



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 11 OCTOBER 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 6 September 2017 (pages 3 to 14 attached).

6. Planning Applications Received (pages 17 to 90)

- 6.1 2017/0733/FUL - Land Adj To Little Common Farm, Biggin Lane, Biggin (pages 17 – 30 attached).
- 6.2 2017/0348/FUL - Yew Tree House, Chapel Green, Appleton Roebuck, York, North Yorkshire, YO23 7DP (pages 31 to 50 attached).
- 6.3 2017/0229/FUL - Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby, North Yorkshire, YO8 5DB (pages 51 to 64 attached).
- 6.4 2017/0470/FUL - Bridge Wharf, Ousegate, Selby (pages 65 to 90 attached).

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 8 November 2017
Wednesday 6 December 2017
Wednesday 10 January 2017

For enquiries relating to this agenda please contact Victoria Foreman on 01757 292351, or email to vforeman@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 Manager using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 6 September 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), E Casling, I Chilvers, R Packham, C Pearson, D Peart, I Reynolds, P Welch and Mrs D White (for J Deans).
Officers present:	Kelly Dawson, Senior Lawyer; Ruth Hardingham, Planning Development Manager; Keith Thompson, Senior Planning Officer (for minute items 22.1, 22.2 and 22.6); Fiona Ellwood, Principal Planning Officer (for minute items 22.5, 22.7 and 22.12); Thomas Webster, Principal Planning Officer (for minute items 22.4, 22.8 and 22.9); Yvonne Naylor, Principal Planning Officer (for minute item 22.10); Jenny Tyreman, Planning Officer (for minute item 22.11); Tim Coyne, North Yorkshire County Council Highways (for minute items 22.1 and 22.2) and Palbinder, Democratic Services Manager.
Public:	25
Press:	1

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Deans.

18. DISCLOSURES OF INTEREST

With regard to applications 6.1 – 2015/12/17/FUL – Staynor Hall Development, Bawtry Road, Selby and 6.2 – 2015/1272/FUL - Staynor Hall Development, Bawtry Road, Selby, Councillor I Reynolds declared a pecuniary interest as he was acting as the agent for the landowners. He stated he would be leaving the room during the consideration of these items.

With regard to application 6.11 – 2017/0663/FUL – West Newlands Farm, Selby Road, Riccall, Councillor I Reynolds declared that he had called in the application to be heard at the Committee however had an open mind on the application.

With regard to application 6.12 – 2017/0230/FUL – Dyon Head, Dyon Lane, South Duffield, Selby, Councillor I Reynolds declared that his employer had been involved in the application. He explained that although he had no financial interest in the application, he would be leaving the room during the consideration of this item.

19. CHAIR’S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that Calum Rowley and Tom Webster would be leaving the Planning Team at Selby District Council and on behalf of the Committee thanked them for their work.

20. 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.

21. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 9 August 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 9 August 2017.

22. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

As per his interest, Councillor Reynolds left the meeting during the consideration of the following two applications.

22.1 Application: 2015/1217/FUL

Location: Staynor Hall Development, Bawtry Road, Selby

Proposal: Erection of a food retail store (Use Class A1) and construction of a roundabout and access road, parking areas and associated infrastructure.

The Senior Planning Officer presented the application that had been brought before the Committee due to more than 10 objections contrary to the Officer recommendation to approve the application and because the application was a Departure from the Development Plan.

The Committee was informed that the application was for the erection of a retail food store and construction of a roundabout at the Oakney Wood Road junction and the proposed access, parking areas and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby. The Committee was advised that the provision of the roundabout was not material to the planning decision as the scheme was considered to be acceptable without the provision.

In reference to the Officer Update Note, the Senior Planning Officer explained that one additional letter of objection had been received however the points raised had already been covered in the report.

The Senior Planning Officer highlighted the following amendments to the report:

- Under condition 14, the word “persons” should be replaced with the word “employees”.
- Under condition 34, references to mobility scooters should be removed.

Emma Thomas representing the objectors spoke in objection to the application.

Melissa Madge, agent, spoke in support of the application.

The Committee discussed the application and clarified the definition of class B usage with the Senior Planning Officer.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

- i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration;**
- ii) Subject to the conditions detailed in Paragraph 3.0 of the report and the amended conditions above attached to any permission granted.**

22.2 Application: 2015/1272/FUL

Location: Staynor Hall Development, Bawtry Road, Selby

Proposal: Proposed erection of a public house with restaurant (Use Classes A3 and A4) and manager's

accommodation, roundabout with access, parking area and associated infrastructure.

The Senior Planning Officer presented the application that had been brought before the Committee due to more than 10 objections contrary to the officer recommendation to approve the application and because the application was a Departure from the Development Plan.

The Committee was informed that the application was for the for the erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation, a roundabout with ancillary access, parking area and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby. The Committee was advised that the provision of the roundabout was not material to the planning decision as the scheme was considered to be acceptable without the provision.

In reference to the Officer Update Note, the Senior Planning Officer explained that one additional letter of objection had been received however the points raised had already been covered in the report.

The Senior Planning Officer highlighted the following amendments to the report:

- Under condition 14, the word “persons” should be replaced with the word “employees”.
- Under condition 31, references to mobility scooters should be removed.

Emma Thomas representing the objectors spoke in objection to the application.

Melissa Madge, agent, spoke in support of the application.

In response to a query concerning the sequential test, the Senior Planning Officer explained that the Council was at liberty to decide the distance for the test.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

- i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration;**
- ii) Subject to the conditions detailed in Paragraph 3.0 of the report and the amended conditions above attached to any permission granted.**

Councillor Reynolds returned to the meeting at this point.

22.3 Application: 2016/1254/FUL

Location: The Bungalow, 31 Lumby Hill, Monk Fryston

Proposal: Partial demolition of existing bungalow and erection of 4 No 3 bedroom semi-detached and 1 No 4 bedroom detached houses.

It was noted that this application would not be considered as the application had been withdrawn by the applicant.

22.4 Application: 2017/0427/FULM

Location: Barff Lane, Brayton, Selby

Proposal: Revised Proposals for Phase 2 Element of Approved Residential Development 2015/0367/FUL - Full Planning Application by Linden Homes for the Erection of 111 no. dwellings.

The Principal Planning Officer presented the application that had been brought before the Committee due to the proposal being a departure to the Development Plan.

The Committee was informed that there was extant planning permission for 125 dwellings (2015/0367/FUL), which had been implemented through the construction of four dwellings. This scheme was considered to have a fall-back position and the additional units being proposed are considered to be a boost to an area already established as being suitable for residential development.

In response to a query concerning the affordable housing figure, the Principal Planning officer explained that the application would supply 40% affordable housing across both sites of the development.

In reference to the Officer Update Note, the Principal Planning Officer recommended an amendment to the way the affordable housing was delivered for the application. In response to the proposed amendment, the Committee stated that the wording should be altered so that the words 'completed and occupied' were removed and replaced with 'completed and delivered',

Mark Eagland, agent, spoke in support of the application.

The Solicitor to the Council advised that the recommendation would be amended to amend the affordable housing contribution to 45%, remove the reference to a zebra crossing and include the Travel Plan monitoring fee figure of £5,000 and waste and recycling contributions.

It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the application subject to subject to the conditions at section 6 of the report and a new S106 Agreement that covers the provision of 45% on-site affordable housing, a Waste and Re-Cycling contribution and a Travel Plan monitoring fee of £5000 and a Deed of Variation as required to vary the extant S106 Agreement in order for it to work for 30 dwellings.

22.5 Application: 2017/0494/FUL

Location: Barff Lane, Brayton, Selby

Proposal: Section 73 to vary condition number 17 (energy supply of the development) from planning application 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond on land at Barff Lane.

The Principal Planning Officer presented the report that had been brought before the Committee due to the proposal being contrary to Policy SP16 (Improving Resource Efficiency) of the Selby District Core Strategy (2013).

The Committee was informed that the application sought to vary condition number 17 from planning application 2015/0367/FUL as outlined in the report.

In reference to the Officer Update Note, the Principal Planning Officer outlined an amendment to paragraph 4.11 of the report and explained that the appeal related to a requirement for 10% of predicted energy requirements to be produced on or near the site from renewable energy resources.

It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the application subject to delegation being given to officers to complete the Deed of Variation to the original Section 106 agreement and the conditions as set out in section 6 of the report.

22.6 Application: 2017/0527/FUL

Location: Old Forge Cottage, Main Street, Church Fenton

Proposal: Proposed erection of 6 no. dwellings

The Senior Planning Officer presented the application that had been brought before the Committee as the applicant was a District Councillor. It was also noted that the application was a departure from the development plan.

The Committee was informed that the application sought planning permission for six dwellings which would be a mixture of two and four bedroom units.

Joanne Folland, agent, spoke in support of the application.

It was noted that the application was in the Strategic Countryside Gap between the east and west side of Church Fenton. The Committee discussed the application and the implications of the application being in the Strategic Countryside Gap.

It was proposed and seconded that the application be refused in line with the officer recommendation. An amendment to the officer recommendation was proposed and seconded to approve the application. The reasons stated were that it was felt the development would round off the development area of Church Fenton and would not impact on the Strategic Countryside Gap. Upon being put to the vote, this motion was lost. The original proposal to refuse the application was then put to the vote.

RESOLVED:

To REFUSE the application for the reasons set out in section 6 of the report.

22.7 Application: 2017/0177/FULM

Location: 23 Ryther Road, Cawood

Proposal: Proposed residential development of 0.78 Ha to provide 23 no. dwellings with ancillary infrastructure, access road, parking spaces and garages

The Principal Planning Officer presented the application that had been brought before the Committee due to the proposal being a departure to the Development Plan.

The Committee was informed that the application sought planning permission for 23 dwellings with ancillary infrastructure, access road, parking spaces and garages.

In reference to the Officer Update Note, the Principal Planning Officer outlined amendments to paragraphs 4.8 and 4.56 of the report and outlined an additional condition from the North Yorkshire County Council (NYCC) Sustainable Drainage Systems (SuDS) officer concerning the drainage of surface water from the site.

A query was raised regarding why there were only six affordable houses in the application. The Principal Planning Officer explained that this was due to the viability appraisal by the District Valuer and that 40% wasn't required due to abnormal development costs.

Luke Herring, agent, spoke in support of the application.

It was proposed and seconded that the application be approved. An amendment to the officer recommendation was proposed and seconded to refuse the application. The reasons stated were that it was felt the application would have a detrimental impact on the character and form of the settlement

and that there was a harsh urban edge. Upon being put to the vote, this motion was lost. The original proposal to approve the application was then put to the vote.

RESOLVED:

To APPROVE the application subject to any changes arising from the updates referred to above and subject to the completion of a section 106 agreement to secure 6 affordable housing units, and a waste and re-cycling contribution and subject to the conditions and reasons as outlined in section 6 of the report.

22.8 Application: 2017/0049/FUL

Location: Wheatlands, Gateforth New Road, Brayton

Proposal: Proposed conversion of former stables to create a single dwelling house

The Principal Planning Officer presented the application that had been brought before the Committee because the application was being recommended for approval contrary to Policy H12 of the Selby District Local Plan.

The Committee was informed that the application sought planning permission for the conversion of the former stables to create a single dwelling house.

Richard Borrows, agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions as outlined in section 6 of the report.

22.9 Application: 2017/1314/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 presented the application that had been brought back to the Planning Committee following consideration of the application at the 14 June 2017 Committee meeting where the Committee had granted planning permission subject to the signing of a section 106 agreement.

It was explained that the application had to be reconsidered in light of the Council announcing the housing land supply figure of 5.4 years after the application was previously considered and therefore consent could not be issued without further consideration by the Committee.

Vicky Sykes, agent, spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To RECONFIRM the resolution to grant subject to:

- i) A Deed of Variation to the original S106, reducing the waste and re-cycling contribution to £5,185.47, the health contribution down to £11,1731.84, and reducing the affordable housing requirement to 9 units.**
- ii) 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.**
- iii) The conditions outlined at section 3.0 of Appendix A to the report.**

22.10 Application: 2016/0892/FUL

Location: Church Fenton Lane, Ulleskelf

Proposal: Proposed erection of residential development of 30 units

The Principal Planning Officer presented the application that had been brought back to the Planning Committee following consideration of the application at the 12 July 2017 Committee meeting where the Committee had granted planning permission subject to the signing of a section 106 agreement.

It was explained that the application had to be reconsidered to the Council announcing the housing land supply figure of 5.4 years after the application was previously considered and therefore consent could not be issued without further consideration by the Committee.

Helen Colling, resident, spoke in objection to the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To RECONFIRM the resolution to grant subject to a section 106 agreement relating 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 Conditions at Section 2.22 of Appendix A to the report.

22.11 Application: 2017/0663/FUL

Location: West Newlands Farm, Selby Road, Riccall

Proposal: Proposed erection of an agricultural building for the storage of tractors and machinery

The Planning Officer presented the application that had been before the Committee due it being called in by the Ward Councillor for the reasons as outlined in the report.

The Committee was informed that the application sought planning permission for the erection of an agricultural building for the storage of tractors and machinery. The Planning Officer explained that the application was contrary to policy EMP13 of the Selby District Local Plan due to the applicant stating that they would be storing vintage non-operational machinery in the new building.

Mark Newby, agent, spoke in support of the application.

The Committee felt that as the new building would be storing agricultural equipment, it would not be contrary to policy EMP13 of the Selby District Local Plan. They felt however that the building should be linked to West Newlands Farm using appropriate conditions. It was proposed that delegated authority be given to officers to agree the appropriate conditions.

It was proposed and seconded that the application be approved in line with the above reasons.

RESOLVED:

To APPROVE the application for the reasons outlined above and delegated authority be given to officers to agree the appropriate conditions for the application.

Councillor Reynolds left the meeting at this point and did not return.

In line with rule 9 of part 4 of the Constitution, the Democratic Services Officer explained that the Committee need to agree to continue the meeting due it approaching a duration of three hours.

RESOLVED:

To agree to continue the meeting.

22.12 Application: 2017/0230/FUL

Location: Dyon Head, Dyon Lane, South Duffield

**Proposal: Section 73 application to remove condition 4 (Agricultural occupancy) of approval 8/17/62/PA
Outline application for the erection of a farm bungalow at Dyon House Farm South Duffield**

The Principal Planning Officer presented the application that had been before the Committee due to there being 20 letters of support received contrary to the officer recommendation for refusal.

The Committee was informed that the application sought planning permission to remove Condition 4 on Planning Approval 8/17/62/PA relating to the requirement for the property (Dyon Head Bungalow) to be occupied by a person employed in agriculture.

In reference to the Officer Update Note, the Principal Planning Officer outlined additional comments that had been received concerning the application.

Jennifer Hubbard, agent, spoke in support of the application.

The Committee felt that the applicant had demonstrated that the property had been marked effectively and therefore had demonstrated that condition four should be removed. For these reasons it was proposed and seconded that the application be approved in line with the above reasons.

RESOLVED:

To APPROVE the application for the reasons outlined above and delegated authority be given to officers to agree the appropriate conditions for the application.

The meeting closed at 5.02pm.

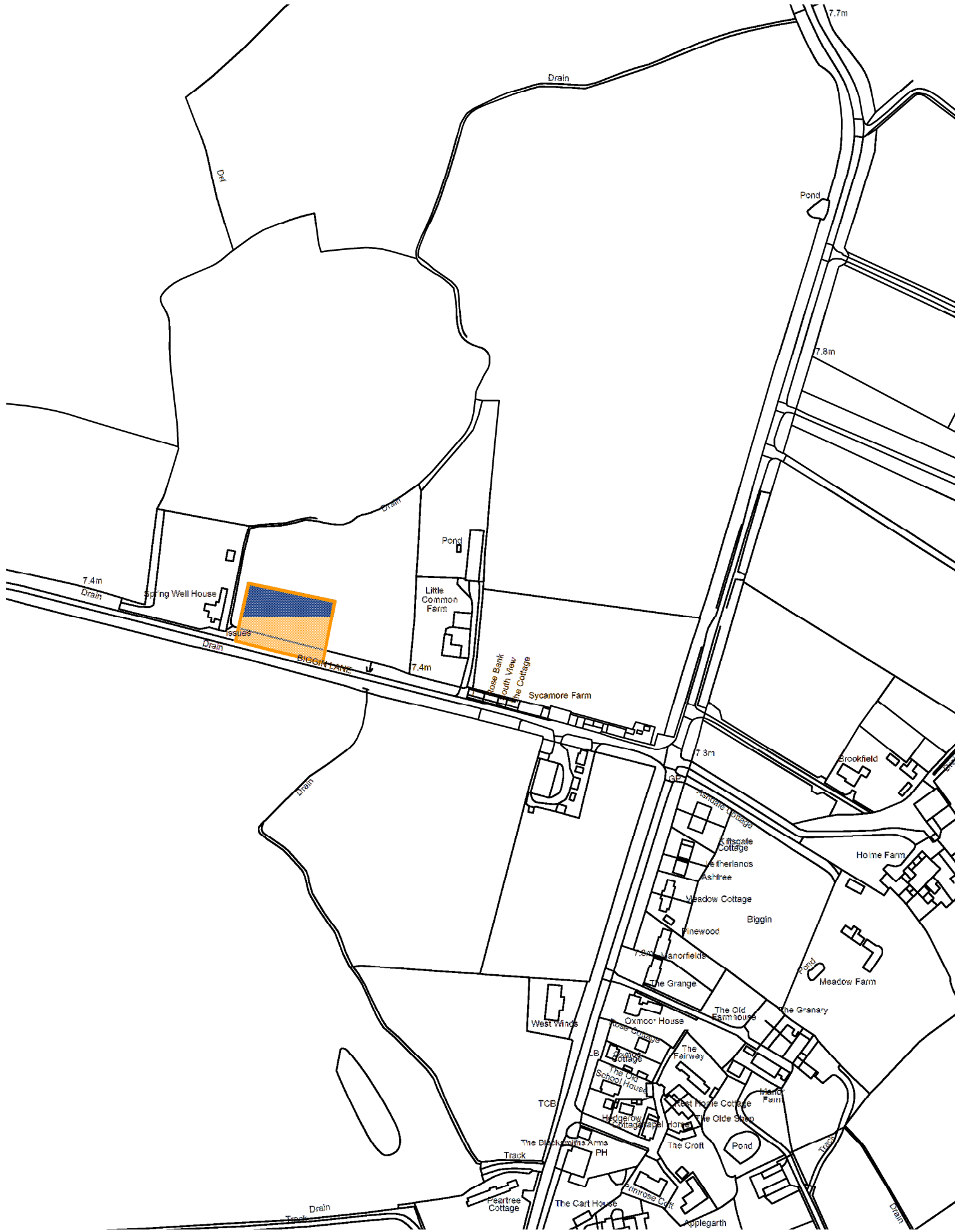
This page is
intentionally
blank

Items for Planning Committee

11 October September 2017

Ref	Site Address	Description	Officer	Page
2017/0733/FUL	Land Adj To Little Common Farm Biggin Lane Biggin	Proposed erection of new 5 bedroom detached house with detached double garage and car port	DIWI	17
2017/0348/FUL	Yew Tree House Chapel Green Appleton Roebuck York North Yorkshire YO23 7DP	Proposed erection of a dormer bungalow	DIWI	31
2017/0229/FUL	Oakwood Lodges Oakwood Park Market Weighton Road North Duffield Selby North Yorkshire YO8 5DB	Section 73 to vary conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for the erection of fourteen holiday cabins, community building and associated works.	KETH	51
2017/0470/FUL	Bridge Wharf Ousegate Selby	Proposed erection of 6no. two bedroom terrace houses with integral flood defence	LOMI	65

**This page is
intentionally
blank.**



APPLICATION SITE

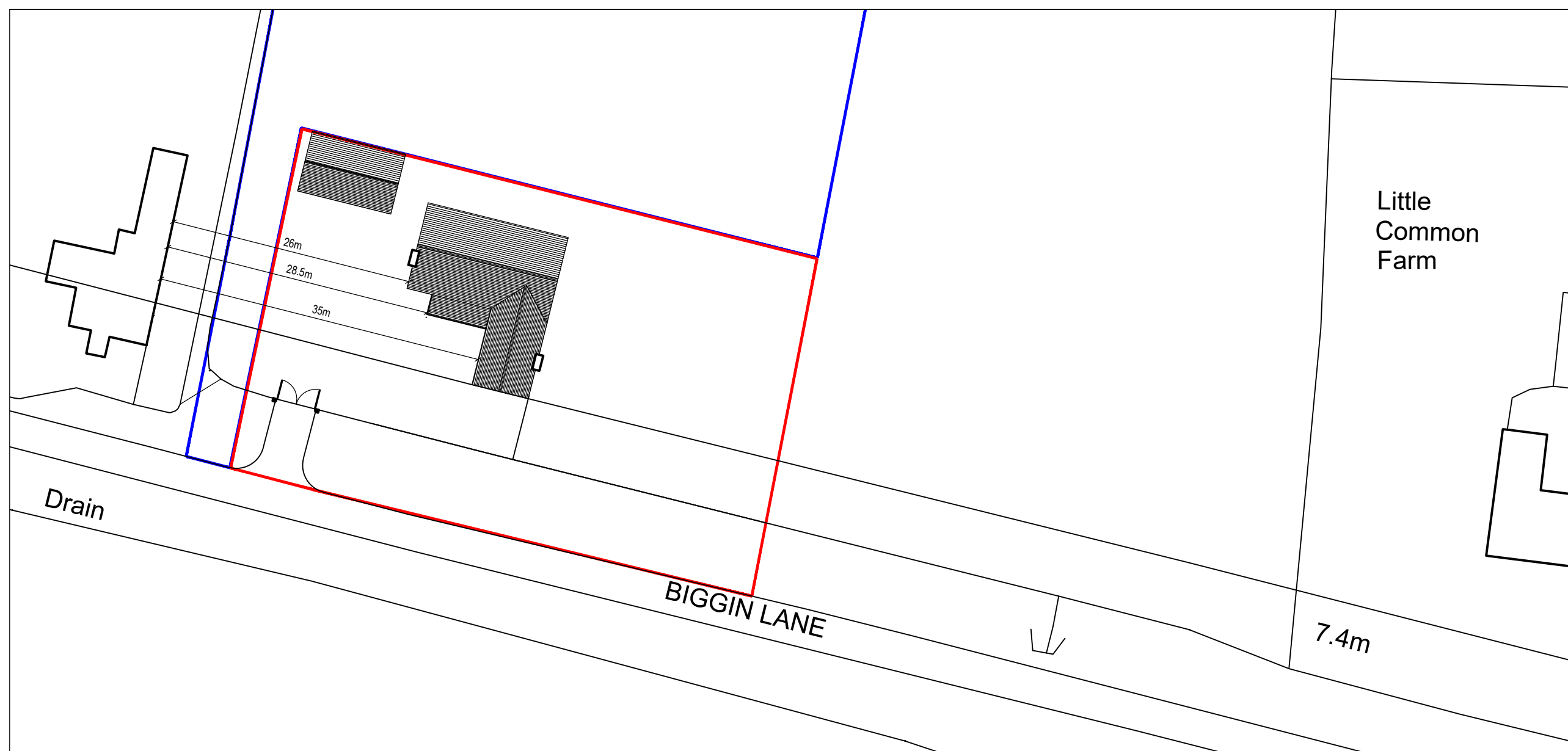
Item No: 2017/0733/FUL

Address: Land adj to Little Common Farm, Biggin Lane, Biggin

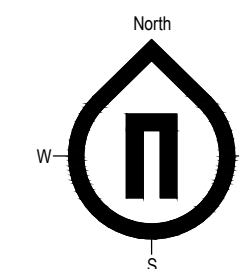
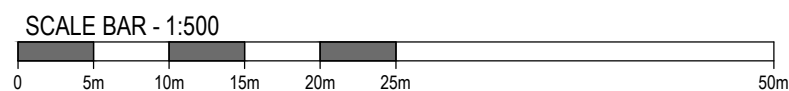
This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationery office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656



PROPOSED STREET SCENE



PROPOSED SITE PLAN



NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing. Contractor must verify all dimensions on site before commencing any work or shop drawings. Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantities taken in any way the architect are to be informed before the work is initiated. Work within the Construction (Design & Management) Regulations 2015 is not to start until a Health and Safety Plan has been produced. This drawing is copyright and must not be reproduced without consent of NW Architects Limited.

DRAWING STATUS/TYPE KEY

F Feasibility	SK Sketch	L Landscape	C Construction
P Planning	M Marketing	S Survey	AB As Built
T Tender	TNT Tenant	OS Ordnance Survey	

REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
A	STREET SCENE ADDED TO DRAWING SHEET	HH	20-09-17	NW	20-09-17

REVISIONS



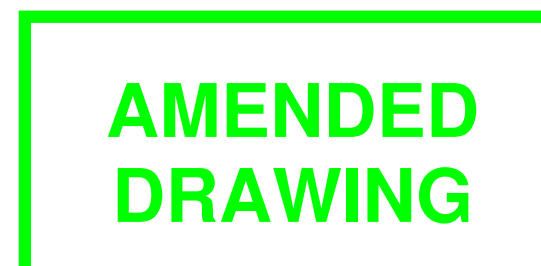
27 York Place · Leeds · LS1 2EY
 leads@nw-architects.co.uk · Tel: 0113 880 0510 · Fax: 0113 880 0511
 www.nw-architects.co.uk

CLIENT
 Mr J Walsh

PROJECT
 Plot A
 Biggin Lane

DRAWING TITLE
 Proposed Site Plan & Street Scene

Scale	Drawn By	Date Drawn
1:500 @ A3	RS	19-09-17
	Checked By	Date Checked
	NW	19-09-17
Drawing No.	Revision	
17015-P105	18 A	



To: Planning Committee
Date: 11th October 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0733/FUL	PARISH:	Biggin Parish Council
APPLICANT:	Mr Walsh	VALID DATE:	31 st July 2017
		EXPIRY DATE:	25 th September 2017
PROPOSAL:	Proposed erection of new 5 bedroom detached house with detached double garage and car port		
LOCATION:	Land Adj To Little Common Farm Biggin Lane Biggin		
RECOMMENDATION	Approve		

This application has been brought before Planning Committee due to this application being contrary to policies within the local plan.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application is for the erection of a detached dwelling. The site is located in an area of open countryside outside the defined development limits of Biggin. The proposal would be located on land on an agricultural field lying to the west of the village of Biggin and located between two existing properties along the northern side of Biggin Lane. There is an established hedgerow to the north and west of the site which bounds neighbouring property Springwell House, there are no protected trees which surround the site. The site is situated within Flood Zone 1, 2 and 3, with the property being erected within the Flood Zone 1 which is at low probability of flooding.

The Proposal

- 1.2 This application is for full planning permission for the erection of a detached two storey dwelling with a detached double garage, car port and the creation of a vehicular access. The proposed property would have 5 bedrooms, kitchen, lounge, utility. The dwelling would be constructed from stone and slate tile. It is proposed the

vehicular access into the site would be taken from Biggin Lane and would lead to a driveway in front of the garage with the dwelling being located to the east. The hedgerow to the left and rear boundary would be retained.

Relevant Planning History

- 1.3. 2016/0154/OUT (REF - 13.07.2016) Outline application with all matters reserved for the erection of two detached dwellings on land at Little Fenton Field. – Allowed on appeal dated 9th December 2016.

2.0 CONSULTATION AND PUBLICITY

The application was advertised as a departure from the Development Plan by site notice, neighbour notification and advertisement in the local newspaper.

2.1 NYCC Highways Canal Rd

No objections to the proposal subject to conditions for an access to verge crossing construction requirements loading and unloading of plant and materials.

2.2 Yorkshire Water Services

This proposal is in an area not served by the public sewerage network. The FRA Report indicates that foul drainage to package treatment plant would be used. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities

2.3 Selby Internal Drainage Board

The application would increase the surface water run – off to the site and the applicant would therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. The Board has no objections to the development in principal but recommends that any approval granted to the proposed development should include conditions.

2.4 Parish Council

No comments received during the statutory consultation period given.

2.5 Contaminated Land Consultants

Having reviewed the Screening Assessment Form for the above site, it is confirmed that contamination is unlikely to be present. However it is recommended that a planning condition is attached. This is to ensure that in the event that unexplained contamination is found at any time when carrying out the approved development.

Neighbour comments

- 2.6 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting in no letters of objection or support being received.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The site lies outside of the defined development limits of Biggin a secondary village as defined in the Core Strategy Local Plan. As such the application site is therefore within the open countryside.
- 3.2 The site is in three flood zones. Flood Zone 1 which is the designation for the majority of the site, but some of the area crosses the site is designated as Flood Zone 2 and 3.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "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". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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.

Selby District Core Strategy Local Plan

- 3.5 The relevant Core Strategy Policies are:

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Development Strategy
SP4	Management of Residential Development in Settlements
SP5	The Scale and Distribution of Housing
SP9	Affordable Housing
SP15	Sustainable Development and Climate Change
SP16	Improving Resource Efficiency
SP18	Protecting and Enhancing the Environment
SP19	Design Quality

Selby District Local Plan

- 3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, 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

4.0 APPRAISAL

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

- Principle of development
- Design and Impact on the Character of the Area
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Impact on Highways
- Residential Amenity
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Land Contamination
- Impacts of the proposal

Principle of Development

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

4.3 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.

4.4 The application site is located outside the defined development limits of Biggin and is therefore located within the open countryside. The proposals are contrary to Policies SP2 and SP4 of the Core Strategy (2014). Outline planning permission was granted on the 9th December 2016 (reference 2016/0154/OUT) for the erection of two detached dwellings with all matters reserved. Therefore the principle of development has been established in principle on this site through the outline permission and reserved matters submissions could be made against this consent by the applicants.

Design and Impact on the Character of the Area

- 4.12 The character and appearance of the local area is varied comprising a range of house types, development forms and materials. The submitted layout plan demonstrates that the dwelling would be set back from the site frontage along a similar line to the existing dwelling off Biggin Lane. There would be provision for parking areas to the frontage of the property, along with a detached garage with car port. The materials of the nearest property Spring Well House are a cream render and orange pantile with little architectural merit. The application form indicates the external materials would mean the proposed dwelling would be erected from stone walls and a slate roof. There are no specific detail in the type of stone material or the type of slate to be used. Therefore it is considered that a condition shall be imposed for the materials to be approved in writing by the local planning authority to ensure the materials would be acceptable in the rural location.
- 4.13 With respect to the character of the area and landscape character of the village it is noted that the site is set within an agricultural field with an established hedgerow which separates the site and the neighbouring property Springwell House. Although the settlement pattern of Biggin village as a whole is considered to be a sporadic the majority of the settlements are to the west of the village with some to the east. The properties to the east are outside of the village, with fields separating these dwellings. The established hedgerow which separates the site from the neighbouring property forms a natural boundary which in turn retains the character of the open countryside outside the development limits of Biggin.
- 4.14 In terms of landscaping, the site has a mature hedge along the east and northern boundaries with a row of mature trees along the frontage to Biggin Lane. The trees located along the highway verge and are not considered to be part of the application site. Having spoken with the agent it is confirmed that these trees shall be retained. The retention of the boundary hedges would be secured through condition along with a boundary treatment to the eastern boundary.
- 4.15 The application site comprises of an open field with a drainage dyke to the front of the site separating the road from the site. An access driveway would be created to facilitate the crossing into the site. The proposal includes a detached garage and car port which is set back from the proposed dwelling to the north western corner of the site. The proposed dwelling would be located in a linear position to the neighbouring property to the west.
- 4.16 The proposed dwelling would measure a maximum of 15.5 metres in width by 18.0 metres in depth. The proposed dwelling would be two storey and would have a pitched roof with an approximate ridge to a height of 8.5 metres with the approximate eaves height of 5.5 metres. The proposed dwelling would have a similar scale and proportion to the indicative outline consent approved by the planning inspector. The proposal would include a triple garage this would measure approximately 11.5 metres in width 7.0 metres in depth and would allow the parking for 3 vehicles.
- 4.18 With regard to the red line boundary which surrounds the application site area, as indicated above, there is a similar red edge approved under the outline consent in December 2016. The layout plan submitted has identified some land in owner ship

coloured in blue. This land is not considered to be residential curtilage and was not included within the original outline consent. Therefore it is considered that the land which lies outside of the red edge is still open countryside and not residential curtilage. As such in order to restrict any further encroachment into the open countryside it is considered prudent to attach relevant conditions to protect the land to the rear of the new dwelling from being incorporated as garden land or for the erection of any domestic buildings or paraphernalia which might detract from its open rural character. Furthermore it is recommended that boundary fencing and hedging be planted along the rear boundary before the dwelling is occupied to ensure there is a clear demarcation between the residential site and the open land beyond.

- 4.19 Having had regard to the above elements, it is considered that the design, scale and layout is acceptable and with conditions attached would be acceptable and not result in creating a detrimental impact on the character and form of the open countryside location 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.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.20 The proposal would consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.21 The application site is located within Flood Zones 1, 2 and 3. The NPPF states that Flood Zone 2 is of medium probability to flooding and defines it as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding or between a 1 in 200 and 1 in 1,000 annual probability of flooding from the sea. Flood Zone 3a has a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea. Flood Zone 3b is the functional floodplain where water has to flow or be stored in times of flood. There is no residential development proposed within Flood Zones 2 and 3 of the application site.
- 4.22 The application is not accompanied by a Sequential Test because it is considered that the dwellings could be readily accommodated within Flood Zone 1, as shown in the layout plan.
- 4.23 In terms of drainage it has been confirmed by the agent that foul drainage would be provided by means of package sewage treatment plants discharging, subject to Environment Agency agreement, to watercourses. Yorkshire Water have been consulted as part of this proposal and state that the supply of water can be provided under the terms of the Water Industry Act 1991. Furthermore Yorkshire Water have noted that a foul drainage to package treatment plant would be used as part of this proposal. In this instance the Environment Agency and the Environmental Health department should be consulted. Selby IDB have been consulted as part of this application and have no objections subject to their consent prior to any commencement. It is noted that the application form submitted states that foul sewage treatment is unknown and that the surface water would be disposed of via an existing water course, which runs between Biggin Lane and the application site area.

- 4.24 Having discussed the means of foul and surface water disposal, the agent has agreed for pre-commencement conditions to be attached. The appeal decision for the outline consent approved in December 2016 stipulated that separate systems of drainage for foul and surface water shall be development. This should be coupled with no piped discharge of surface water from the application site to take place until works for a satisfactory outfall for surface water has been completed. The detail of the works shall be submitted to and approved by the local planning authority prior to the commencement of the development.
- 4.25 In view of the fact that no objection has been received from statutory consultees and that the proposal can be accommodated within Flood Zone 1, the proposed scheme is considered to be acceptable in terms of flood risk and drainage provision, subject to the inclusion of a condition requiring details of foul and surface water drainage as appropriate.
- 4.26 Subject to the aforementioned conditions it is therefore considered that the proposal is acceptable in terms of risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

Impact on Highways

- 4.27 The proposed dwelling would be served from an existing vehicular access from Biggin Lane and would involve the creation of a new access and a new driveway and hardstanding area for turning and parking. Having consulted NYCC Highways they have reviewed the proposal and assessed the application with respect to the impacts on the highway. They have raised no objections subject to conditions for private access/verge crossing this condition is considered to relevant to the proposal and shall be attached to ensure highway safety is achieved.
- 4.28 Having regard to the above, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Residential Amenity

- 4.29 The proposed dwelling would be set a minimum of approximately 25 metres from the existing dwelling at Spring Well House, which is the nearest residential property. There are numerous openings and balconies to the proposed dwelling mainly to the front southern elevation, the rear northern elevation and the side eastern elevation.
- 4.30 There are windows proposed to the side western elevation which would face neighbouring property Spring Well House. However given the established boundary treatments between the two properties coupled with the separation distance of the front projection of the proposed dwelling being approximately 35 metres. It is considered that the proposal would not have any significant adverse impacts on the amenities of the occupiers of the neighbouring residential property.
- 4.31 Having had regard to the design of the dwelling and the established boundary treatment to the west of the site it is considered that the proposed dwelling would not create significant levels of overlooking, overshadowing or oppression to neighbouring property Springwell House. Therefore it is considered that this

proposal is in accordance with Policy ENV1 (1) of the Local Plan and the NPPF.

Impact on Nature Conservation and Protected Species

- 4.32 Having had regard to the location of the site it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation.
- 4.33 However, the proposal is in the open countryside which has an intrinsic value for the character of the area. As such, it is considered that the proposal would accord with Policy ENV1 of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to the impact of the proposal on the open countryside.

Affordable Housing

- 4.34 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for a commuted sum. It is therefore considered that having had regard to Policy SP 9 of the Core Strategy and PPG on balance the application is acceptable without a contribution for affordable housing.

Land Contamination

- 4.35 The application is accompanied by a Contamination Screening Assessment Form which sets out that there is no past or existing contamination issues associated with the site. The report has been assessed by the Council's Contamination Consultant who has raised no objections as it is confirmed that contamination is unlikely to be present. However it is recommended that a planning condition is attached to ensure that in the event of any unexplained contamination found when carrying out the approved development can be dealt with safely. This is a precautionary measure due to the agricultural use of the site.
- 4.36 The proposals, subject to the attached conditions are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Legal Issues

- 4.37 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.38 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 4.39 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.

Financial Issues

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

5.0 CONCLUSION

5.1 The application proposes full consent for residential development comprising for one dwelling which is located within the open countryside. Matters of acknowledged importance such as energy efficiency, renewable considerations, flood risk, drainage, layout, scale, design, impact on residential amenity, impact on the highway network and affordable housing contributions are considered to be acceptable.

5.2 The application site lies outside the defined development limits of Biggin village a secondary village as established in the Core Strategy Local Plan. However there is an extant planning permission reference 2016/0154/OUT for two dwellings permitted by the Planning Inspector in December 2016. As such, the application site benefits from an extant permission for an outline consent for two dwellings so the principle of residential development has been established on this site.

6.0 RECOMMENDATION

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

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

Reason:

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

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

Location Plan	17015-S100	Date: 30.06.2017
Site Plan and Street Scene	17015-P105 Rev A	Date: 20/09/2017
Proposed Garage	17015-P103	Date: 30/06/2017
Proposed Elevations	17015-P101 Rev D	Date: 20/09/2017
Proposed Floor Plans	17015-P100 Rev E	Date: 20/09/2017
Proposed Roof Plan	17015-P102	Date: 20/09/2017

Reason:

For the avoidance of doubt.

03. Prior to the commencement of development, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

04. Prior to commencement no piped discharge of surface water from the application site shall take place until works are provided to a satisfactory outfall for surface water has been completed in accordance with details to be submitted to and approved by the local planning authority

Reason:

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

INFORMATIVE

Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board. For further guidance pre-application advice and consent visit www.shiregroup-idbs.gov.uk and select Selby IDB

05. In the event that unexpected contamination is found at any time when carrying out the approved development 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 any potential 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. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- a. The existing access shall be improved with 6 metre radius kerbs, to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6d
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Policy ENV 1, T1 and T2 of the Selby District Local Plan

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.

07. 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 garages or any other structures shall be erected within the area outlined in blue on drawing number 17015-S100 and drawing number 17015-P104 Rev A without the permission of the local planning authority.

Reason:

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

Contact Officer: Diane Wilson Case Officer

Appendices: None

This page is
intentionally
blank

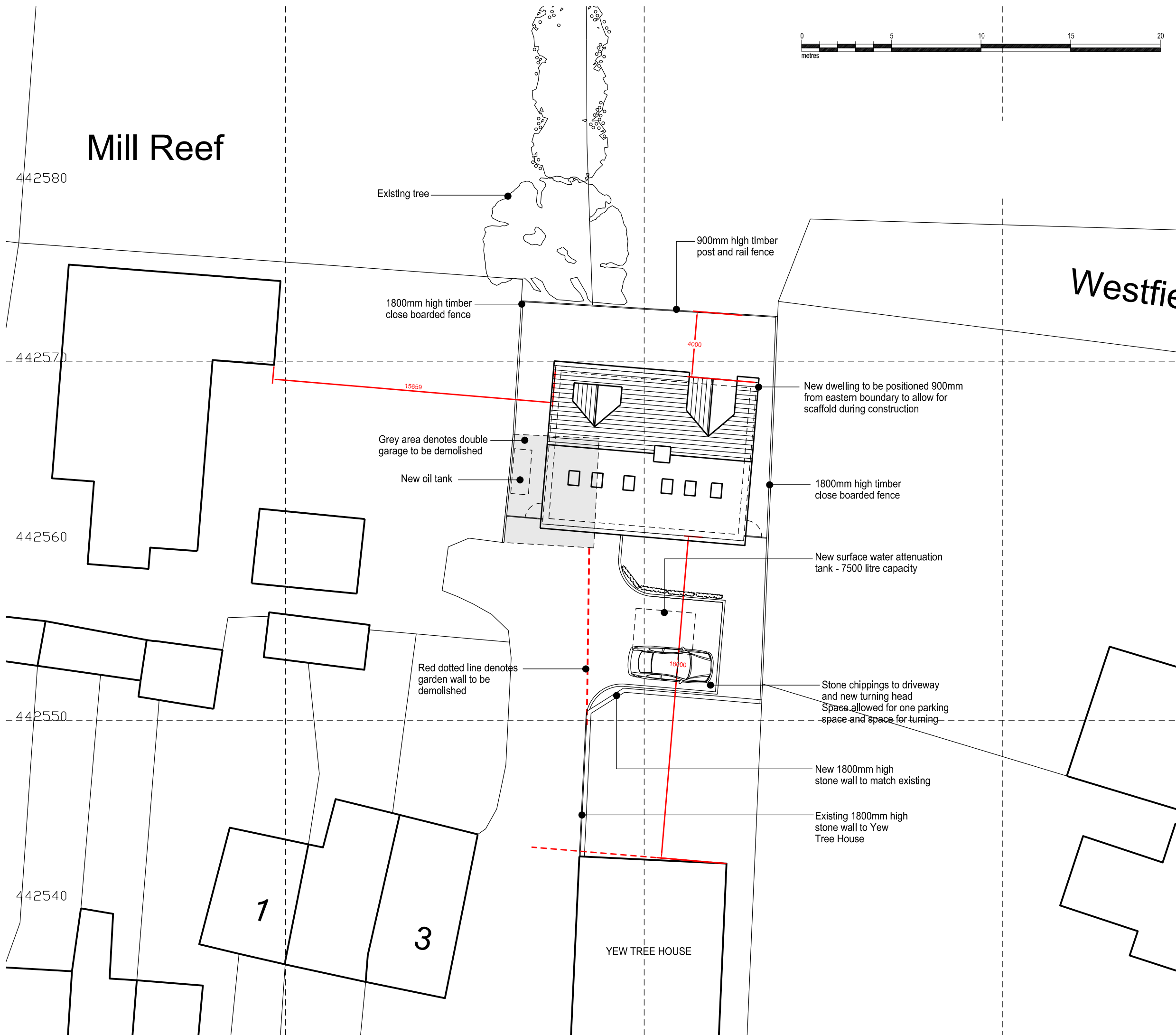


APPLICATION SITE

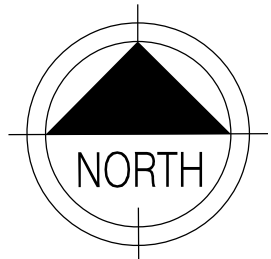
Item No: 2017/0348/FUL

Address: Yew Tree House, Chapel Green, Appleton Roebuck

This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656



JB : Architectural to be notified of any discrepancies. Contractors must check all dimensions on site. This drawing is copyright and is for use on this project only. This drawing is to be used solely for the information as titled. For other information refer to the latest revision of any cross referenced drawings.



RECEIVED		
31.03.2017		
BUSINESS SUPPORT		

rev	date	description
amendments		

STATUS **PLANNING**


CLIENT
Mr & Mrs S Carter

PROJECT
New house to rear of Yew Tree House Appletone Roebuck

DRAWING TITLE
PROPOSED SITE PLAN

job no. 5236	drawing no. P 201	revision
date Mar '17	scale 1:200	sheet A3

JB : Architectural
 3 Abbey Lane
 Healaugh
 Tadcaster
 LS24 8DF
 T: +44 (0)7884 232935
 E: info@jbarchitectural.co.uk
 www.jbarchitectural.co.uk



To: Planning Committee
Date: 11th October 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0348/FUL	PARISH:	Appleton Roebuck Council
APPLICANT:	Mrs E Carter	VALID DATE:	12th April 2017
		EXPIRY DATE:	7th June 2017
PROPOSAL:	Proposed erection of a dormer bungalow		
LOCATION:	Yew Tree House Chapel Green Appleton Roebuck York North Yorkshire YO23 7DP		
RECOMMENDATION	APPROVE		

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.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The development site is to the rear of Yew Tree House, Chapel Green, Appleton Roebuck and is used as garden for the same property. Yew Tree House is on the northern fringes of the village set back from Chapel Green and lies within the Appleton Roebuck Conservation Area. The property, along with other residential dwellings is served by an unmade access road leading past the village pub. There is a shared vehicular access to the west side of Yew Tree House serving Mill Reef and the garage of Yew Tree House.

1.2 The Proposal

1.2.1 The application is a resubmission of the previously refused scheme for the erection of a 3 bedroom dwelling, with parking for 2 cars within the rear garden of Yew Tree House, Chapel Green, Appleton Roebuck.

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 application (reference CO/2003/0233) for the proposed erection of a detached dormer bungalow with detached single garage on land to the rear of Chapel Green, Appleton Roebuck, was permitted (allowed on appeal ref APP/N2739/A/03/1132776) on 23.02.2004. This has now been constructed and forms the dwelling to the rear known as Mill Reef.

1.3.3 An application (reference 2015/1186/FUL) for the erection of a 3 bedroom detached dormer bungalow following the demolition of a detached garage and stone garden wall was refused by Selby District Council on 13.07.2016 for the following reasons;

- The proposed scheme provides insufficient information on drainage. Insufficient information has been submitted to show that soakaways would provide sufficient drainage for the proposed development. The proposed scheme provides insufficient information to show where the drainage tanks or soakaways are located without harming the oak tree. The proposed scheme therefore fails to accord with Policies SP15 and SP16 of the Core Strategy Local Plan and paragraph 95 of the NPPF.
- The proposed dwelling, due to its proximity to the oak tree would have a detrimental impact on the proposed dwelling causing damage to both the proposed dwelling and the oak tree's roots. The proposed scheme therefore fails to accord with policy ENV 1 (5) of the Selby District Local Plan.
- The proposed development as a result of its scale, design and location would have a harmful impact on the living conditions for the occupants of 3 Chapel Green and Yew Tree House in terms of overlooking, overshadowing and an overbearing effect. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.
- The proposed scheme fails to provide sufficient amenity space for the size of the proposed dwelling resulting in a cramped form of development. The proposed scheme therefore fails to accord with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 policy of the Selby District Core Strategy Local Plan.

It was subsequently dismissed on appeal ref APP/N2739/W/16/3158300 on 16th January 2017.

The Inspector considered that the dwelling itself would preserve the character and appearance of Appleton Roebuck Conservation Area and would not have an unacceptable impact on the living conditions of either existing or future occupiers of the proposed dwelling. However the Inspector remained concerned that the evidence submitted in terms of the drainage was insufficient and therefore dismissed the appeal.

2.0 CONSULTATION AND PUBLICITY

The application has been advertised by site notice, advertisement in the local newspaper and neighbour notification.

2.1 Parish Council

Notwithstanding the Planning Inspectors report, object to the above application on the following grounds:

- The footprint of the proposed development is too large representing over development of the site, and represents infill which is contrary to the NDP, The Inspectors findings being pre submission of the NDP;
- There are concerns regarding the resulting vehicle parking provisions, as parking and congestion in the village is becoming a serious problem, and access in this area is congested already with poor access for emergency vehicles. The Inspector did not consider Highways issues, as he had refused the appeal on other grounds;
- In view of the Ainsty IDB report, there are still concerns regarding the resulting capacity for surface water drainage.

2.2 Ainsty (2008) Internal Drainage Board

The Board has no objections to the principle of this development providing that the local planning authority can be satisfied with the design and technical aspects for the drainage arrangements in particular that low flow discharges can be maintained and not prone to blockages.

2.3 NYCC Highways Canal Rd

There are no local highway authority objections to the proposed development.

2.4 Planning Yorkshire Water Services Ltd

No objection in principle to the proposed works from the information supplied, no further comments are required from Yorkshire Water.

2.5 HER Officer

Recommendations are made for a condition to be imposed for archaeological recording with a watching brief during the excavation and detailed records to be made.

2.6 Neighbour Comments

Publicity

The application was advertised by site notice, advertisement in the local newspaper and neighbour notification 10 objectors. Several objectors have made a large

number of representations which reiterate the same concerns, therefore where comments have been duplicated they have only be listed below once.

- Concerns over the medieval drainage found leading to a Manor House from the lost chapel
- Overdevelopment cramped in size and nearby to other houses
- Access concerns to the property and parking arrangements
- The drainage tank underneath the proposed parking would compromise the water tank
- The width of the drive is too narrow to accommodate new occupants
- Proposal is contrary to the Appleton Roebuck Neighbourhood Plan
- Proposed damage to the oak tree
- No assurance that the drainage details would work
- Drainage solution would cause disruption to Chapel Green
- Covenant on site for parking restrictions
- Concerns over habitats and ecology
- The Appleton Roebuck Conservation Area would not be preserved
- Impact on Residential Amenity
- Proposal is not in accordance with the Development Plan
- Impact on the Heritage Asset
- Reference is made to the recent Supreme Court decision and the meaning and application of the term “policies for the supply of housing”

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The site lies within the Appleton Roebuck Conservation Area.
- 3.2 The site is within Flood zone 1 which is a low probability of flooding.
- 3.3 The site lies within the development limits of Appleton Roebuck.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "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". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework (“NPPF”) and it is intended that the two documents should be read together.
- 3.4 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.

Selby District Core Strategy Local Plan

3.5 The relevant Core Strategy are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, 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)".

3.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
ENV25 - Development in Conservation Areas
T1 - Development in Relation to Highway
T2 - Access to Roads

Other relevant documents are:
Appleton Roebuck Neighbourhood Plan
Appleton Roebuck Village Design Statement

4.0 APPRAISAL

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

- Principle of development
- Impact on the Character and Form of the Locality include Heritage Assets

- Residential amenity
- Highways
- Flood risk, drainage,
- Protection of trees
- Nature conservation
- Archaeological
- Affordable housing
- Contamination
- Neighbourhood Plan
- Other Matters

Principle of development

- 4.2 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.
- 4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 4.4 The application site is situated within the defined development limits of Appleton Roebuck which is a Designated Service Village. Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Further, the policy states "Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4".
- 4.5 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits".

In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages -

"Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."

- 4.6 The proposal is considered to fall within one of the types of development identified within SP4 (a) of the Core Strategy and is therefore acceptable in principle. In respect to the above, it is noted that Policy SP4 (c) of the Core Strategy states "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available.
- 4.7 The comments made by the objectors in relation to the greenfield status of the application site are noted but as stated above Policy SP4 allows "appropriate scale

development on greenfield land (including garden land)” and therefore this does not, in itself, provide a reason for refusal.

- 4.8 However, proposals that are acceptable in principle, are still required to meet criteria (c) and (d) of Policy SP4. The next section of the report will look at the Policy requirements of SP4(c) and (d) and other impacts of the proposal.

Impact on Character and form of the locality including Heritage Assets

- 4.9 The site is located within Appleton Roebuck Conservation Area and therefore forms part of a Designated Heritage Asset. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 4.10 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200. NPPF, paragraph 56, states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Relevant policies within the NPPF, which relate to Designated Heritage Assets include paragraphs 128, 129, 130, 131, 132, 133 and 134.

- 4.11 The Planning Inspector in the appeal decision concludes that:

“the development would not be prominent from publicly accessible locations”.. and the location of the development behind the row of housing along Chapel Green would not visibly affect the pattern of development around the green or its importance to the character of the Appleton Roebuck Conservation Area (ARCA)”.....

“Therefore I see no harm to the character, appearance or significance of the ARCA resulting from the scale or siting of the development”.

- 4.12 Therefore the same conclusions must be drawn on this re-submission. For these same reasons it is considered that the proposal would have a neutral effect to the character, appearance and significance of the conservation area. The neighbour objections received in relation to the scale and design and over-development of the site, and its impact on the character and appearance of the area, and insufficient information being submitted for a heritage assessment are noted. However, these do not override the Inspectors conclusion on this matter as described above.

- 4.13 It is considered that the proposals result in an appropriate design, and subject to the attached conditions would be of a form and character that is appropriate to the context in accordance with, Policies SP4(c), SP18 and SP19 of the Core Strategy, Policy ENV1(1) and (4) of the Local Plan and having had regard to paragraphs 56, 60, 61, 65 128, 129, 130, 131, 132, 133 and 134 and 200 of the NPPF.

Residential Amenity

- 4.14 The scheme submitted is the same as the one previously refused and dismissed on appeal. The proposed drawings have not changed following the accepted amended plans submitted on the previous application reference 2015/1185/FUL.

- 4.15 The neighbour comments are noted however following the appeal of the application under reference APP/N2739/W/16/3158300 the Planning Inspector concluded that *“the outlook from Mill Reef would change, and there would be a sufficient gap between the dwellings to ensure there would not be an unacceptable overbearing impact”* it continues with.. *“the house would not be so tall or imposing from this angle to cause material harm to living conditions”*.
- 4.16 In terms of overshadowing the Planning Inspector acknowledged that the dwelling would cast a shadow into the gardens of Mill Reef and Westfield House at certain times of the day. In terms of Mill Reef this would be during the morning and in the afternoon for Westfield House. The Inspector concluded that the gardens are unlikely to be subject to such extensive overshadowing, either in terms of timescale or coverage to materially diminish the enjoyment of the space, and that there would be long periods of the day where the dwelling would not have any effect at all.
- 4.17 Neighbour comments have been noted that there is a lack of amenity space for the living conditions of the occupants of the new dwelling. A good standard of amenity is a core planning principle, under paragraph 17 of the National Planning Policy Framework. The amenity space provided to the dwelling is still considered as acceptable, and at the time of the appeal the Planning Inspector did not consider the amount of amenity space provided would lead to an unacceptable standard of space for future occupants. The Inspector concluded that;

“Whilst I recognise that the current outlook and environment would be subject to a degree of change, this does not necessarily equate to harm. In my view, the development would not have an unacceptable impact on outlook, overshadowing or privacy”

The Inspector also concluded that the scheme would provide a satisfactory standard of living for the future occupants.

- 4.18 The comments from nearby residents are highlighted in paragraph 1.5. It is noted that neighbours have raised concerns with regard to the overlooking, overshadowing overbearing impacts, separation distance, boundary treatments. However these do not override the Inspector’s conclusion on this matter.
- 4.19 Therefore 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 and the NPPF. However, in order to ensure that amenity is not significantly harmed in the future it is recommended that a condition is attached to any permission granted for the removal of permitted development rights.

Highways

- 4.20 The road leading to the application site area allows access to a number of properties and a public house. The driveway to the application site area also serves Mill Reef and Yew Tree House. It is proposed that the double garage would be demolished as part of the proposal in order to make provision for the detached dwelling.

- 4.21 Notwithstanding the status of the private road, in terms of parking provision, the application affords two parking spaces for the dwelling which include an integral garage and a parking space to the front of the property.
- 4.22 The previous planning application was subject to scrutiny at Planning Committee on the 13th July 2016. The previous scheme was considered to be acceptable for access and parking as North Yorkshire Highways had no objection to the proposal.
- 4.23 Notwithstanding the concerns raised by Members of Planning Committee and the objections received by neighbours under the previous scheme it was considered that insufficient parking arrangements was not a robust reason for refusal and would have resulted in costs at appeal.
- 4.24 Neighbour objections have reiterated the same objections in terms of parking, access and egress for this application. However, North Yorkshire Highways have again raised no objection to the proposal in regards to highways.
- 4.25 The concerns raised are noted however given there is no change to the parking, access and egress arrangements to this planning application, and given that the parking standards conform with the parking provision of North Yorkshire County Highways *Interim Guidance on Transport Issues including Parking Standards and advice of Transport Assessments and Travel Plans 2015*. The parking provision is considered to be acceptable.
- 4.26 Comments have been received by neighbours stating that a Deed of Covenant is in place to which the applicants are aware. The neighbour states that the applicant does not have rights of access over a portion of the land in front of Yew Tree House to park their vehicles; this also affects the southern end of the driveway in question. These points are noted however Deed of Covenants and land ownership are considered to be private matter and not a material planning consideration. Therefore little weight can be afforded to these comments received.
- 4.27 Therefore having had regard to the above and that the Highways Officer has raised no objections to the proposal it is considered that the proposal 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.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.28 The previous scheme presented to Planning Committee on the 13th July 2016 was considered to be acceptable subject to conditions for drainage with the use of a soakaway being to the rear of Yew Tree House, and in close proximity to the Oak Tree. However at the time Members reiterated neighbours objections stating that there would be no workable solution to drainage given the proposed scheme could harm the roots of the Oak tree in the adjacent field. These concerns resulted in one of the reasons for refusal by Members on the 13th July 2016.

- 4.29 At appeal the Planning Inspector recognised that the Internal Drainage Board did not object to the development subject to conditions. However the Inspector acknowledged that here was nothing to suggest in their response that they took the root protection area of the Oak tree into account when coming to their conclusion. The Inspector questioned the workable solution around the tree and concluded there was insufficient evidence as to whether arrangements for disposing of surface water could be achieved. These considerations made by the Planning Inspector led to the appeal being dismissed on the 16th January 2017.
- 4.30 Following on from the comments received by the Inspector a new drainage strategy has been submitted with this application. The information submitted has identified a drain within the site which slopes to the south to a low point adjacent to Yew Tree House which is served by a downpipe and drainage grate which connects to Yorkshire Water Infrastructure.
- 4.31 The applicant has submitted details to show how Micro Drainage calculations have informed the size of the proposed attenuation tank, to be used with the attenuation tank being served by a pump to regulate flow. The agent considers that the tank has adequate capacity for the 1:30 year return period plus climate change allowance. The revised application now includes a proposed tank under the driveway to attenuate the site by storing water and releasing it into a system at an agreed runoff.
- 4.32 Ainsty IDB were re-consulted following receipt of additional information. They noted that the information provided confirms the presence of an existing water connection between the site and the watercourse. The information also confirms a rate of discharge from the site in line with the Board's recommendations for a Greenfield site with the maximum rate of discharge from the development and how this can be delivered.
- 4.33 Therefore the Board have raised no objections to the application. However they indicate that the planning authority would need to be satisfied that the design and technical aspects of the drainage arrangements can be maintained. In terms of the comments raised by the by the IDB with regard to soakaways being suitably managed are noted. It is considered necessary for a condition to be imposed for a detailed maintenance programme to be agreed in writing to ensure the drainage system functions properly and is maintained and regularly checked to keep it functioning properly. This would be in accordance with the SuDs Manual 2015.
- 4.34 Neighbour objections have been received in relation to the drainage details submitted and questions have been raised in regards to the ability of the attenuation tank and its location under the parking area of the proposed dwelling.
- 4.35 The comments received by neighbours are noted with respect that there is no assurance that the drainage details would work. However it is considered that the level of detail submitted to the local planning authority, by way of documents provide sufficient detailed information in terms of the chamber size, capacity, tank material, a control panel, and pump type is acceptable.
- 4.36 The attenuation tank would be located within the car parking area; neighbour objections have been received raising concern with regard to the function of the tank being in this location. The agent has submitted additional information which

provides details of showing the capacity for trafficked cars, and capacity for trafficked HGV's up to 44,000kg. Therefore notwithstanding the concerns raised by neighbours with regard to the tank being fit for purpose it is considered that the proposed tank would be acceptable in terms its layout, design and detail.

- 4.37 Having regard to all of the above and notwithstanding the objections made by the neighbours. It is considered that the applicant can demonstrate that surface water run off can be achieved, and that through a condition would be a safeguard to ensure it is maintained and not subject to future blockages.
- 4.38 The IDB also notes that the applicant proposes to use the surface water drainage system owned by Yorkshire Water which would be directed into an Environment Agency watercourse to the south east of the village. The Environment Agency and Yorkshire Water have been consulted as part of this application and at the time of writing the report no comments have been received from the Environment Agency. Should any further comments be received then Members shall be notified in an officer update. Yorkshire Water have no objections in principle to the proposed separate systems on and off site, the anticipated amount of domestic foul water to be discharged to the public sewer, the proposed amount of curtilage surface water to be discharged to the surface water nor the points of discharge of foul and surface water to the respected public sewers as submitted on drawing number P208 dated 7th May 2017.
- 4.39 The application site is located in Flood Zone 1 which is at low probability of flooding, neighbours have raised objections with regard flooding stating that there are areas of standing water along the un-adopted highway bounding Chapel Green, and in the neighbouring garden of Westfield house. Notwithstanding the standing water which may occur from time to time the area remains within the Flood Zone 1 and therefore in terms of flood risk the proposal is considered to be acceptable.
- 4.40 On balance and taking into account comments received, it is considered that the all matters relating to drainage, the drainage proposals submitted would be acceptable with conditions attached to any permission granted. The proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF.

Impact on Trees

- 4.41 The application site does not include any trees which are protected by a Tree Preservation Order. However the application site is located within the Appleton Roebuck Conservation Area and the trees within the site are afforded controls until the controls of this designation.
- 4.42 This application was refused at Planning Committee on the 12th July 2016. Concern was raised by Members with regard to the root protection area of the Oak tree which bound the site area, this concern lead to one of the reasons for refusal.
- 4.43 Following the appeal decision the Planning Inspector accepted that the development would extend over the root protection area system proposed. However the Inspector concludes that *“while pruning of the tree would continue there is insufficient evidence to conclude that there would be any undue risk to the long term health of the tree by reason of its proximity to the dwelling or proposed foundation system”*.

- 4.44 Neighbour comments have been received in relation to an Oak Tree, with regard to the root protection area of the tree. Notwithstanding the comments received the Planning Inspector dismissed these claims within the appeal decision, therefore it is considered that the amenity and longevity of the tree would be retained.
- 4.45 Having regard to the above it is considered that the proposal is acceptable with appropriate conditions and that the proposal is in accordance with Policy ENV1 (5) of the Local Plan and Policy SP19 (e) of the Core Strategy.

Nature Conservation and Protected Species

- 4.46 With respect to the nature conservation of the area it is noted that the site is not a protected site for nature conservation nor is it known to support any protected species, or any species or habitat of conservation importance, however an Ecology survey has been submitted with the application.
- 4.47 The previous submission raised concerns with regard to nature conservation and the Yorkshire Wildlife Trust were consulted but no response was received during the statutory notice period given. Neighbour objections have been raised stating that no ecology report has been submitted with this application.
- 4.48 Natural England were previously consulted regarding the proposals, but had no comments to make in relation to this application.
- 4.49 An ecology study had been submitted as part of the original proposal. In terms of the presence of Great Crested Newts (GCN) a desk top review of maps and aerial imagery identified no water bodies within 250m of development. A number of ponds were potentially present within 500m radius of the development but these ponds were considered to be sufficient distance from the small development so as to not require further survey.
- 4.50 It was concluded that the development would result in the loss of a small area of mainly amenity grassland and garden habitats that are of relatively low value to GCN compared with the available, surrounding higher value terrestrial habitats, which are also prevalent around the potential waterbodies. The previously it was concluded that the loss of the small area of garden due to the development is considered to be negligible importance to any local population of great crested newts.
- 4.51 A further assessment had been previously submitted in terms of bats. The Bat Roost Assessment as part of the ecology report noted the large oak tree situated to the rear of the property.
- 4.52 The previous Committee Report concluded that the construction of the development would have a negligible impact on the foraging resource of local bat populations and any disturbance to foraging bats would be of low magnitude and short duration. The construction of the development is highly unlikely to affect the favourable conservation status of local bat populations and the risk of legal offence due to the disturbance of a European Protected Species is considered to be highly unlikely.
- 4.53 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with

Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the policy framework contained within the NPPF.

Archaeological Remains

- 4.54 North Yorkshire Archaeology has been consulted as part of this application and concluded that the location of the proposed development is within part of the village that has the potential for medieval origins with properties surrounding a green. The proposed development is positioned well back in the plot and is unlikely to disturb structural evidence such as medieval buildings which are normally positioned hard against the village green.
- 4.55 They further state that the existing garage would have reduced the significance of any archaeological deposits in that part of the site. However there could be the potential of any ground disturbance associated with the proposed building may reveal deposits such as gullies, ditches, pits and stray finds of the period. The Archaeology Officer concludes that although these sorts of deposits are of interest they are not of such significance as to preclude development.
- 4.56 Therefore the Archaeology Officer considered that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. Therefore a condition shall be attached for an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.
- 4.57 The proposals are therefore considered acceptable with conditions attached in the paragraph below with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

Affordable Housing

- 4.59 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for a commuted sum. It is therefore considered that having had regard to Policy SP 9 of the Core Strategy and PPG on balance the application is acceptable without a contribution for affordable housing

Contamination

- 4.60 The application is accompanied by a Contamination Screening Assessment Form which sets out that there is no past or existing contamination issues associated with the site. The report has been assessed by the Council's Contamination Consultant who has raised no objections subject to conditions these would include a watching brief is carried out during development, whereby in the event of the discovery of evidence of contamination, works should be halted to allow for further investigation. This is a precautionary measure due to the agricultural use of the site.
- 4.61 The proposals, subject to the attached conditions are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Neighbourhood Plan

- 4.62 The “Appleton Roebuck and Acaster Selby Neighbourhood Development Plan” (AR&AS NDP) was subject to a pre-submission consultation between 6th June 2016 and the 24th July 2016 and the “Publication Consultation” which closed on the 15th February 2017.
- 4.63 Following an independent examination the Council are now in receipt of the Examiner’s Final Report on the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan 2017-2027. The Examiner has recommended modifying a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. The Council is (at the time of writing) considering whether to put the modified plan to referendum. If the plan progresses to Referendum polling day is proposed for Thursday 9 November 2017.
- 4.64 NPPG Neighbourhood Planning paragraph 7 states that:
- “An emerging neighbourhood plan may be a material consideration factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what a material consideration is and what weight to give it.” (NPPG Neighbourhood Planning para 07)
- 4.65 By Section 1 of the Neighbourhood Planning Act 2017 the law as in force from 19th July 2017 is that there is a duty to have regard to a post examination neighbourhood plan.
- 4.66 Significant weight should be attached to the AR&AS NDP in considering applications for development given the plan is a post examination plan. However account also needs to be taken of the proposed modifications, the fact that a decision has not yet been made to put the plan to referendum and the fact that the referendum has not yet taken place.
- 4.67 The relevant policies to this application within the AR&AS NDP includes H1 New Housing Development Design and Scale, Policy H3 car parking, Policy DBE 4 Drainage and Flood Prevention and Policy ELH 4 Historic Rural Environment.
- 4.67 This application is for a resubmission of a previously refused application for a 3 bedroom detached dwelling within the defined development limits of Appleton Roebuck. Relevant consultations have confirmed no objections to the scheme with particular regard to drainage and parking. The application is for a small scale development which would integrate with the immediate neighbours, and as such the design and landscaping of the overall development is therefore acceptable within the characteristics of the area. In terms of Policy H3 it is considered that the proposed car parking arrangements are acceptable given the proposal would provide adequate and readily accessible on-site parking. In the conclusion of the recent appeal decision the Planning Inspector found the dwelling itself would preserve the character and appearance of the Appleton Roebuck Conservation Area and the proposal would not have an unacceptable impact on the living

conditions of either existing or future occupants. Officers therefore consider that the scheme is appropriate and conforms with Policies H1, H3, DBE 4 and ELH4.

Other Matters

- 4.69 Objections have been made referring to the Appleton Roebuck and Acaster Selby Neighbourhood Plan (AR&AS NP). The comments have been noted and this section has been covered under paragraph 4.62 Neighbourhood Plan.

Legal Issues

- 4.70 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.71 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 4.72 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.

Financial Issues

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

5.0 CONCLUSION

- 5.1 The application seeks planning permission for the erection of dormer bungalow on land to the rear of Yew Tree House. The application site is located within defined development limits of Appleton Roebuck. The proposals are considered to be acceptable in respect of the impact upon residential amenity, character and form of the conservation area and locality, flood risk, highways, drainage and climate change, protected species, archaeology and contamination in accordance with local and national policy.

6.0 RECOMMENDATION

- 6.1 This planning application is recommended to be APPROVED subject to conditions detailed below.**

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

Reason:

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

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

- LOC - Location Plan P200
- LAY - Planning Layout P201
- PROP - Proposed Plans P202
- ELPR - Elevations as Proposed P203
- ELPR - Elevations as Proposed P204
- TECH - Technical Specifications P205
- LND – Landscaping P206
- DRAIN – Drainage Plan P208

Reason:

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

03 Prior to the commencement of development details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby 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 the Selby District Local Plan.

04. Prior to the commencement of development details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and shall be implanted in accordance with the approved scheme.

Reason:

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

05. The development shall be implemented in full accordance with the approved scheme drainage submitted to the local planning authority on the 18th July 2018 by Arcus Consulting any other drainage detail shall be agreed in writing by the Local Planning Authority.

Reason:

In the interest of satisfactory and sustainable drainage and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

06. Before the development is occupied, details shall be submitted for the written approval of the LPA for a maintenance and management schedule indicating the method and frequency in which the drainage system shall be inspected and maintained to ensure it remains in good operational order. Thereafter the approved details shall be adhered to for the lifetime of the development

Reason:

In the interest of satisfactory and sustainable drainage and in accordance with Policies SP15, SP16 and SP19 of the Core Strategy.

07. The development shall be implemented in full accordance with the approved Tree Root Protection method by Abbey Pynford Foundation Systems submitted to the local planning authority on the 10th 3rd March 2016 any other detail shall be agreed in writing by the Local Planning Authority.

Reason:

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

08. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected without the prior written consent of the Local Planning Authority other than the boundary details agreed as part of condition 3.

Reason:

In order to retain the character of the site in the interest of visual amenity, having had regard to Policy ENV1.

09. 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.

10. No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

11. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 10.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

12. The development shall not be occupied until the site investigation and post Investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 08 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

13. The boundary wall between the proposed development and Yew Tree House shall measure 2 metres in height.

Reason:

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

14. Prior to development commencing a tree protection scheme with respect to the Oak tree to the immediate north western boundary and overhanging the site shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the scheme shall be fully implemented and shall be in place until the construction phase of the development has ceased.

Reason:

In the interests of tree protection and the visual amenity and character of the locality in accordance with Selby District Local Plan policy ENV1 and the NPPF.

15. In order to protected the Oak tree which bounds the application site to the north western boundary development shall confirm with the Abbey Pynford Foundation System within the arboricultural report submitted to the local planning authority on the 22nd October 2015.

Reason:

In the interests of tree protection and the visual amenity and character of the locality in accordance with Selby District Local Plan policy ENV1 and the NPPF.

Contact Officer: Diane Wilson Case Officer

Appendices: None



APPLICATION SITE

Item No: 2017/0229/FUL

Address: Oakwood Lodges, Oakwood Park, Market Weighton Road W, North Duffield

This map has been reproduced from the Ordnance Survey mapping with the permission of Her Majesty's stationary office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Selby District Council: 100018656

BUSINESS SUPPORT
29 MAR 2017
RECEIVED



7.1m

Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
27/03/2017 17:44:03

SCALE 1:500

RECEIVED
21.04.2017
BUSINESS SUPPORT

OAKWOOD LOOSES, MARKET WEIGHTON ROAD, NORTH DUFFIELD YO8 5DB

2017/0229/FUL

SITE LAYOUT PLAN

02



Report Reference Number: 2017/0229/FUL (8/17/37F/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 11th October 2017
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0229/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Oakwood Lodges	VALID DATE:	21st April 2017
		EXPIRY DATE:	21st July 2017
PROPOSAL:	Section 73 to vary conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for the erection of fourteen holiday cabins, community building and associated works.		
LOCATION:	Oakwood Lodges Oakwood Park Market Weighton Road North Duffield Selby North Yorkshire YO8 5DB		
RECOMMENDATION	APPROVE		

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

1. Introduction and background

1.1 The Site

1.1.1 The application site comprises an established holiday cabin site which has 10 cabins with associated parking. The area is predominately open with arable fields surrounding the site.

1.1.2 Vehicular access is currently taken from the A163 via a long narrow track and Greengate Lane lies to the west of the site.

1.2 The proposal

1.2.1 The application is submitted as a Section 73 application to remove conditions attached to a planning approval. Application reference 2006/1531/FUL was

permitted in February 2007 for the erection of fourteen holiday cabins, community building and associated works.

- 1.2.2 The proposal seeks to remove conditions that relate to access to the site and these include conditions 5, 10 and 17.

1.3 Planning History

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

- 1.3.1 Application reference 2006/0390/FUL (Refused - 19.06.2006) Erection of fourteen holiday cabins, community building and associated works.
- 1.3.2 Application reference 2006/1531/FUL (Permitted - 02.02.2007) Resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works.
- 1.3.3 Application reference 2008/0558/FUL (Undetermined) - Erection of 6 No holiday cabins with an ancillary parking and landscaping.
- 1.3.4 Application reference 2017/0233/HPA at no. 1 Waterside Cottage (Pending Consideration) Proposed erection of 2 storey rear extension to include swimming pool to ground floor and bedroom with ensuite to first floor at no. 1 Waterside Lodge.

2.0 Consultation and Publicity

The application has been publicised by Site Notice and neighbour notification letters and the Parish Council notified.

Four objections have been received.

- Proposed access inappropriate and dangerous,
- Overdevelopment of the site,
- Access contrary to Policies T1 and T2 of SDLP,
- This access was refused in a 2006 application, what has changed since then,
- Discrepancies with the proposed sightlines,
- Not consulted on the application,
- Why can't the existing access via Market Weighton Road continue to be used, what has changed?

- 2.1 **Parish Council**
Support the application.

- 2.2 **NYCC Highways**
No objections subject to conditions to secure private access/verge crossings works, visibility splays and passing places on Greengate Road, north of the proposed access.

3.0 Site Constraints and Policy Context

- 3.1 The site is located outside defined development limits on land in the open countryside. The site is accessed off the A163 Market Weighton Road via a long private track.

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

- 3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "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". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.3 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.

Selby District Core Strategy Local Plan

- 3.4 The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP15:	Sustainable Development and Climate Change
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

Selby District Local Plan

- 3.5 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, 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)".
- 3.6 The relevant Selby District Local Plan Policies are:
- | | |
|-------|--|
| ENV1: | Control of Development |
| T1: | Development in Relation to the Highway Network |

4.0 APPRAISAL

4.1.1 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."

4.1.2 As such the only consideration of this application is in relation to the conditions to be varied/removed which includes condition 5 (access), 10 (access) and 17 (access) of planning permission 2006/1531/FUL which was for the erection of fourteen holiday cabins, community building and associated works.

4.1.3 Therefore key to the determination of this application is whether a new planning consent for the development with the proposed removal/variation of the conditions would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if the conditions are retained in the present form.

4.1.4 There have been no significant changes to local or national planning policy with regards to this proposal. The matter of principle of development is not related to this S73 application which seeks to change the conditions. The primary issue for consideration is the effect the proposed new access on to Greengate Lane would have on the highway and this is considered further below.

4.2 Background

4.2.1 A planning application was refused in September 2006 (2006/0390/FUL) for erection of 14 holiday cabins, community building and associated works. One of the reasons noted for refusal was:

It is considered that the proposed access to this particular site along Greengate Lane is unsuitable to cater for additional use by vehicles as Greengate Lane is an unclassified country lane which is generally only a single track width and is without the benefit of street lighting, pedestrian provision and surface water drainage facilities, to the detriment to highway safety, contrary to Policy T2 of the Adopted Selby District Local Plan.

4.2.2 NYCC Highways comments on the 2006 application mirrors the reason for refusal. *The access to this particular site will be along Greengate Lane an unclassified country lane which is generally only of a single track width and is without the benefit*

of street lighting, pedestrian provision and surface water drainage facilities and is therefore, unsuitable to cater for additional use by vehicles.

4.2.3 A resubmission planning application was approved in February 2007 for erection of 14 holiday cabins, community building and associated works. NYCC Highways advised that due to the repositioning of the access (taken from Market Weighton Road), there were no objections subject to conditions.

4.3 Highways

4.3.1 NYCC Highways have commented on the application and raise no objection to a new access to the site taken from Greengate Lane. The Highways Officer advises that he is aware of previous Highways objection to the holiday cabin applications and notes that these were based on the width of Greengate Lane and lack of passing places for vehicles and not against a new access.

4.3.2 The reason for refusal of the 2006 application does state that the lane was unsuitable to cater for additional use by vehicles as Greengate Lane is an unclassified country lane which is generally only a single track width.

4.3.3 The Highways Officer has advised that the applicant has agreed to fund the proposed 4no. passing places located north of the proposed access and these can be secured by condition which has been recommended by the Officer.

4.3.4 Furthermore the Highways Officer has advised that he could not justify a reason for refusal when passing places would be constructed to compensate for the width of the lane.

4.3.5 The site currently has 10no. holiday cabins and the applicant has provided information on current trip rates. The applicant states that Mondays and Fridays are the two changeover days each week and the applicant would maintain the existing refuse area and waste vehicles would continue to use the access taken from A163. A fence is proposed to prevent vehicular access from the site to this refuse area but permit pedestrians to leave waste bins for collection.

4.3.6 The Highways Officer also advises that a speed survey has been submitted and was accepted to allow a reduction in the distance down Greengate Lane to 160m.

4.3.7 It is therefore considered based on the Highways Officer advice and comments that the proposed new access with provision of 4no. passing places funded by the applicant would overcome previous Highway concerns that related to the width of Greengate Lane.

4.3.8 As such, the proposed changes to the conditions are acceptable and would be in accordance with Policy T1 of Selby District Local Plan.

4.3.9 Condition 5 is recommended to be removed.

4.3.10 Condition 10 is to be recommended to be varied to read: *There shall be no means of vehicular access to or from the application site other than from Greengate Lane unless otherwise approved in writing by the Local Planning Authority.*

4.3.11 Condition 17 is recommended to be varied as it is a prior to commencement condition and should read: *The access road from the A163 shall be retained and maintained throughout the lifetime of the development.* As this access would still serve waste vehicles it is necessary to retain part of this condition.

4.4 Trees and Landscaping

4.4.1 The formation of the access would involve the removal of a section of the screening on Greengate Lane which includes an oak tree and hedges. The lane has open aspects, but is predominately hedgerows with sporadic tree planting. The removal of a small section of planting is not considered to raise adverse visual harm as a result. The established northern and southern perimeter of the site would remain in situ with dense planting.

4.5 Nature Conservation and Protected Species

4.5.1 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.

4.5.2 There are two ponds located on the site which may have the potential for Great Crested Newts. A current pending planning application at no. 1 Waterside Cottage (planning reference 2017/0233/HPA) contains an ecology report for a pond within the curtilage of that property. The survey comprises an assessment of the habitat suitability for great crested newts on this application site, and the ponds suitability for amphibians. It states the ponds were in a similar poor condition having been created at the same time and maintained by the same company. It states the ponds were set within well-maintained amenity grassland and waterfowl damaged. The ponds scored poorly in the Habitat Suitability Index. The nearest great crested newt record was recorded 1.6km to the north-west within Skipwith Common National Nature Reserve. The report concludes that no mitigation measures are recommended and no further surveys are necessary.

4.5.2 As such, it is considered that the proposed variation and removal of conditions 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.

4.6 Conditions

4.6.1 The NPPF states at Paragraph: 015 Reference ID: 17a-015-20140306, that the effect of issuing a section 73 for approval, is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Furthermore it states, to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. There is no planning history that planning conditions have been discharged and therefore the conditions shall be repeated and reworded in the cases of pre commencement conditions.

Legal Issues

5.1 Planning Acts

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

5.2 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.

5.3 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.

Financial Issues

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

6.0 Conclusion

6.1 Having taken into account the policy context and changes to the access to the site, it is considered that the proposals are acceptable in that conditions can be removed and varied as outlined in the report. The proposal would not have significant adverse impacts on the character of the area, trees and ecology.

7.0 Recommendation

The application is recommended to be GRANTED subject to the following conditions:

01. Within three months from the date of this decision details of the materials to be used in the construction of the exterior walls and roof(s) of the proposed cabins, communal building, store and bike shelter 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.

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

Amended site plans received 7th June 2017,
Site Layout Plan received 21st April 2017.

Reason:

For the avoidance of doubt

03. Within three months from the date of this decision details of the means of site enclosure shall be submitted to and agreed in writing by the Local Planning

Authority. The means of enclosure shall be constructed in accordance with the approved details prior to the development being brought into beneficial use and thereafter shall be maintained as such.

Reason:

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

04. Within three months from the date of this decision 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.

05. The units marked as plots 1, 3, 5, 7, 9, 11 and 13 on the enclosed plan shall only be occupied during the period 1st January to 30th November.

Reason:

In order to ensure that the site is used as holiday accommodation and not for permanent residential dwellings in accordance with Policy DL1 of the Selby District Local plan.

06. The units marked as plots 2, 4, 6, 8, 10, 12 and 14 on the enclosed plan shall only be occupied during the period 1st February to 31st December.

Reason:

In order to ensure that the site is used as holiday accommodation and not for permanent residential dwellings in accordance with Policy DL1 of the Selby District Local plan.

07. Within three months from the date of this decision details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to development commencing and shall be retained and maintained throughout the lifetime of the development.

Reason:

To ensure that the development can be properly drained, having had regard to Policy ENV1 of the Selby District Local Plan.

08. Within three months from the date of this decision, the access(es) to the site shall be laid out and constructed in accordance with the following requirements:-

i) The existing access shall be improved by providing 10 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 15 metres into the site shall be constructed in accordance with Standard Detail number E7 and the Specification of the Local Highway Authority.

ii) The crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number E7 and the Specification of the Local Highway Authority.

iii) Any gates, barriers or other means of enclosure shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall open into the site.

iv) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details and/or Standard Detail number E7 and the Specification of the Local Highway Authority.

NOTE:

You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

To ensure a satisfactory means of access to the site from the public highway, in the interest of vehicle and pedestrian safety and convenience, in order to accord with Policy ENV1 of the Selby District Local Plan.

09. There shall be no means of vehicular access to or from the application site other than from Greengate Lane unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of Highways Safety to accord with Policy T1 of Selby District Local Plan.

10. Within three months from the date of this decision visibility splays providing clear visibility of 4.5 metres x 215 metres measured down the centre line of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway at no more than 1 metre above the level of the carriage. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions, in accordance with Policy ENV1 of the Selby District Local Plan.

11. Within three months from the date of this decision the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference 2209 & 2150 – planning reference 2006/1531/FUL). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. The Development hereby permitted shall not be brought into use until such time as vehicle passing places have been constructed along the new access road in the approximate location shown on the amended drawing (ref 2209 - planning reference 2006/1531/FUL). The exact size of each passing place shall be approximately 6 metres in length with 2 metres in depth with 450 end splays and shall provide for a carriageway width of 4.5 metres. All work on the passing places shall be carried out in accordance with the Highway Authority's Specification and to the complete satisfaction of the Local Planning Authority.

Reason:

To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

12. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) Order, or any order revoking and re-enacting that order, the areas shown on the approved plan (planning reference 2006/1531/FUL) to be used for the provision of parking spaces, turning area and access shall be retained and kept available for those purposes at all times and shall not be used for any other purpose.

Reason:

To ensure that the approved parking areas are provided and kept available for such use, in the interests of highway safety and the general amenity of the development to accord with Policy ENV1 of the Selby District Local Plan.

13. Within three months from the date of this decision details of the approved highway works shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. These shall include:-

The provision of a footway/cycleway to be created in the highway verge from the site entrance to North Duffield (on the north or south of Selby Road A163)

Reason:

To ensure that such details are satisfactory in the interests of the safety and convenience of highway users.

14. Within three months from the date of this decision a scheme detailing all external artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

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

15. Within three months from the date of this decision, the access road shall be constructed in accordance with the approved plans. Once constructed this shall be the sole access to the site for construction vehicles and shall be retained and maintained throughout the lifetime of the development.

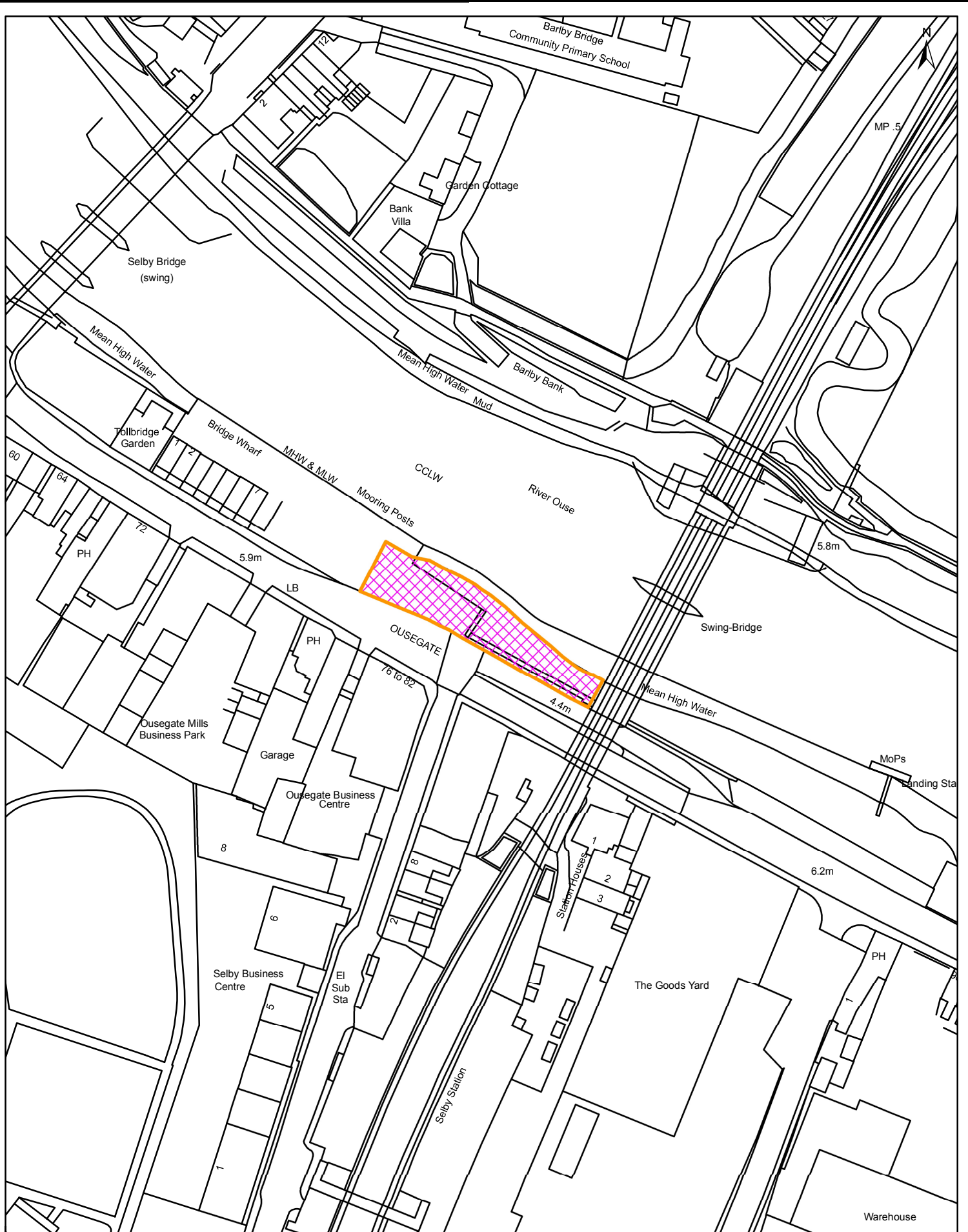
Reason:

In the interests of highways safety in accordance with Policy T1 of the Selby District Local Plan.

Contact Officer: Case Officer Keith Thompson

Appendices: None

This page is
intentionally
blank



APPLICATION SITE

Item No: 2017/0470/FUL

Address: Bridge Wharfe, Ousegate, Selby

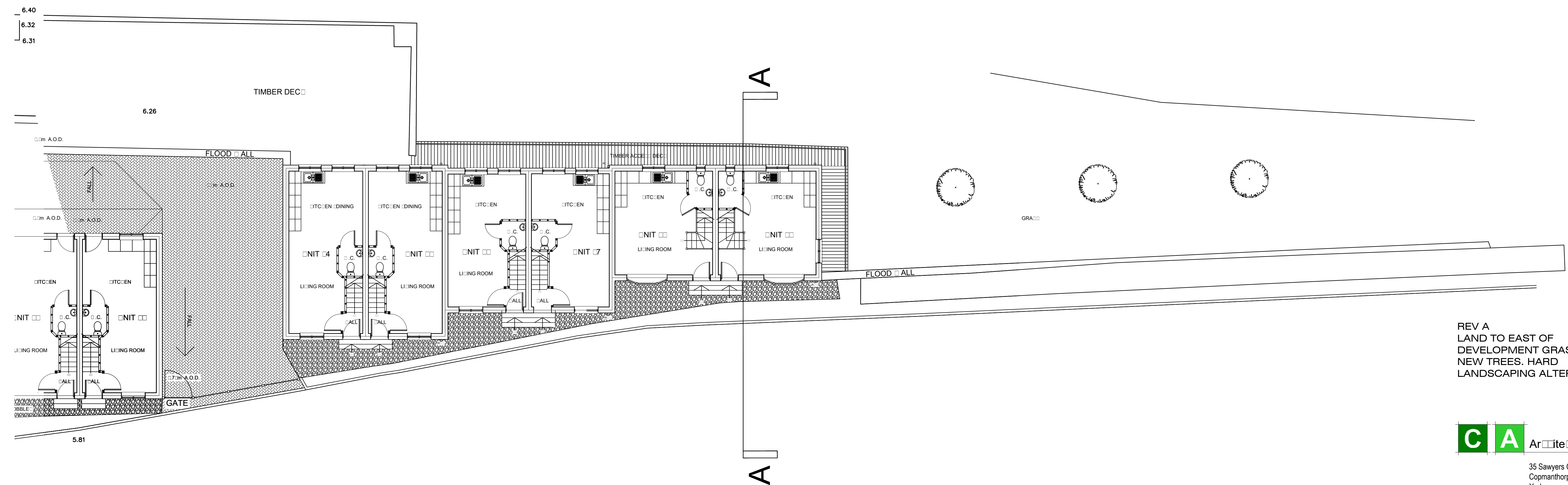
1:1,250



RECEIVED
21 September 2017
DEVELOPMENT MANAGEMENT

AMENDED
DRAWING

Notes:
Do not scale, use figured dimensions only.
Dimensions to be verified on site prior to commencement of site works and ordering of materials / components.
Any discrepancies to be reported to CA Architectural Services.
This drawing is copyright of CA Architectural Services



REV A
LAND TO EAST OF
DEVELOPMENT GRASSED AND
NEW TREES. HARD
LANDSCAPING ALTERED

CA Architectural Services

35 Sawyers Crescent
Copmanthorpe
York
YO23 3YA

Tel: 01904 705704
Mob: 07989 663243

Email: info@ca-architectural.co.uk
www.ca-architectural.co.uk

Client
**Colton Property
Development Ltd**

Project
Proposed Development at the
Waterfront, Ousegate, Selby

Drawing Title
Proposed Site Plan

Scale 1:50 @ A1 Date December 2014

Drawn by
CPA

Drawing No. 2017/200/P AL(0)010 A Rev.

PROPOSED SITE PLAN

SCALE 1:50 @ A1



Report Reference Number: 2017/0470/FUL (8/19/435J/PA) Agenda Item No: 6.4

To: Planning Committee
Date: 11 October 2017
Author: Louise Milnes (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0470/FUL	PARISH:	Selby Town Council
APPLICANT:	Colton Property Development Ltd	VALID DATE: EXPIRY DATE:	9 May 2017 4 July 2017
PROPOSAL:	Proposed erection of 6no. two bedroom terrace houses with integral flood defence		
LOCATION:	Bridge Wharf Ousegate Selby		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee in the interests of transparency given that the Housing Trust may be acquiring the site.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is approximately 0.10ha and comprises part of the former wharf, being a disused area of land with Ousegate to the south, the railway bridge to the east, with the River Ouse located to the north. There is a scheme for 13no. residential units to the west of the site which has been partly constructed which is classed as Phase 1 and 2 of the development. The properties located on the opposite side of Ousegate comprise a mixture of commercial uses. The site is located in a prominent waterfront position that is clearly visible from the toll bridge when entering Selby Town Centre. It is also located within the Selby Town Conservation Area and opposite a number of listed buildings.

The Proposal

- 1.2 The application is for full planning permission for the erection of 6no. two bedroom terrace dwellings. The proposals are Phase 3 of the residential development, Phase 1 of which has been constructed to the far west of the site. The properties would be two storey constructed from brick with either a pantile or slate roof. There is no off street parking provided as part of the scheme. There would be an area of amenity space to be provided to the east of the site. As part of the proposals flood defences would be incorporated along the River Ouse which would complete the the flood defences along this part of the river.

Relevant Planning History

- 1.3 The following historical applications are considered to be relevant to the determination of this application:-

- An application referenced CO/2003/06848 for the proposed construction of and improvement to flood defences was Approved on 8 December 2003.
- An application referenced 2005/0681/FUL for the proposed erection of a building (Block A) to provide 14no. apartments with under croft parking and commercial (café/restaurant) floor space (123 square metres) with the formation of public open space, public art and a riverside viewing area was Approved on 8 October 2007.
- An application referenced 2010/0070/FUL for the erection of 3 buildings for A1, A2, A3, A4, A5, B1 (a) and (b) and D1 use and integral parking for 6 vehicles at ground floor level and 14 residential units at upper floor levels together with ancillary (integral) bin and bike storage and laying out and landscaping of public open space (public walkways) and private open space was Approved on 12 January 2012.
- An application referenced 2014/0541/FUL for the erection of 13 dwellings, bin and cycle stores and flood wall was Approved on 30 January 2015 on land immediately to the west of the application site.
- An application referenced 2015/0530/DPC for the discharge of conditions 03 (materials), 05 (archaeology), 06 (drainage), 08 (flood wall), 11 (air quality), 12 (noise) and 14 (accesses) of approval 2014/0541/FUL for erection of 13 dwellings, bin and cycle stores and flood wall was Approved on 10 July 2015 on land immediately to the west of the application site.
- An application referenced 2015/0532/FUL for the variation of conditions 03 (windows and doors), 06 (drainage), 08 (flood defence) and 12 (noise assessment) and removal of conditions 01 (time limit), 05 (archaeology) and 11 (air quality) of approval 2014/0541/FUL (8/19/435F/PA) for erection of 13 dwellings, bin and cycle stores and flood wall was Approved on 14 August 2015 on land immediately to the west of the application site.
- An application referenced 2016/0247/TCO for consent to fell 39 trees of various species including Sycamore, Ash, Willow and Hawthorn in the conservation area was Approved on 6 April 2016.

- An application referenced 2017/0492/MAN for a non-material amendment relating to the removal of attic bedrooms and rooflights was Approved on 17 May 2017.

2.0 CONSULTATION AND PUBLICITY

The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper.

2.1 **Selby Town Council** – The Town Council are disappointed that the development is being completed in stages as this will reduce the opportunity of receiving Section 106 or CIL funding in future.

2.2 **North Yorkshire County Council Highways** – A footpath is to be provided as shown on the amended plan to safely connect the dwellings to the existing footway. It is noted that the applicant does not propose to provide car parking for the dwellings. Given the site's proximity to the town centre and local transport links, it is felt that a recommendation of refusal based on the lack of on-site car parking could not be substantiated. The applicant has suggested cycle parking would be provided but no details of the cycle parking have been submitted. Consequently the Highway Authority would recommend that conditions are applied to any planning permission granted.

Since these comments were received the applicant has submitted a plan showing an area of cycle parking and updated comments from NYCC will be reported at Committee.

2.3 **Yorkshire Water** – No observations/comments.

2.4 **Selby Area Internal Drainage Board** – Advise of current guidelines for any increase in surface water drainage.

2.5 **Canal and River Trust** – Request that the roofing and facing materials and landscaping proposals should be conditioned and that the availability of the wharf behind the site for use as an abort port should be clarified. Recommend that a suitably worded condition is necessary to fully clarify the design and form of the flood protection barrier sought. The site is within a designated Conservation Area and the final barrier solution would have an impact on the visual appearance of the site. The design of any flood barrier should avoid any structure that would be visually obtrusive upon the waterway such as a permanent tall concrete structure that blocks out views to and from the residential development. Reading the 'flood defence' plans we assume that the flood wall shown would be erected temporarily during times of flood risk. In this case there would not be a permanent visual impact upon the waterway. If a permanent barrier is sought, then full details would need to be provided.

Following further consultation with respect to the flood wall, the Canal and Rivers Trust do not wish to raise any concerns with the flood wall as shown, given its comparatively low height compared to the ground level and the indication that it will be clad in brick. It is anticipated that the cladding would match the development behind or utilise an appropriate facing material. The arrangements with respect to retention of the abort point are accepted.

- 2.6 **Environment Agency** – These comments are based on a review of information provided on the website and also the email from Alan Wood and Partners dated 14 June 2017 and associated drawings including drawing 39425 100A (Slab details including linking of the building to the flood defences) and drawing 2017/200P AL(0)010 (development layout showing the line of flood defence). On the basis of this information there are no objections providing that conditions are applied.

Following the receipt of these comments the Applicant has submitted revised Flood Risk information which amends the proposed finished floor levels. Further comments from the Environment Agency will be reported at Committee.

- 2.7 **Environmental Health** – In respect to Air Quality it would be assumed that the conclusions and recommendations made in the Air Quality Screening Assessment (YES/0006a) would remain valid for the site which is further away from the AQMA than the original part of the site, therefore no further information is required in respect of Air Quality.

Having reviewed the Environmental Noise Assessment prepared by YES Consultancy dated July 2017 this recognises the noise issues from traffic but also the night time economy. In conclusion a specification for the construction of the properties is given in Table 6.5 to protect the residents from traffic/transport noise. The assessment has considered the night time economy noise only in respect to an overall level and concludes that noise is unlikely to result in an adverse impact. However it is noted that the assessment does not consider the frequency element of this noise and if it would be audible inside the properties. In respect to this the view is taken that music originating inside public houses and other venues should be mitigated by the source and so this area is not considered further. A condition is therefore recommended to protect the residents of the proposed units from traffic/transport noise.

Since this response was made further comments have been received from the Applicant's Environmental Consultants with respect to noise and air quality and Members will be updated with Environmental Health's comments in respect of this.

- 2.8 **North Yorkshire County Council Heritage Services** – Previous archaeological work has taken place at this site in connection with earlier planning applications and flood defence schemes. These evaluations have indicated that there is a low potential for the survival of very early archaeological deposits (e.g Roman and Medieval) given modern activity and reclamation. Although there are some post-medieval archaeological deposits these consisted of piled features of limited archaeological interest. There is no objection and no further comments to make.

- 2.9 **Council's Conservation Consultant** – There are fundamental issues with the design of the proposed development that will require substantial revision.

- 2.10 **Council's Urban Designer** – Support the comments of the Conservation Consultant.

Since these comments were made the Urban Designer has provided guidance to the Applicant with respect to amendments to the scheme which also address comments from the Conservation Consultant.

- 2.11 **Historic England** – Awaiting comments.
- 2.12 **North Yorkshire Fire and Rescue Service** – No objection/observation.
- 2.13 **North Yorkshire Police** – Do not respond in relation to developments of less than 10 dwellings.
- 2.14 **Recycling and Waste** – Would only recommend a bin storage area where there are communal bins for flats, individual properties should have the waste containers stored within their own boundary wherever possible. If there is not space within the property boundary then a communal storage point would need to be included and guidance in respect of this has been provided. It should be noted that if a communal storage point is included collection crews would not empty the bins from here and residents will need to present their bins and recycling boxes at the main road for collection and return them to the storage point afterwards.
- 2.15 **Council’s Contaminated Land Consultant** - The site’s past use as a wharf could have given rise to land contamination, so there would be concerns about just attaching an unexpected contamination condition, as contamination often is not visible to the naked eye.

It looks like no gardens are proposed and that the ground level will be raised for flood mitigation purposes, which should reduce the contamination risks. But there would be concerns about potential ground gases and fuel odours (VOCs) affecting the buildings and residents, and the potential migration of contaminants from the ground into the river.

The developer also has a responsibility to protect ground workers from contamination, so ideally they should carry out some soil sampling so they know what they are dealing with from a health and safety perspective.

It would be recommended that the standard set of contaminated land conditions are imposed for this site.

- 2.16 **Network Rail** – Awaiting comments.
- 2.17 **Selby Civic Society** – Awaiting comments.
- 2.18 **Neighbours** – One letter of objection has been received raising the following issues:
- The scale of the proposed dwellings will cause shadowing on Unit 1A Ousegate Mills Business Park.
 - Property will be overlooked directly causing concerns for privacy.
 - Dwellings may require 12 parking spaces which have not been considered and parking on Ousegate is limited.
 - The road size does not facilitate additional permanent parked vehicles.
 - The street scene and Grade II Listed buildings will be impacted by the proposed development.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined development limits of Selby within the Ousegate/New Street/Station Road Special Policy Area.
- 3.2 The site is also within an Archaeological Consultation Zone, within the Selby Town Conservation Area and opposite a number of Grade II Listed Buildings. In addition the site is located within Flood Zones 2 and 3 which are at medium and high probability of flooding. The site is also located adjacent to the Trans-Pennine Trail.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "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". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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.

Selby District Core Strategy Local Plan

- 3.5 The relevant Core Strategy and saved Policies are:

Policy SP1:	Presumption in favour of Sustainable Development
Policy SP2:	Spatial Development Strategy
Policy SP4:	Management of Residential Development in Settlements
Policy SP5:	The Scale and Distribution of Housing
Policy SP8:	Housing Mix
Policy SP9:	Affordable Housing
Policy SP15:	Sustainable Development and Climate Change
Policy SP18:	Protecting and Enhancing the Environment
Policy SP19:	Design Quality

Selby District Local Plan

- 3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004 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)".

3.7 The relevant Selby District Local Plan Policies are:

Policy ENV1:	Control of Development
Policy ENV2:	Environmental Pollution and Contaminated Land
Policy ENV25:	Control of Development in Conservation Areas
Policy ENV28:	Archaeological Remains
Policy T1:	Development in relation to the Highway Network
Policy RT2:	Open Space Requirements for New Residential Development
SEL/6	New Street/Ousegate/Station Road Special Policy Area

Supplementary Planning Documents

3.8 The relevant Supplementary Planning Documents are:

Affordable Housing Supplementary Planning Document, 2014
Selby Town Design Statement, 2004
Sequential Test Developer Guidance Note, July 2017
Developer Contributions Supplementary Planning Document, 2007

4.0 APPRAISAL

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

- Principle of development
- Design and Impact on the Character of the Area
- Impact on Heritage Assets
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Housing Mix
- Flood Risk, Drainage and Climate Change
- Land Contamination
- Recreational Open Space
- Waste and Recycling
- Archaeology
- Air Quality
- Other Issues

Principle of development

4.2 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.

- 4.3 Relevant policies in respect of the principle of this proposal include Policy SP2 “Spatial Development Strategy”, Policy SP4 “Management of Residential Development in Settlements” and Policy SP5 “The Scale and Distribution of Housing” of the Core Strategy.
- 4.4 The application site is a non-allocated site within the defined development limits of Selby. Policy SP2 identifies Selby as the Principal Town which will be the focus for the majority of new housing, employment, retail, commercial and leisure facilities. Policy SP2 goes on to state that proposals for development on non-allocated sites must meet the requirements of Policy SP4.
- 4.5 Policy SP4 states that redevelopment of previously developed land and appropriate scale development on greenfield land is acceptable in principle subject to proposals protecting local amenity, preserving and enhancing the character of the local area and complying with normal planning considerations with full regard taken of the principles contained within Village Design Statements. It goes on to state that appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy. These matters are discussed later within the report.
- 4.6 In respect of sustainability, Selby being the Principal Town is the most sustainable settlement within the District. Selby is well served by local services including shops, schools, recreational open space and there are a choice of modes of transport including the train and bus. The application site is located within walking distance of all of these services and public transport modes. The above points therefore weigh in favour of a conclusion that in terms of access to facilities and choice of modes of transport the site can be considered as being a sustainable location.
- 4.7 It is noted that the Council’s Policy Team Council have confirmed that there is currently a 5.4 year housing land supply and have, in their response, confirmed the previous levels of growth for Selby. Whilst these matters are a material consideration they are not determining factors in this application which is in any instance located within the defined development limits of the most sustainable settlement within the District.
- 4.8 On the basis of the above policy context, regardless of whether the Council have a 5 year housing land supply or not, the proposals comply with Policies SP1, SP2 and SP4 of the Core Strategy with respect to the principle of development and sustainability matters.

Design and Impact on the Character of the Area

- 4.9 The Selby Town Design Statement is relevant and this states that the town’s historic traditions and quality buildings have to be respected. It goes on to state a combination of modern and traditional architecture, with a sensitive approach through the regeneration of derelict sites, is desirable. It goes on to recommend that the creation of a more attractive approach to town over the swing bridge is a priority, including the design and construction of flood defences.

- 4.10 The application proposes full planning consent for the erection of 6 terraced properties. The submitted layout plan demonstrates that the dwellings would have very little set back from the existing footway with a staggered layout resulting in the properties reducing in depth to reflect the depth of the land upon which they are situated. The layout complements that approved for the 13 unit scheme to the west of the site and is therefore considered acceptable within this context. The properties would each be two storey with a staggered ridge height which would reflect the staggered ridge heights of other properties along Ousegate, in particular Phases 1 and 2 of the development.
- 4.11 The proposed materials would be brick which would be the same brick as that used in Phase 1 with a pantile or slate roof. In addition the properties would provide detailing such as chimneys, sliding sash windows of vertical proportion and doors with over lights and surrounds which reflect some of the design features of other properties within this part of the Conservation Area. The proposed materials and window/door detailing would be secured via condition. The applicant has worked with the Council's Urban Designer to ensure that an appropriate design and appearance could be achieved and has amended the scheme in response to these comments in order to address concerns raised by the Council's Conservation Consultant. It is therefore considered that the overall the layout, scale, design and appearance of the properties gives appropriate regard to the character of the area.
- 4.12 Given that the development is situated on a tight plot there is little scope for soft landscaping to be incorporated, however it is proposed to provide an area of amenity space to the east of the site which would be grassed with a small number of trees planted which would tidy up this area of the site. Although this area would not provide an area of usable amenity space it would improve the overall appearance of the site within the streetscene. The proposed landscaping scheme is therefore considered acceptable and would be appropriately conditioned. The proposed boundary treatments would comprise of black metal railings along part of the frontage and between the plots to provide a defensible space to the frontage of properties which would match the arrangements on Phase 1 of the development. The existing brick wall running adjacent to the proposed amenity space would be retained. It is not proposed to provide any boundary treatment to the rear of the amenity space, with the proposed flood wall and decking rails providing the boundary to the remainder of the rear of the site. The proposed boundary treatments are considered acceptable and would be conditioned.
- 4.13 There would be no vehicular access or car parking associated with the site given its town centre location, however the proposals would widen the pedestrian footway to the frontage of the site and would provide a decked walkway for the purposes of maintaining the rear of the properties.
- 4.14 As part of the scheme it is proposed to provide a flood wall along the current edge of the wharf which will link into the flood walls incorporated into the previously approved schemes on adjacent land to the west. The flood wall matches the design and appearance of the flood wall approved under Phases 1 and 2 of the development and would be faced with brickwork which would give an appropriate appearance.
- 4.15 Having had regard to all of the above elements it is considered that the proposals achieve an appropriate design and layout so as to ensure that the proposal does

not have a detrimental impact upon the character and appearance of the area in accordance with policies ENV 1 (1) and (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Impact on Heritage Assets

- 4.16 The application site is located within Selby Conservation Area and opposite a number of Grade II Listed Buildings located along Ousegate namely the Station Inn, Ousegate Mills, with other Grade II Listed Buildings located further along Ousegate. In addition the site is located within close proximity to Selby Railway Swing Bridge which is also Grade II Listed. The application is accompanied by a Design and Access Statement which incorporates a Heritage Statement.
- 4.17 The Council's Conservation Consultant raised concerns with respect to the design and appearance of the development in particularly there were concerns with the window design and proportions, door designs, ridge heights, the use of render, the rear elevation not properly addressing the river frontage and it was requested that there should be the removal of permitted development rights in order to ensure that visual clutter on all elevations is properly managed.
- 4.18 In response to this the applicant submitted amended plans which have amended the window design and proportions to give a more vertical emphasis, incorporating sliding sash windows with a 70mm reveal, have amended the door designs in accordance with advice from the Urban Designer, have altered the proposed materials to be brick rather than a mixture of brick and render and have incorporated other design features prevalent in the surrounding area. Although the proposed amendments do not wholly address the comments raised by the Conservation Consultant they do largely address their concerns and it is therefore considered that a reason for refusal on design grounds and the impact on the character of the conservation area could not be substantiated. In addition it should be noted that the proposals bring back into beneficial use and tidy up an area of derelict land within a prominent entrance into Selby. It is therefore considered that on balance, the proposals would result in a development which enhances the character and appearance of the Conservation Area. In line with Conservation comments permitted development rights would be removed.
- 4.19 With respect to comments received with respect to the quality of the Heritage Statement submitted, these comments are noted however the Council consider that there is sufficient information contained within the submitted application, within documents provided for the earlier Phases of the scheme, together with information contained within the Selby Town Design Statement and Conservation Area Appraisal and comments provided by consultees upon which to make an informed decision regarding the impact upon heritage assets.
- 4.20 The Council's Conservation Consultant did not raise objections with respect to the impacts upon the setting of the listed buildings opposite the site, however suggested that Historic England should be consulted. Historic England have been consulted on the proposals and their comments are awaited, Members will therefore be updated on this matter at Committee.
- 4.21 In addition to the above the application site is within an archaeological consultation zone and as such NYCC Historic Environment Team have been consulted and they

have confirmed they have no objection to the proposals with respect to its impacts on archaeology.

- 4.22 Having had regard to the above it is considered that the proposals will enhance the character and appearance of the conservation area and will not adversely impact upon the setting of listed buildings, nor will it have an adverse impact with respect to archaeological interests. The proposals are therefore in accordance with Policies ENV1(5), ENV25, ENV28 and SEL/6 (2) of the Local Plan, the Selby Town Design Statement, Policies SP18 and SP19 of the Core Strategy and the NPPF.

Impact on Residential Amenity

- 4.23 The proposed layout ensures that there is appropriate separation distances between the existing dwellings to the west and the proposed dwellings and between the proposed dwellings and the properties on the opposite side of Ousegate so as to ensure that there is no detrimental impact on residential amenity through overlooking, overshadowing or creating an oppressive outlook. Comments from an objector have been received with respect to the impact from overshadowing and overlooking on their property which is opposite the site. However, due to the separation distances involved which are in excess of the 21m normally expected in order to achieve good design the proposals are not considered to result in any detriment.
- 4.24 Given the location of the application site within the town centre and adjacent to the railway line, the site could be subjected to noise from road traffic, the railway line and nearby premises which operate during the evening/night. In response to this the applicant has submitted an Environmental Noise Assessment prepared by YES Consultancy dated July 2017. This report recognises the noise issues and provides a specification for the construction of the properties in order to protect residents. Environmental Health Officers have considered the contents of the report and have recommended that a condition to protect residents from traffic/transport noise be imposed. Notwithstanding this there are a number of queries which have been raised with the Applicant in relation to the contents of the noise survey submitted and Members will therefore be updated at Committee with respect to this.
- 4.25 Having taken into account the matters discussed above it is considered that subject Environmental Health comments in respect of the submitted Noise Survey and any additional comments/documents received from the Applicant in addition to any relevant conditions the proposals should not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policies ENV1(1) and ENV2 of the Local Plan and the NPPF.

Impact on the Highway Network

- 4.26 The application does not seek consent for any vehicular access to the site as no parking provision would be included. NYCC Highways sought amendments to the scheme to ensure that the footway along the site frontage is widened to enable safe pedestrian access to the properties and they are satisfied that appropriate provisions have been made by virtue of the amended plans submitted. In addition NYCC Highways have suggested various conditions be attached including the provision of cycle storage to promote more sustainable modes of transport and the

applicants have amended the layout plan to demonstrate how the development can incorporate such cycle parking.

- 4.27 It is noted that the site is within a highly sustainable location with access to various transport modes and is within walking distance to the bus and railway station. North Yorkshire County Council Highways have therefore considered that on balance a reason for refusal could not be substantiated due to the lack of car parking. Comments have been received from an objector with respect to parking along Ousegate. Having consulted NYCC Highways they have confirmed that Ousegate has a number of parking restrictions on it in the form of double yellow lines and there are limited marked out bays on the opposite side of the highway therefore given these restrictions they are not concerned about vehicles displacing onto the highway since the situation can be enforced by NYCC.
- 4.28 Given the above it is considered that the proposals are acceptable in respect of their impact on the existing highway network subject to conditions and in accordance with Policies SEL/6 (4), ENV1, T1 and T2 of the Selby District Local Plan and SP19 of the Core Strategy.

Impact on Nature Conservation Issues

- 4.29 With respect to impacts of development proposals on protected species planning policy and guidance is provided by the NPPF and accompanying PPG in addition to the Habitat Regulations published by Natural England.
- 4.30 The application site is not located within a designated area nor are there any protected species known to be present at the application site. Furthermore the applicant has confirmed that the site is predominantly hard surface and the land which is to be landscaped is built up land with no ecological value at present as it comprises rubble/backfill/made up banking and self-sown weeds and grasses therefore they consider that there would be no impact on protected species/biodiversity.
- 4.31 The Case Officer has visited the site and can confirm that the applicant has provided an accurate description of the site and therefore given that there are no structures on site to be demolished, the proposals would not impact on the river embankment itself and the fact that there is very little in terms of species or habitat on the site, there is a low probability of any protected species being present on the site and therefore on balance the proposals are considered acceptable with respect to their impacts on nature conservation.
- 4.32 Having had regard to all of the above it is considered that the proposal accords with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation.

Affordable Housing

- 4.33 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.

- 4.34 However, in the context of the West Berkshire High Court 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.

Housing Mix

- 4.35 The application seeks to provide (6) two bedroom properties. The Draft Selby District Council Strategic Housing Market Assessment (2015) has recognised a need for all property sizes in particular there is a higher requirement for 2 and 3 bedroom properties. The proposals would therefore contribute towards a specified housing need within the District. As such, it is considered that the proposal achieves an appropriate housing mix as identified in the SHMA, in accordance with Policies SP8 and SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.36 The proposals will consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.37 The application site is located in Flood Zones 2 and 3 which are at medium and high probability of flooding respectively. The Flood Risk Vulnerability Classification of PPG defines residential use as 'more vulnerable'. The PPG defines a more vulnerable use in Flood Zone 3a as only being appropriate if the Exception Test is passed.
- 4.38 The NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.' The PPG defines areas at risk of flooding as land within Flood Zone 2 and 3. The application site is therefore an area at risk of flooding where development should be directed away from areas at highest risk. A Sequential Test and Exception test would therefore normally be required along with a Site Specific Flood Risk Assessment.
- 4.39 It is noted that for the application at Phase 1 and 2 of the development it was noted that the Sequential Test was passed on the basis of a reduction in the geographical coverage area on the basis of the site been located within Selby, the Principal Town, and a Special Policy Area in need of regeneration. In this context there is no reason to come to a different conclusion for this application which sits immediately adjoining Phases 1 and 2.
- 4.40 Within the geographical coverage area (Special Policy Area defined by policy SEL/6 of the Local Plan) all the land is within Flood Zone 2 and 3a. The application site is also located in Flood Zone 2 and 3a. Therefore sites at lower flood risk in this instance could only consist of those entirely within Flood Zone 2 (as there are no sites within Flood Zone 1). There are no vacant sites entirely within Flood Zone 2 and those that are, are occupied by existing businesses and many of these contain

Grade II Listed Buildings and are therefore not considered to be reasonably available or able to accommodate the development proposed. The Sequential Test has therefore been passed.

- 4.41 In accordance with paragraph 102 of the NPPF for the Exception Test to be passed it must be demonstrated that:
- i. the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment;
 - ii. and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.
- 4.42 The Environment Agency have raised no objection to the proposed Flood Risk Assessment which identifies appropriate mitigation measures and the development includes the construction of a flood wall.
- 4.43 The Environment Agency advise that the flooding issue of most concern for this development is an unexpected, localised breach (i.e. a failure of the defence, rather than it being over-topped) of the flood defence, causing the rapid onset of deep, fast-flowing water onto the site. The proximity of the proposed dwellings to the River Ouse means flood waters would have little or no opportunity to spread and slow before affecting the dwellings. Whilst this mechanism is a residual risk, the potential consequences are such that it warrants serious consideration. The inclusion of 'more vulnerable' residential uses at ground floor level, compared to the consented 'less vulnerable' ground floor uses, also means that the risks are increased.
- 4.44 The Environment Agency have therefore recommend that the flood defences within the building construction must be a minimum height of 7.0m AOD, the setting of finished floor levels at a minimum of 6.5m AOD and the use of flood resilient construction to a minimum of 7.29m AOD as set out within the submitted Flood Risk Assessment.
- 4.45 Since receiving the response from the Environment Agency the Applicant has had discussions with the Environment Agency with respect to the finished floor levels proposed and agreement has been reached, in principle, that the floor levels can be set at a minimum of 6.2m AOD based on them being set relative to the appropriate ground or adjacent road level which differs from the earlier phases of the site. The Applicant is therefore amending the relevant plans and providing an Addendum to the submitted Flood Risk Assessment to include this detail and Committee Members will be updated with respect to the Environment Agency's response.
- 4.46 It was concluded on the application at the adjoining site that the proposed development provides wider sustainability benefits to the community and there is no reason to come to a different conclusion. It is therefore considered that the Exception Test has been passed.
- 4.47 With respect to surface water drainage the applicant confirms that this would be directed to the River Ouse with existing foul drainage within the site which links into the sewer within Ousegate. Having consulted Yorkshire Water and the Internal

Drainage Board no objections have been made with respect to the drainage proposals.

- 4.48 The development is therefore considered to be in accordance with the advice contained within NPPF and the PPG with regard to Flood Risk and drainage considerations subject to no objection being received from the Environment Agency with respect to the amended details submitted.

Land Contamination

- 4.49 It is noted that no contaminated land information has been submitted with the application. Having sought advice from the Council's Contaminated Land Consultant they have confirmed that past uses of the site could give rise to contamination therefore they have requested that appropriate conditions be imposed in order to ensure that contamination does not present an issue to future occupiers of the site.
- 4.50 The applicants have advised that previous contaminated land reports have been undertaken for the site and these will be submitted for further consideration. Members will therefore be updated on this matter.
- 4.51 The proposals, subject to conditions are therefore considered to be acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Recreational Open Space

- 4.52 Policy RT2 of the Local Plan states that for schemes of more than 4 dwellings a commuted sum would be required to enable the District Council to provide new or upgrade existing facilities in the Locality. However, it is noted that such contributions can no longer be sought via Section 106 agreement since the adoption of the Community Infrastructure Levy (CIL). Under CIL, a contribution would be sought from the developer on commencement and this can be spent by the Parish Council on improving existing recreational open space areas. As such, it is considered that the proposals are appropriate in the context of the current Community Infrastructure Levy.

Waste and Recycling

- 4.53 The Developer Contributions SPD requires that for residential development of 4 dwellings or more developers should provide bins and boxes at their own cost. The applicant has confirmed that there will be provision for bin storage on site and the provision of this can be secured via condition so as to ensure compliance with the SPD.

Air Quality

- 4.54 In respect to Air Quality, Environmental Health Officers have assumed that the conclusions and recommendations made in the Air Quality Screening Assessment (YES/0006a) which were submitted on Phases 1 and 2 of the development would remain valid for the site which is further away from the Air Quality Management Area than the original part of the site. The applicants Environmental Consultant has

subsequently confirmed that the Air Quality Screening Assessment for the previous Bridge Wharf site was based upon monitoring of nitrogen dioxide levels at location S2 at the junction of New Street and Ousegate. They go on to confirm that the latest air quality monitoring at this location has shown a decrease from the 2014 annual mean level. As a result it would appear that air quality has improved over the last two years in this particular location.

- 4.55 On the basis of the above it is considered that the proposals are acceptable with respect to their impacts on Air Quality and accord with Policy.

Other Issues

- 4.56 Selby Town Council have expressed disappointment that the development being completed in stages will reduce the opportunity of receiving Section 106 or CIL funding. It should be noted that the development will still be subject to CIL charging regardless of whether it is phased or not.
- 4.57 In assessing the application against Policy SEL/6 of the Local Plan it is noted that criteria 1) requires that a mixture of uses would be appropriate including B1 offices, studios, light industry, retail and associated uses, tourism, leisure and residential. Although the proposals are wholly for residential development it is considered that the proposals comply with policy in so far that they add to the mix of uses along Ousegate and regenerate an area of vacant land within a prominent entrance into Selby Town. With respect to criteria (3) this is not particularly relevant given that the site does not link to the park, however it is noted that as part of the proposals the pedestrian footway along the frontage of the site would be widened which would improve pedestrian links around this area of Ousegate. In terms of criteria (6) this is not relevant to the proposals given that they are not on the Ousegate/New Street junction.
- 4.58 It is noted that the site is located adjacent to the Trans Pennine Trail however the proposals would not adversely impact on this route.

Legal Issues

- 4.59 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.60 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 4.61 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.

Financial Issues

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

5.0 CONCLUSION

- 5.1 The proposals for 6 no. dwellings are considered acceptable in principle given that the site is located within the defined development limits of Selby which is the Principal Town and most sustainable settlement within the District.
- 5.2 The proposals achieve an appropriate design, layout and appearance and provide an appropriate housing mix. Despite the proposals not providing car parking provision the site is located within a highly sustainable location with a choice of modes of transport and as such the lack of car parking would not be sufficient to warrant refusal of the scheme.
- 5.3 The proposals, subject to final approval from relevant consultees and relevant conditions incorporate sufficient mitigation measures with respect to noise, flooding, and contamination.
- 5.4 It is on this basis that permission is recommended to be granted subject to outstanding issues with respect to highways, noise, contaminated land and flooding being resolved, there being no objections from outstanding consultation responses and subject to conditions.

6.0 RECOMMENDATION

This application is recommended to be APPROVED subject to outstanding issues with respect to highways, noise, contaminated land and flooding being resolved, there being no objections from outstanding consultation responses and the conditions worded as below (or subject to minor modification)

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:

(To be inserted upon receipt of a final set of amended plans)

Reason:

For the avoidance of doubt

03. The development shall be constructed from Crest Saxon Blend bricks for the walls and Sandtoft Double Roman Pantiles for the roof, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to ensure that the proposals are in keeping with the character of the conservation area to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

04. The proposed windows shall be the Evolve sliding sash windows in Chartwell Green with a 70mm recess with the proposed bay windows having a 30mm recess with the glazing bar configuration as shown on the submitted elevations drawing no: 2017/200/P AL(0) 12 Rev A, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the architectural detailing of the building reflects the established character of the locality in the interests of visual amenity to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

05. The proposed doors shall be timber with the mouldings, timber sections, glazing and the door surrounds (pilasters and cornice) of a traditional design, details of which (to be drawn at 1:20 scale) shall be submitted to and approved in writing by the Local Planning Authority before any new windows/doors are installed. The works shall be completed in accordance with the approved details before the development is first occupied and thereafter maintained as such.

Reason:

To ensure that the architectural detailing of the building reflects the established character of the locality in the interests of visual amenity to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

06. Notwithstanding any details shown on the approved plans, the heads of windows shall be constructed using chamfered stone or chamfered soldier course, the size and arrangement of such heads and cills should be drawn at a 1:20 scale and shall be submitted to and approved in writing by the Local Planning Authority before any windows are installed. The works shall be completed in accordance with the approved details before the development is first occupied and thereafter maintained as such.

Reason:

To ensure that the architectural detailing of the building reflects the established character of the locality in the interests of visual amenity to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

07. The proposed soft landscaping shall be carried out in complete accordance with the details submitted on drawing no: 2017/200/P/ AL (0) 010 Rev B, unless otherwise approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

In the interests of visual amenity and in order to ensure that the proposals are in keeping with the character of the conservation area to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

08. The proposed boundary treatments shall be carried out in complete accordance with the details submitted on drawing no: 2017/200/P/ AL (0) 010 Rev B, unless otherwise approved in writing by the Local Planning Authority. The proposed railings along the southern boundary of the site shall match those on Phase 1 (approved under reference: 2014/0541/FUL). The approved boundary treatments shall thereafter be retained throughout the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to ensure that the proposals are in keeping with the character of the conservation area to comply with Policies ENV1 and ENV25 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

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

Reason:

In the interest of satisfactory and sustainable drainage.

10. No development approved by this permission shall be occupied until the flood defence is complete and linked into the flood defences either side of the site. The defence should be completed in line with drawings 39425 100 A and 2017/200P AL(0)010 to a minimum height of 7mAOD.

Reason:

To ensure that the flood defence is constructed to an appropriate standard provide a continuous line of flood protection.

11. No development approved by this permission shall be commenced until a scheme for the timing of flood defence construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Any temporary defences on site must be maintained in situ until the new defence line is complete, unless agree in writing by the Local Planning Authority and the Environment Agency.

Reason:

To ensure the continuity of flood defences in Selby during the construction phase of the development.

12. The development must be completed in accordance with the submitted FRA (dated April 2017) and the additional information within the letter provided by Alan Wood & Partners; dated 14th June 2017. The flood defences within the building construction must be a minimum height of 7.0 metres AOD, the setting of finished floor levels at a minimum of 6.50 metres AOD, and the use of flood resilient construction to a minimum of 7.29 metres AOD as set out in the FRA. As the building is to form part of the continuous line of flood defence there should be no openings at or below 7 m AOD.

Reason:

To prevent flooding to the development and ensure a continuous line of flood defence for Selby

13. The proposed terraced houses shall be built to the following specification as set out within Table 6.5 of the Environmental Noise Assessment dated July 2017
Reference: YES058669N by YES Consultancy.

Façade Component Specification	
Wall	Two leaves of 102.5mm brickwork, 50mm cavity and rigid wall ties.
Window	6/10/12 Double Glazed Window Unit to give the sound reduction figures shown in Appendix 7 Environmental Noise Assessment reference YES058669N dated July 2017.
Ventilation	Acoustic trickle vent to meet the specification shown in Appendix 8 of Environmental Noise Assessment reference YES058669N dated July 2017.

Reason:

To protect the residents of the proposed units from traffic/transport noise.

14. The applicant shall provide waste and recycling facilities for the site in accordance with the layout details shown on drawing no. 2017/200/P AL(0) 010 Rev B. The bin storage area shall be retained for its intended use throughout the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

INFORMATIVE: Residents will need to present their bins and boxes at the main road for collection and return them to the storage area afterwards as Refuse vehicles will not access the bin storage area.

Reason:

In the interests of ensuring that provision is made for refuse and waste collection.

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

Reason:

In accordance with Policies ENV1 and T1 of the Local Plan and in the interests of highway safety.

16. The cycle parking area shall be provided in accordance with the layout submitted on drawing no. 2017/200/P AL(0) 010 Rev B. The proposed dwellings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason:

To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the building(s) or other works until:
- (i) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
 - (ii) A programme for the completion of the proposed works has been submitted.

The required highway works shall include:

- a. Provision of a footway connecting the proposed dwellings to the existing footway.

Reason:

In accordance with Policies ENV1 and T1 of the Local Plan and to ensure that the details are satisfactory in the interests of the convenience of highway users.

18. All structures adjoining the highway shall not come within 0.5 metres of the highway. Any future replacement structures shall also comply with this requirement.

Reason:

In accordance with Policies ENV1 and T1 of the Local Plan and to protect pedestrians and other highway users.

19. Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.

Reason:

In accordance with Policies ENV1 and T1 of the Local Plan and to protect pedestrians and other highway users.

20. Unless approved otherwise in writing by the Local Planning Authority 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 proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:

In accordance with Policies ENV1 and T1 of the Local Plan and to provide for appropriate on-site vehicle parking and storage rests of highway safety and the general amenity of the area.

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

Reason:

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

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

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

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

Reason:

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

23. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

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

24. 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.

25. 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.

26. 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 other than those hereby approved shall be inserted, without the prior written consent of the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the area and to prevent overdevelopment of the site having had regard to Policies ENV1 and ENV25 of the Selby District Local Plan.

Contact Officer: Louise Milnes (Principal Planning Officer)

Appendices: None

**This page is
intentionally
blank**

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 Government 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 Government 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



John Cattanach (C)
Cawood and Wistow
 01757 268968
jcattanach@selby.gov.uk



Dave Peart (C)
Camblesforth & Carlton
 01977 666919
dpear@selby.gov.uk



Liz Casling (C)
Escrick
 01904 728188
cldr.elizabeth@northyorks.gov.uk
casling@northyorks.gov.uk



Ian Reynolds (C)
Riccall
 01904 728524
cldrreynolds@selby.gov.uk



Christopher Pearson (C)
Hambleton
 01757 704202
cpearson@selby.gov.uk



Ian Chilvers (C)
Brayton
 01757 705308
ichilvers@selby.gov.uk



James Deans (C)
Derwent
 01757 248395
jdeans@selby.gov.uk



Robert Packham (L)
Sherburn in Elmet
 01977 681954
cldrpackham@selby.gov.uk



Paul Welch (L)
Selby East
 07904 832671
pwelch@selby.gov.uk

Substitute Councillors



Richard Sweeting (C)
Tadcaster
07842 164034
rsweeting@selby.gov.uk



Debbie White (C)
Whitley
01757 228268
dewhite@selby.gov.uk



Mike Jordon (C)
Camblesforth & Carlton
01977 683766
mjordon@selby.gov.uk



Mel Hobson (C)
Sherburn in Elmet
07786416337
clrmhobson@selby.gov.uk



David Hutchinson (C)
South Milford
01977 681804
dhutchinson@selby.gov.uk



David Buckle (C)
Sherburn in Elmet
01977 681412
dbuckle@selby.gov.uk



Brian Marshall (L)
Selby East
01757 707051
bmarshall@selby.gov.uk



Stephanie Duckett (L)
Barlby Village
01757 706809
sduckett@selby.gov.uk

(C) – Conservative (L) – Labour