.

1.2.4 The existing public footpath running through the application site would be retained.

1.3 Planning History

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

1.3.2 An outline application (reference: CO/1979/31142) for the erection of a dwelling was permitted on 19.06.79.

1.3.3 An outline application (reference: 2007/1302/OUT) for the erection of a dwelling was withdrawn on 22.01.2008.

1.3.4 An outline application (reference: 2009/0051/OUT) for the erection of a detached dwelling was refused on 15.04.2009 for the following three reasons:

- The proposed development of a dwelling on a Greenfield site within the development limits of Colton would be contrary to Policies H2A and H7 of the Selby District Local Plan.
- Insufficient information has been submitted in respect of the design, materials, and scale of the proposal, and it is not therefore possible to properly assess the proposal against the requirements of Policies ENV1 and GB4 of the Selby District Local Plan.
- No information has been submitted with the application relating to the presence of Great Crested Newts and it is not therefore possible to assess the proposal against the requirements of the Habitats Regulations and Policy H7 (5) of the Selby District Local Plan.

1.4 Consultations

1.4.1 Parish Council

1. The plans are very poor, unclear and indistinct drawings with lack of details and are difficult to read.
2. There is lack of consistency in the orientation of the proposed house. North is indicated to the left on all plans, but on the ground and first floor plans, the house has been turned 180 degrees.
3. Vertical larch timber cladding will not blend with any other house in Colton village. With the proposed gable end facing the main village street, it will look out of place, especially with it being sited next to the village church.
4. The size of the property has an awkward appearance, especially sited on the land available.
5. The proposal to discharge surface water to the main sewer (if this is the foul sewer) is not acceptable, as the Colton pumping station is already overloaded during rainfall. Yorkshire Water will confirm this.

1.4.2 NYCC Highways

No objections, subject to conditions attached to any permission granted.

1.4.3 Yorkshire Water

No response received.

1.4.4 Ainsty (2008) Internal Drainage Board

The site for this application sits outside of the Ainsty Internal Drainage Board district. There are no Board maintained watercourses in the vicinity; as such it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make.

1.4.5 Contaminated Land Consultants

No objections subject to a condition attached to any permission granted.

1.4.6 Natural England

No comment.

1.4.7 Yorkshire Wildlife Trust

No response received.

1.4.8 Public 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 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.

1.4.9 Designing Out Crime Officer

This application has been reviewed in relation to the public footpath that runs in front of the proposed dwelling and the following observations are made:

1. The footpath is well overlooked from "active rooms" within the property. An "active" room is described as a room in building elevations from which there is direct and regular visual connection between the room and the street or parking area. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.
2. It would be preferable for the parking provision to be positioned to enable a vehicle to be seen from within an "active room" in the property.
3. Consideration should be given to the installation of some form of boundary protection to prevent unhindered access to the rear of the property, which is where the majority of break-ins take place. Boundary protection should be a

minimum of 1.8m in height and this includes any gates that are required. Gates should be fitted with a key operated lock or centrally positioned bolt that can be secured with a padlock.

1.5 Publicity

- 1.5.1 All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press.
- 1.5.2 Fifteen letters of support have been received as a result of this advertisement. However, it is noted that two of these letters of support request the dwelling is construed from brick instead of timber to keep in with the character of the village and one supports the proposal “as long as the materials and design of the property are in keeping with the village”, suggesting the proposed plans have not been viewed.

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
SP3:	Green Belt
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

2.1.2 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 the Highway Network
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.

2.1.4 Other Policies and Guidance

Affordable Housing Supplementary Planning Document

2.2 Key Issues

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

- 1) The Principle of Development in the Green Belt
- 2) Design and Impact on the Character and Appearance of the Area
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Flood Risk, Drainage and Climate Change
- 6) Nature Conservation and Protected Species
- 7) Land Contamination
- 8) Affordable Housing

2.3 The Principle of Development in the Green Belt

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

2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

2.3.3 The development limit boundary runs through the application site, such that the proposed dwelling and access would be located within the defined development

limits of Colton, which is a Secondary Village as identified within the Core Strategy, and is washed over by the Green Belt, while the proposed garden land would be located outside the defined development limits of Colton and would therefore located within the Green Belt.

- 2.3.4 Policy SP2A (b) of the Core Strategy states that “Limited amounts of residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10”.
- 2.3.5 Policy SP4 (a) of the Core Strategy states that, in Secondary Villages, “conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/ redevelopment of farmsteads” will be acceptable in principle.
- 2.3.6 Policy SP2 (d) of the Core Strategy states that “In Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies”.
- 2.3.7 Policy SP3 (B) states "in accordance with the NPPF, within defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted".
- 2.3.8 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 2.3.9 The guidance within the NPPF paragraph 89 states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include “limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”.
- 2.3.10 Neither “limited infilling” or “villages” are defined within the NPPF and therefore it is for the Local Planning Authority to make an informed judgement as to whether a proposal constitutes “limited infilling in villages” taking into account the site, surrounding area, existing development and also the number of dwellings proposed.
- 2.3.11 In this instance, the proposed dwelling would be located with an open gap between a residential dwelling to the west and St Pauls Church to the east. Having regard to the location of the application site, the surrounding existing development and the siting of the proposed development, it is considered that the proposal constitutes limited infilling in villages and is therefore an appropriate form of development within the Green Belt.

2.3.12 Having regard to the above, it is considered that the proposal is acceptable in principle in accordance with Policies SP2 and SP3 of the Core Strategy and the advice contained within the NPPF.

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

2.4.1 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.

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

2.4.3 The application proposes the erection of a detached dwelling on an existing area of vacant grass land between Manor Farm and St Pauls Church. The proposed dwelling would measure a maximum of 5.9 in width by 18.2 metres in depth and would have a pitched roof with gable ends to the north and south, with eaves to a height of 3.3 metres above ground floor level and ridge to a height of 6.3 metres above ground floor level. There would be a dormer window in the eastern roof slope which would measure a maximum of 2.8 metres in width by 2 metres in depth and would have a flat roof to a height of 1.9 metres. The materials to be used in the external construction of the proposed dwelling would be vertical Siberian larch or similar for the walls and dark grey slate for the roof.

2.4.3 The proposed dwelling would benefit from a vehicular access from Main Street to the south, an area of hardstanding for parking to the front and west side of the dwelling and an amenity area to the rear of the dwelling. The existing public footpath running through the application site from north to south would be retained to the west side of the dwelling.

2.4.4 In terms of scale and appearance, the proposed dwelling would be a dormer bungalow, with first floor accommodation within the roof space. There are a mix of two storey dwellings and bungalows within the vicinity of the application site and as such the scale of the proposed dwelling is considered acceptable having regard to the character and appearance of the area. The materials to be used in the external construction of the proposed dwelling would be vertical Siberian larch or similar for the walls and dark grey slate for the roof. It is noted that the Parish Council and a couple of neighbouring properties have raised concerns regarding the materials proposed for the external construction of the walls of the proposed dwelling. In that respect, dwellings within the vicinity of the application site are primarily constructed from red brick; however there are other external wall materials evident within the vicinity of the application site, such as stone and render, and as such, it is considered that the use of vertical Siberian larch or similar for the construction of the external walls of the dwelling, given the size, scale and design of the dwelling, would be acceptable, and would not, in itself, be considered sufficient to substantiate a reason for refusal for the application. Having regard to the above, it is considered that the scale and appearance of the proposed dwelling are acceptable having regard to the character and appearance of the area.

- 2.4.5 Notwithstanding the above factors with respect to the scale and appearance of the proposed dwelling in terms of the impact on the character and appearance of the area, in terms of layout and form, it is noted that the majority of dwellings within Colton have active principle elevations fronting the highway and are set within spacious plots, which give a spacious rural character to the village. There are some pockets of denser development, such as at Manor Farm to the west of the application site, resulting from the re-development of former farmsteads, which by the nature of the form of development entail back land development and some re-use of existing agricultural buildings.
- 2.4.6 The proposed dwelling would be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. The submitted design and access statement notes, in Section 2, that the village has a spacious rural character, yet sets out, in Sections 2, 3 and 4, that the constraints of the site have led to the footprint of the proposed dwelling being long and thin, with a gable facing the street and the principle elevation facing the church. Officers consider that the contrived appearance of the dwelling, responding to the constraints of the site would result in the dwelling appearing cramped within its plot. Having regard to the above, it is considered that the layout and form of the proposed dwelling are unacceptable having regard to the character and appearance of the area.
- 2.4.7 The existing public footpath running through the application site would be retained as part of the proposals. The Public Rights of Way Officer has raised no objections to the proposal, subject to an informative. The Designing Out Crime (DOC) Officer has been consulted on the proposals in respect of the public footpath which runs through the application site and has made a number of observations. Firstly, the DOC Officer notes that the public footpath would be well overlooked from "active rooms" within the proposed dwelling and that it would be preferable for the parking provision to be positioned to enable a vehicle to be seen from within an "active room" in the property. In this respect, the parking space to the west side of the dwelling would be overlooked from a ground floor window in the west elevation serving an "active room", namely the kitchen, however, the parking space to the south side the dwelling would not be overlooked from a window serving an "active room", as the windows in the south elevation serve bedrooms. Notwithstanding this, the parking space to the south side of the dwelling would be adjacent to the highway and would be overlooked from surrounding properties to the south side of Main Street. Furthermore, the DOC Officer notes that consideration should be given to the installation of some form of boundary protection to prevent unhindered access to the rear of the property, which is where the majority of break-ins take place. Boundary protection should be a minimum of 1.8m in height and this includes any gates that are required. Gates should be fitted with a key operated lock or centrally positioned bolt that can be secured with a padlock. Having regard to the advice regarding the boundary treatment, it is considered that an appropriate boundary treatment could be incorporated into the scheme which would not have any adverse impact on the character and appearance of the area and could be secured by way of condition.
- 2.4.8 Having regard to the above, while the scale and appearance of the dwelling are considered to be acceptable, and appropriate boundary treatments could be secured by way of condition, in terms of layout and form, proposed dwelling would

be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. Furthermore, the contrived appearance of the dwelling, responding to the constraints of the site, would result in the proposed dwelling appearing cramped within its plot. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.5 Impact on Residential Amenity

- 2.5.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan and Policy SP4 of the Core Strategy.
- 2.5.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 2.5.3 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties or overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 2.5.4 To the north of the application site are open fields, to the east of the dwelling is St Pauls Church and to the south of the dwelling is Main Street. The proposal would therefore not have any adverse impact on residential amenity to the north, east and south.
- 2.5.5 To the immediate west of the application site are residential properties, namely Manor Farm fronting Main Street, with The Barn at Manor Farm Court to the rear. The front elevation of the proposed dwelling would be approximately in line with the principle elevation of the neighbouring property at Manor Farm and would be set in from the common boundary with these neighboring properties by a minimum of 4.4 metres. Given the size, siting and design of the proposed dwelling, it is considered that it would not result in any adverse effects of overshadowing or oppression when viewed from the neighboring properties to the west. Furthermore, it is noted that there are no windows in the east flank elevation of Manor Farm, and one small high level ground floor window in the flank elevation of The Barn at Manor Farm Court, facing the proposed dwelling. The proposed dwelling would have a number of ground floor windows on the west elevation, serving both habitable and non-habitable rooms and a dormer window serving a non-habitable room at first floor level, which would be obscure glazed, and a roof light. As such, it is considered that the proposal would not result in any adverse effects of overlooking to the neighboring properties to the west.
- 2.5.6 Having regard to the above, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

2.6 Impact on Highway Safety

- 2.6.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.
- 2.6.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.
- 2.6.3 The application seeks planning permission for the erection of a detached dwelling. The dwelling would benefit from a vehicular access onto Main Street and would benefit from an area of hardstanding for car parking to the front and west side of the dwelling.
- 2.6.4 NYCC Highways have been consulted on the proposals and have advised that there are no local highway authority objections to the proposals subject to four conditions relating to the construction requirements of private access/verge crossings, visibility splays, the provision of approved access, turning and parking areas and a construction management plan. An informative is also recommended relating to public rights of way.
- 2.6.5 Subject to the aforementioned conditions and informative, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

2.7 Flood Risk, Drainage and Climate Change

- 2.7.1 Relevant policies in respect to climate change, flood risk and drainage include Policy ENV1 (3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to climate change, flood risk and drainage include paragraphs 94 and 95.
- 2.7.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.
- 2.7.3 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. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.
- 2.7.4 Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”
- 2.7.5 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 2.7.6 The application form states that surface water and foul sewage would be disposed of via mains sewer. Yorkshire Water and the Internal Drainage Board have been

consulted on the proposals and have not raised any objections to the proposals or recommended any conditions which need to be attached to any planning permission granted. However, Officers consider that a condition in relation to separate systems for foul and surface water drainage to serve the development should be attached to any planning permission granted.

2.8 Nature Conservation and Protected Species

- 2.8.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy.
- 2.8.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.8.3 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.
- 2.8.4 A Great Crested Newt Survey undertaken by Wold Ecology Ltd, dated May 2016, has been submitted with the application. The survey states that only one pond has been identified within 500 metres of the application site. The survey sets out that a medium sized population of great crested newts have been found within that pond with a peak count of 25 great crested newts recorded. Egg laying females and egg wraps were also recorded in that pond. The survey concludes that the short and long term impacts from the proposed development will have low/negligible impacts on great crested newts and viable habitats, providing the mitigation recommended within the report is implemented. Wold Ecology considers that the proposed development and mitigation will ensure that any great crested newt populations at the site are maintained at a favourable conservation status.
- 2.8.5 Section 7 of the survey sets out that due to the construction zone occurring 20m to a known great crested newt population and comprising viable terrestrial habitat, a Natural England development licence will need to be obtained prior to site clearance and building works commencing. Any works in which there is a significant risk of great crested newts being harmed or killed requires a Natural England license. Section 7 continues to set out a mitigation strategy which the development needs to comply with. Section 8 sets out a method statement which the development needs to comply with. Section 9 sets out compensation which the development needs to comply with.
- 2.8.6 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species, subject to a condition requiring the proposal to be carried out in accordance with recommendations contained within the submitted great crested newt survey. Subject to the aforementioned condition, it is considered the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.9 Land Contamination

- 2.9.1 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 2.9.2 The application has been supported by a Contaminated Land Screening Assessment. This has been assessed by the Council’s Contaminated Land Consultant who has advised that a condition should be attached to any planning permission granted requiring that the Local Planning Authority be informed in the event that contamination is found at any time when carrying out the approved development that was not previously identified.
- 2.9.3 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

2.10 Affordable Housing

- 2.10.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 2.10.2 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.
- 2.10.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.11 Conclusion

- 2.11.1 The application seeks planning permission for the erection of a detached dwelling. The development limit boundary runs through the application site, such that the proposed dwelling and access would be located within the defined development limits of Colton, which is a Secondary Village as identified within the Core Strategy, and is washed over by the Green Belt, while the proposed garden land would be located outside the defined development limits of Colton and would therefore be located within the Green Belt.
- 2.11.2 Relevant policies in respect of the principle of this proposal include Policies SP2 “Spatial Development Strategy”, SP3 “Green Belt” and SP4 “Management of Residential Development in Settlements” of the Core Strategy and paragraphs 89 and 90 of the NPPF. The principle of the proposed development is considered to be acceptable having regard to Policies SP2A (b) and (d), SP3B and SP4 (a) of the Core Strategy and paragraphs 89 and 90 of the NPPF given the proposal is for limited infilling.

- 2.11.3 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on residential amenity, impact on highway safety, flood risk, drainage and climate change, nature conservation and protected species and land contamination.
- 2.11.4 The proposal is considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF. The proposed dwelling would be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. Furthermore, the contrived appearance of the dwelling, responding to the constraints of the site, would result in the proposed dwelling appearing cramped within its plot.
- 2.11.5 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.12 Recommendation

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

01. The proposed dwelling would be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. Furthermore, the contrived appearance of the dwelling, responding to the constraints of the site, would result in the proposed dwelling appearing cramped within its plot. The proposal is therefore considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

The following plans were considered in the determination of this application:

001_REV_A – Existing Site Plan
002_REV_A – Existing Block Plan
102_REV_A – Proposed Site Plan
103_REV_A – Proposed Block Plan
201 – Ground Floor Plan
202 – First Floor Plan
401 – West Elevation
402 – East Elevation
403 – North Elevation
404 – South Elevation

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 2017/0238/FUL and associated documents.

Contact Officer: Jenny Tyreman, Planning Officer

Appendices: None

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.

Planning Committee 2017-18



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