

Officer Update Note
Planning Committee 11th October 2017

Item 6.2

APPLICATION NUMBER:	2017/0348/FUL	PARISH:	Appleton Roebuck Council
APPLICANT:	Mrs E Carter	VALID DATE: EXPIRY DATE:	12th April 2017 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		

Appleton Roebuck Parish Council wishes to state that they were not aware that this item was going to the 11th October committee. Having checked with the planning admin team it is considered that Democratic Services notify Parish Councils when items are due for Planning Committee, and therefore there may have been an oversight in this instance.

2.6 Neighbour Comments

Publicity

Neighbour objections have been raised on page 36 and 36 of the officer report. Additional representations have been made with regard to no ecology report being submitted with this application.

An Ecology report was previously submitted on the last application and this is reflected in the officer report from paragraph 4.46.

Appleton Roebuck Parish Council would like to reiterate their objections to the parking arrangements on the site. This point has been noted in the officer report paragraph 2.1. In terms of their comments to paragraph 4.67 these are noted however it is considered that the application is in conformity with the neighbourhood plan policy H3 car parking.

4.62 Appleton Roebuck Neighbourhood Plan

Appleton Roebuck Parish Council have received a complaint with regard to the wording of paragraph 4.66 of the report. Members are reminded that at the time of writing the report no date had been set in terms of referendum.

However on Friday 6th October the Council have now moved forward and following the Examiner's Final Report on the Neighbourhood Development Plan the Council is satisfied that, subject to the Examiner's proposed modifications being made to the Plan, that the Plan meets the Basic Conditions and should proceed to referendum.

The referendum at the time of writing the officer update note the referendum date is yet to be agreed.

Item 6.3

APPLICATION NUMBER:	2017/0229/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Oakwood Lodges	VALID DATE: EXPIRY DATE:	21st April 2017 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		

2.0 Consultation and Publicity

Cliffe Parish Council

Objection received citing the following concerns:

- object to the removal of a large oak tree and hedgerow to accommodate visibility splay,
 - further street lighting may be required,
 - urbanisation of rural setting,
 - this is a high speed road which has already seen a large increase in traffic and this access will only exacerbate the problem,
 - a curfew on vehicle movements between certain times should be considered to protect the amenity of residents,
 - if the application is granted then the four passing places must be in place before the access is opened.
- One additional objection received from the previous owner of the site citing lack of visibility and narrowness of the road.

7.0 Recommendation

Condition 10 – The visibility splay should refer to **160m** and not **215m** as NYCC Highways recommended 160m. The condition is recommended to be revised to:

There shall be no access or egress by any vehicle between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres measures along both channel lines of the major road (Greengate Lane) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Condition 15 – recommended to be precise that the access road here is the **A163** and to allow access for waste vehicles.

Two further Highways conditions recommended:

16. 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 access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 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.

HI-07 INFORMATIVE

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

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure a

satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

17. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority.

a. Provision of 4 passing places on Greengate Lane (locations to be agreed with the Local Planning Authority).

(i) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

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

Item 6.4

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		

2.0 CONSULTATION AND PUBLICITY

Members should note that the Applicant has sought to provide sufficient information in order to avoid any pre-commencement conditions which has resulted in further consultations being undertaken at a late stage.

- 2.2 **North Yorkshire County Council Highways** – Awaiting confirmation that the location of the cycle parking and the site compound are acceptable. This will necessitate the re-wording of Conditions 16 and 20 accordingly. NYCC can confirm that if the footway conditions are applied to any planning permission granted then the structures conditions (Conditions 18 and 19) could be removed. Whilst we would always try to secure a 0.5m set back from the highway boundary, the incorporation of the footway will mean that pedestrians will have some protection from vehicles passing the site. Therefore given the site constraints NYCC are happy for the structures condition to be removed.
- 2.6 **Environment Agency** – Awaiting confirmation that the amended plans which alter the finished floor levels to a minimum of 6.2m are acceptable. In addition that the timescale for the delivery of the flood defence is acceptable. This will necessitate the re-wording of Conditions 10, 11 and 12 accordingly.
- 2.11 **Historic England** – No comments.
- 2.15 **Council's Contaminated Land Consultant** – A Phase 1 Contaminated Land Report needs to be completed prior to commencement of development. The findings of the Phase 1 will show whether a Phase 2 investigation is needed. Conditions 21, 22, 23 and 24 may need to be amended accordingly.
- 2.16 **Network Rail** – No comments received.
- 2.17 **Selby Civic Society** – No comments received.
- 2.18 **Council's Noise Consultant** – There are still points of clarification which need to be sought. Subject to these matters being agreed Condition 13 will be required.

4.0 **APPRAISAL**

Impact on Residential Amenity

The Council have sought advice from a Noise Consultant who has reviewed the submitted noise assessment and subsequent data provided by the Applicant in order to advise the Council as to whether future residents would be sufficiently protected from noise by virtue of the traffic, rail and the night time economy.

Whilst the Applicant has now provided additional information with respect to the glazing specification and internal noise levels, clarification is required as to whether the L_{max} calculations include noise from patrons departing the various establishments along Ousegate, particularly The Station and The Riverside Public Houses.

The Noise Consultant has advised that subject to the L_{max} calculations including these noise sources then a condition can be attached (Condition 13) to any planning consent which should be sufficient to attenuate noise within the properties.

The Noise Consultant has highlighted the fact that the LAmax levels reported with windows open do indicate that sleep disturbance is likely during periods when open windows are required. However Officers recognise that there is no need for the windows to be open to provide ventilation due to the proposed inclusion of acoustic trickle vents therefore the situation whereby a resident would require the window open would be during a very limited period i.e on a very hot summers evening. Furthermore it is recognised that the main bedrooms for the properties are located on the rear elevation whereby this need not be an issue. It is therefore considered that on balance this should not present an issue to future residents sufficient enough to warrant refusal.

Members should also note that there are ongoing Enforcement matters relating to The Venue which is further west along Ousegate and having sought Counsel Opinion they have advised that The Venue should mitigate at source and as such noise levels arising from this unlawful use have not been included within the noise assessment.

Impact on the Highway

Since the Committee report was written NYCC have been considering further details submitted by the Applicant with respect to the proposed cycle storage area and with respect to the location of the site compound. Whilst NYCC Highways have not raised any objections with respect to the impact on the Highway these matters still require agreement so that Conditions can reflect the agreed details.

Flood Risk, Drainage, Climate Change and Energy Efficiency

Since the Committee report was written the Applicant has provided amended plans which reflect the finished floor levels agreed in principle by the Environment Agency and have provided a timetable for the provision of the flood defences. Whilst the Environment Agency have not raised any objections with respect to impacts on flooding these matters still require agreement so that Conditions can reflect the agreed details.

Land Contamination

The Council's Contaminated Land Consultant has advised that a Phase 1 Contaminated Land Report would be required due to the historic use of the site as a wharf. Unfortunately the Applicant has been unable to provide a Phase 1 report in time for Planning Committee. Whilst contamination should not present an issue which would prevent development of the site the Council need to understand the nature and extent of any contamination in order that remediation can be agreed accordingly. The Applicants propose to submit this report shortly for consideration so that appropriate Contaminated Land Conditions can be attached.

6.0 RECOMMENDATION

Given that matters relating to noise, highways, flooding and contaminated land are subject to final comments from consultees and the consultation period for Network Rail and Selby Civic Society has not yet expired Members are requested to make a minded decision and delegate the application to Officers to Approve subject to:

- 1) Matters of Noise, Highways, Contaminated Land and Flooding being resolved satisfactorily and subject to any additional or amended conditions requested by those Consultees;
- 2) There being no objections from Consultees which raise material considerations which have not already been addressed; and
- 3) Subject to the Conditions worded below and those set out within the Committee update (or subject to minor modification).

The following Conditions have been amended to reflect additional information which has been submitted and amendments have been shown in bold for ease of reference:

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

Title	Drawing No:	Date on Plan
Site Location Plan	-	3 May 2017
Proposed Site Plan	2017/200/P AL(0) 010 Rev B	December 2014
Proposed Floor Plans and Roof Plan	2017/200/P AL(0) 11 Rev A	December 2014
Proposed Elevations and Section	2017/200/P AL(0) 12 Rev A	December 2014
Proposed Foundation Layout	T21664-01	25 July 2017
Landscape Details	2017/200/P AL(0)	Undated
Slab Layout and Details	39425 100 Rev A	2 June 2017
Pile Layout	39425 102 Rev A	2 June 2017
Slab RC Arrangement Sheet 1	39425 103 Rev A	27 April 2017
Slab RC Arrangement Sheet 2	39425 104 Rev A	27 April 2017
Slab RC Arrangement Sheet 3	39425 105 Rev A	27 April 2017
Slab RC Arrangement Sheet 4	39425 106 Rev A	27 April 2017
Slab RC Arrangement Sheet 5	39425 107 Rev A	27 April 2017
Slab RC Arrangement Sheet 6	39425 108 Rev A	27 April 2017
Slab RC Sections	39425 109 Rev A	27 April 2017

Reason:

For the avoidance of doubt.

03. **Notwithstanding the annotations shown on the Proposed Elevations drawing no: 2017/200/P AL(0) 12 Rev A** 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.

05. The proposed doors shall be **composite** 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 **art** 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, **specifically the whole area of amenity space shall be grassed and shall include 2no. oak trees and 1no. ash tree planted at a height of approx. 2m, 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 comprise of black metal railings matching those on Phase 1 (approved under reference: 2014/0541/FUL) along the southern and northern boundaries of the site. The proposed boundary treatments shall be installed prior to the dwellings being brought into use and 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.

13. **The glazing and ventilation systems installed within the proposed windows of the dwellings shall provide the following minimum sound insulation, unless otherwise agreed in writing by the Local Planning Authority:**

Element	Octave Band Centre Frequency (Hz)						Overall
	125	250	500	1000	2000	4000	
Glazing (dB R)	26	27	34	40	38	46	38 dB Rw
Ventilator (dB Dn,e)	41	40	36	48	44	47	42 dB Dne,w

Note that the above ventilator specification assumes one ventilator is provided per room. If more than one ventilator is provided per room, the above performance specification for ventilators shall be increased by a factor of $10 \times \log_{10}(n)$, where n is the number of ventilators provided per room.

Once installed the glazing and ventilation systems shall thereafter be retained throughout the lifetime of the development.

Reason:

To protect residents of the proposed units from external noise.

NYCC have confirmed that Conditions 18 and 19 can be removed.

One additional Highways condition needs to be added as this was omitted from the original report:

27. Unless otherwise approved in writing by the Local Planning Authority the development shall not be brought in to use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 17:

- 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 protect pedestrians and other highway users.