



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 8 NOVEMBER 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 11 October 2017 (pages 5 to 10 attached).

6. Planning Applications Received (pages 13 to 218)

- 6.1 2016/0673/FUL – Windmill, Old Road, Appleton Roebuck (pages 13 – 46 attached).
- 6.2 2016/0675/LBC – Windmill, Old Road, Appleton Roebuck (pages 47 – 68 attached).
- 6.3 2017/0229/FUL – Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby (pages 69 – 90 attached).
- 6.4 2017/0443/REM - Land Adj To Station Mews, Church Fenton, Selby (pages 91 – 102 attached).
- 6.5 2017/0528/FUL – Birchwood Lodge, Market Weighton Road, Barlby, Selby (pages 103 – 116 attached).
- 6.6 2017/0530/FUL – Land to the West of 2 North View, Moor Lane, Catterton, Tadcaster (pages 117 – 128 attached).
- 6.7 2017/0665/FUL – Fair View, York Road, Cliffe, Selby (pages 129 - 142 attached).
- 6.8 2017/0804/FUL – Maspin Grange, Hillam Common Lane, Hillam, Leeds (pages 143 – 160 attached).
- 6.9 2017/0816/FULM – Land At Byram Park Road, Byram Park Road, Byram, Knottingley (pages 161 – 180 attached).
- 6.10 2017/0235/FUL – Willowdene, Hull Road, Hemingbrough, Selby (pages 181 - 200 attached).
- 6.11 2017/0614/COU - Fields Farm, Butts Lane, Lumby, Leeds (pages 201 - 218 attached).

7. Private Session – Exclusion of Press and Public

The Committee may exclude the press and public for the following item of business and to do so it must pass a resolution in the following terms:

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and Public during discussion of the following item as there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) of the Act (information relating to the financial or business affairs of any particular person, including the authority holding that information).

8. Member Briefing – Pre-Application Presentation

To receive the pre-application presentation (pages 219 – 233 attached).

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 6 December 2017
Wednesday 10 January 2018
Wednesday 7 February 2018
Wednesday 7 March 2018

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 Officer using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

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Planning Committee

Venue:	Council Chamber
Date:	Wednesday 11 October 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), I Chilvers, J Deans, M Jordan (for D Peart) R Packham, C Pearson, I Reynolds, P Welch and D White (for E Casling)
Officers present:	Kelly Dawson, Senior Lawyer; Ruth Hardingham, Planning Development Manager; Diane Wilson, Planning Officer (for minute items 28.1 and 28.1); Keith Thompson, Senior Planning Officer (for minute item 28.3); Louise Milnes, Principal Planning Officer (for minute item 28.4), and Victoria Foreman, Democratic Services Officer
Public:	15
Press:	1

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors E Casling and D Peart. Councillor D White was in attendance as Councillor Casling's substitute, and M Jordan was in attendance as Councillor Peart's substitute.

24. DISCLOSURES OF INTEREST

With regard to application 6.2 – 2017/0348/FUL – Yew Tree House, Chapel Green, Appleton Roebuck, Councillor B Packham declared a non-pecuniary interest. He had previously worked at Leeds City Council with the agent for the application, but had not discussed the application (or any others on the agenda) with him. Councillor Packham was not required to leave the meeting during consideration thereof.

With regard to application 6.2 – 2017/0348/FUL – Yew Tree House, Chapel Green, Appleton Roebuck, Councillor C Pearson declared a non-pecuniary interest. Councillor Pearson had received a letter of representation from Barton

Willmore about the application. All Committee Members (apart from the two substitutes in attendance) confirmed that they had also received the letter from Barton Willmore. Councillor Pearson was not required to leave the meeting during consideration thereof.

25. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chairman informed the Committee that the consideration of agenda item 6.2 – Yew Tree House, Chapel Lane, Appleton Roebuck would be recorded.

The Chairman also informed the Committee that an amended version of the Officer Update Note had been circulated at the start of the meeting, and as such he would give Councillors time to read the new information.

26. 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.

27. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 6 September 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 6 September 2017 for signing by the Chairman.

28. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

28.1 Application: 2017/0733/FUL

Location: Land Adj To Little Common Farm, Biggin Lane, Biggin

Proposal: Proposed erection of a new 5 bedroom detached house with detached double garage and car port

The Planning Officer presented the application that had been brought before the Committee due to it being contrary to policies within the Local Plan.

The Committee was informed that the application was for the erection of a new 5 bedroom detached house with detached double garage and car port.

In response to a query from Members the Planning Officer confirmed that a second dwelling could be applied for, as per the planning history for the site and

the extant planning permission for two dwellings allowed on appeal by the Planning Inspector in December 2016. The principal of residential development had been established.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application, subject to the conditions detailed in paragraph 6.0 of the report.

28.2 Application: 2017/0348/FUL

Location: Yew Tree House, Chapel Green Appleton Roebuck

Proposal: Proposed erection of dormer bungalow

The Planning Officer presented the application that had been brought before the Committee as more than 10 letters of representation had been received which raised material planning considerations.

The Committee was informed that following refusal of the previous application by the Committee in July 2016, the decision was subsequently dismissed on appeal by the Planning Inspector in January 2017. Costs were also awarded against the Council as it was seen as having behaved unreasonably.

Members were advised that parking and turning circle issues were a civil matter and not a material planning consideration.

The Committee felt that concerns regarding drainage had been addressed, and a proposed scheme to attenuate potential problems was acceptable and had been included in the conditions.

In reference to the Officer Update Note, the Planning Officer explained that further comments had been received from neighbours and the Parish Council.

Since the time of writing of the report, progress had been made on the Appleton Roebuck Neighbourhood Development Plan, and subject to the Examiner's proposed modifications being made, the Plan met basic conditions and could proceed to a referendum. The provisional date for the referendum was 23 November 2017.

Liam Tate representing the objectors spoke in objection to the application.

Andrew Windress, agent, spoke in support of the application.

In response to a query concerning the number of parking spaces provided, the Planning Officer explained that the North Yorkshire County Council standard number for a three bedroom home was two parking spaces; the proposed application had three.

It was proposed and seconded that the application be approved.

RESOLVED:

To **APPROVE** the application subject to the conditions detailed in paragraph 6.0 of the report.

28.3 Application: 2017/0229/FUL

Location: Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby

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

The Senior Planning Officer presented the application that had been brought before the Committee as it had been called in by a District Councillor.

The Committee was informed that the item before them was a Section 73 application to remove conditions attached to a planning approval for application 2006/1531/FUL. The Committee was advised that the proposal sought to remove conditions that related to access to the site including conditions 5, 10 and 17.

In reference to the Officer Update Note, the Senior Planning Officer explained that a further objection from Cliffe Parish Council had been received, and from the previous owner of the site.

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

- Under condition 10, the visibility splay should refer to 160m, not 215m; the condition would be amended accordingly.
- Under condition 15, it was recommended to be precise that the access road here was the A163 and to allow access for waste vehicles only.

Richard Chan, applicant, spoke in support of the application.

The Committee expressed a concern that without the existing conditions as a point of reference, it was difficult for them to take a decision on the matter. Members felt that they needed a clear and concise set of amended conditions, and as such, the application should be deferred so that a composite set of conditions could be prepared by Officers and brought back to Committee at a later date.

It was proposed and seconded that the application be approved.

An amendment was proposed to defer the application for a composite set of conditions to be prepared by officers. The amendment was supported by the committee.

RESOLVED:

To DEFER the application for the reasons set out above.

28.4 Application: 2017/0470/FUL

Location: Bridge Wharf, Ousegate, Selby

Proposal: Proposed erection of 6no. two bedroom terrace houses with integral flood defence

The Principal Planning Officer presented the application that had been brought before the Committee in the interests of transparency given that the Housing Trust may be acquiring the site.

In response to a query concerning an absence of car parking spaces, the Principal Planning Officer explained that the application was considered to be in an area that had good public transport links and as such was deemed to be within a sustainable location whereby parking would not be required.

In reference to the Officer Update Note, the Principal Planning Officer explained that the applicant had sought to provide sufficient information in order to avoid any pre-commencement conditions, which had resulted in further consultation being undertaken at a late stage. Further information regarding impact on residential amenity, highway, flood risk, drainage, climate change, energy efficiency and land contamination was noted by the Committee.

Members supported the application and were pleased that the site was being developed, as it was an important location at the entrance to Selby and would give a good impression of the town as people arrived.

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

It was proposed and seconded that the application be approved.

RESOLVED:

To make a minded decision to DELEGATE the application to Officers to APPROVE, subject to:

- i. Matters of noise, highways, contaminated land and flooding being resolved satisfactorily and subject to and additional amended conditions requested by those consultees;**
- ii. There being no objections from consultees which raise material considerations which have not already been addressed; and**
- iii. Subject to the conditions set out in the report and Officer Update (or subject to minor modification).**

The meeting closed at 3.23pm.

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Items for Planning Committee

8 November 2017

Ref	Site Address	Description	Officer	Page
2016/0673/FUL	Windmill, Old Road, Appleton Roebuck	Proposed conversion of windmill to form a dwelling with new extension	YVNA	13 - 46
2016/0675/LBC	Windmill, Old Road, Appleton Roebuck	Listed building consent for the proposed conversion of windmill to form a dwelling with new extension	YVNA	47 - 68
2017/0229/FUL	Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby	Section 73 to vary/remove 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	69 - 90
2017/0443/REM	Land Adj To Station Mews, Church Fenton, Selby	Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)	KETH	91 - 102
2017/0528/FUL	Birchwood Lodge, Market Weighton Road, Barlby, Selby	Proposed construction of hangar/storage building	JETY	103 - 116
2017/0530/FUL	Land To The West Of 2 North View, Moor Lane, Catterton, Tadcaster	Erection of a detached bungalow with integral garage and creation of a vehicular access	DIWI	117 - 128
2017/0665/FUL	Fair View, York Road, Cliffe, Selby	Proposed erection of a detached single storey dwelling	SIEA	129 - 142
2017/0804/FUL	Maspin Garage, Hillam Common Lane, Hillam, Leeds	Proposed conversion and alterations to existing barn and piggery building to create two new dwellings and introduction of two storey side extension to existing farmhouse	DIWI	143 - 160
2017/0816/FULM	Land At Byram Park Road, Byram, Knottingley	Proposed construction of 13 affordable rent houses with associated highways and landscaping	ANMA	161 - 180
2017/0235/FUL	Willowdene, Hull Road, Hemingbrough, Selby	Proposed erection of 2no. 4 bed detached dwellings and 1no. 5 bed detached dwelling with integral garaging	LOMI	181 - 200
2017/0614/COU	Fields Farm, Butts Lane, Lumby Leeds	Proposed change of use of agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors	SIEA	200 - 218

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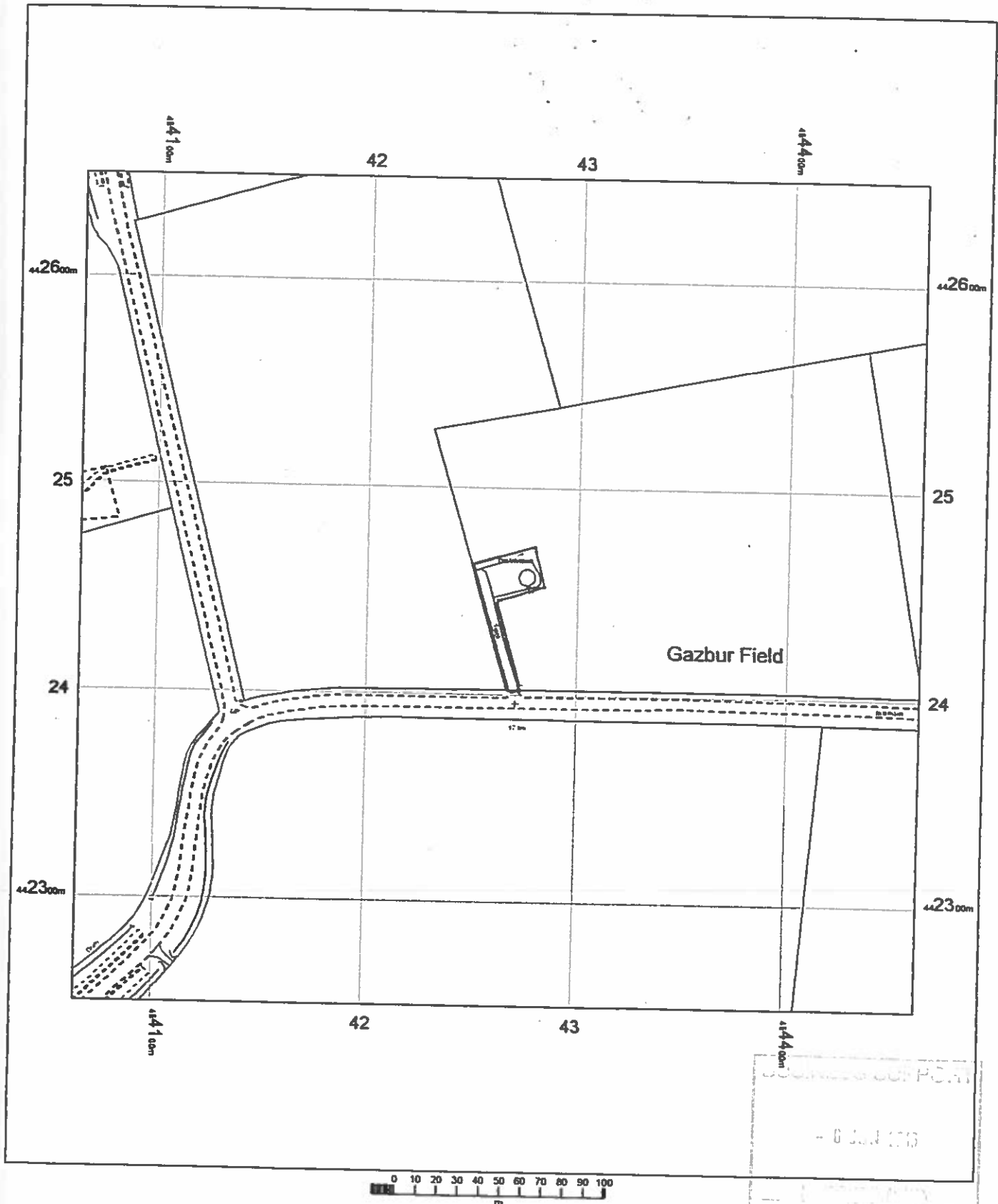


APPLICATION SITE

Item No: 2016/0673/FUL

Address: Windmill, Old Road, Appleton Roebuck

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10001

To: Planning Committee
Date: 8 November 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/0673/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill, Old Road, Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries. The windmill is on an elevated position within the site with grassed land surrounding the site and the remains of previous buildings.

The Proposal

- 1.2 This proposal seeks full planning permission for the conversion of the windmill into residential accommodation and the addition of a single storey extension. There would be significant internal works required to the windmill due to the lack of floors/beams in order to facilitate the conversion and the works are detailed within the supporting documents submitted with the application.

- 1.3 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with English pantiles to the roof and timber doors and windows. It would measure 11.4m in length by 5.2m in depth with a maximum height of 5m to the ridge.
- 1.4 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site.

Planning History

- 1.5 The following historical applications and appeals are considered to be relevant to the determination of this application:-
- An application (2016/0675/LBC) for Listed Building Consent for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration and is on the same planning committee agenda.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
 - An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.
 - An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
 - An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.
 - An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.

- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **NYCC Highways** - No objections subject to several conditions.
- 2.3 **Yorkshire Water** - No response at the time of compilation of this report.
- 2.4 **Ainsty Internal Drainage Board** - No objection to the development in principle and have recommend that two conditions be attached to any planning approval.
- 2.5 **Natural England** - No comments.
- 2.6 **Yorkshire Wildlife Trust** - The surveys by Wold Ecology are thorough and the suggested mitigation should be conditioned a European protected Species Licence may need to be applied for.
- 2.7 **North Yorkshire Bat Group** - No response at the time of compilation of this report.
- 2.8 **Historic England** - The windmill is Grade II listed which means it is a nationally important building of special architectural and historic interest. The statement identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west.

It is considered that incorporating the windmill tower into residential use could provide a means of ensuring the future conservation of this important structure. It would also provide a presence on the site to monitor the condition of the historic fabric on a regular basis. There is therefore do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised. The set of 'principles' at section 5.4 and the Schedule of Works at Appendix 1 is welcomed and conditions should be attached to secure this schedule of work.

The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill. This is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence. The wider site plan indicates that there are no proposals for any ancillary structures such as garages etc and conditions restricting permitted development rights on the site should be attached.

It is considered that the proposals would not cause substantial harm to the significance of the listed building and there are benefits to facilitating a new use for

the building which would outweigh any harm that would be caused. It is recommended that this harm is mitigated through the application of appropriately robust conditions to secure the quality of the works both to the tower and the extension. A record should also be made of the tower in its present condition for future reference.

No objections are raised on heritage grounds and consider that the issues and safeguards need to be addressed in order for the application to meet the requirements of the NPPF. The determination should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 2.9 **Conservation Advisor** - The conversion of the windmill into a residential use would provide a beneficial use that would ensure the future conservation of the structure. There are no concerns regarding the principle of the reuse of the windmill. The Heritage Statement contains the information that is required under NPPF 128 and is proportionate to the significance of the heritage asset. It provides enough information to be able to understand the significance of the structure, the proposals and any implications of the development. It also puts this within a legislative and policy context.

The application is supported by a structural survey and shows that with some repairs the building is capable of being re-used with minimal intervention and alteration to the windmill. Consideration has been given to conservation principles and the practice of minimal intervention and a philosophy of repair. The new roof will be formed below the existing parapet to reduce the visual impact of the proposed works. The existing openings will be retained and reused and new timber windows and doors inserted. Existing machinery will be incorporated into the conversion.

Whilst the present appearance of the site is of the windmill in its solitary form, it did have a building located to the west, albeit detached. Other historic windmills have ancillary buildings located about their bases. Therefore it is not historically inaccurate to have additional buildings associated with windmills. The materials for the extension have been chosen to reflect the agricultural nature of the setting and the existing building. The proposed dark wood reflects the original tar finish to the windmill. The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable. The design is utilitarian and uncomplicated.

Externally, the existing access would be upgraded and car parking for two cars, a small garden area and a small bin storage area would be provided. There would be no garaging, boundary features or ancillary structures. This will retain the open nature of the site and reduce visual clutter associated with domestic properties.

Recommendation

The application has considered the special interest, identified significance and the agrarian setting in considering the acceptability of this application. The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill

as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset.

The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application. As harm has been identified the harm should be weighed against the public benefits of the application in accordance with NPPF 134.

The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24. Several conditions are recommended if approval of the application was recommended.

- 2.10 **Environmental Health** - The applicant has indicated that foul drainage is to be disposed of via a package treatment plant. The installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 2.11 **Contaminated Land Consultants (WPA)** - No contaminated land conditions are recommended for this application.
- 2.12 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.
- 2.13 The letters of objection raised the following points as summarised:
- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
 - The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur.
 - The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust and SSCLG (2014).
 - Plans have not been provided from public vantage points of which to assess the proposal;

- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape.
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past.
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement.
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car.
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable.
- The creation of boundary treatment would introduce a defined and alien curtilage in the area.
- Associated activity and detailing such as garden planting, outdoor tables chairs etc. will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings.
- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed.
- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating appliances, external lighting equipment, external pipes associated with drains etc.
- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach.
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension.

- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage.
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing.
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site.
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed.
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions.
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway.
- There is reference to removing parts of the hedge, however there is no indication of the level of visibility that this will achieve nor the works likely to be required to the hedge.
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection.
- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway.
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway.
- There has been no assessment of the historic or archaeological significance of this feature of the site.
- The structural survey contradicts the Heritage Statement in respect of the decay of the building.

- The Heritage Statement should be completed by a competent and informed individual.
- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF.
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.14 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling will have a measureable impact on local traffic volumes. Traffic volumes are not great;
- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;

- local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;
- Cyclists use this route extensively;
- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;
- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;
- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. Internally, the first, second and third floors are almost entirely missing with some supporting beams remaining. It is located within the Green Belt and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

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
SP3:	Green Belt
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)".

- 3.7 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV24	Alterations to Listed Buildings
T1	Development in Relation to the Highway Network
T2	Access to Roads
H12	Conversion to Residential in the Countryside

Other Documents

- 3.8 Other relevant policies and guidance are:

- Affordable Housing Supplementary Planning Document
- 5 Year Housing Land Supply Report 2017-2022, Position at 31st March 2017
- 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:

1. The principle of development
2. Principle of the development in the Green Belt.
3. Assessment of Harm from the Proposed Development to the Green Belt
4. Impact on Heritage Assets
5. Design and Impact on the Character of the Green Belt Locality
6. Impact on Residential Amenity
7. Highways Issues
8. Drainage, Flood Risk and Climate Change
9. Impact on Nature Conservation and Protected Species
10. Affordable Housing
11. Contaminated Land
12. Neighbourhood Plan
13. Other Issues
14. The Benefits of the Proposal

The 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 Policies SP2 "Spatial Development Strategy" and SP3 "Green Belt" and Policy H12 of the Selby District Local Plan.
- 4.4 Policy SP2A(d) states that "in the Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt Policies. Furthermore Policy SP3(B) states "in accordance with the NPPF, within defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted". Therefore there is nothing within the development plan itself that would preclude the proposal as the decision taker is explicitly referred to the policy framework contained within the NPPF. A full assessment of the appropriateness of the scheme in the Green Belt is detailed later within the report.
- 4.5 Criteria (1) and (3) of Policy H12 of the Local Plan allow proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality" and that the "building is structurally sound and capable of re-use without substantial rebuilding"

- 4.6 In addition, criteria 2 of Policy H12 of the Local Plan states that conversions to residential use will only be permitted where ‘The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building.’
- 4.7 Paragraph 55 of the NPPF is particularly relevant to the application and states that:
“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things):
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”
- 4.8 The approach taken by Paragraph 55 of the NPPF is significantly different to that taken in Policy H12 as it does not require the more onerous tests set out in H12(1) and (2). It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of criteria (1) and (2) of the policy and the less onerous approach set out within the NPPF.
- 4.9 The applicant has submitted a Structural Survey which concludes that the building is structurally suitable for its intended use and the conversion will retain and enhance the character of this building. In addition, following a site visit to the application site, officers have not seen any signs that would indicate that the building is other than structurally sound.
- 4.10 The windmill is a Grade II Listed Building and an assessment of securing the future of this asset is discussed later in the report. The proposal would re-use a redundant and disused building and is considered to lead to an enhancement to the immediate setting by virtue of retaining, reusing and repairing the windmill which is in a semi-derelict state. The proposal is therefore considered to meet one of the special circumstances identified within paragraph 55 of the NPPF. In addition the proposal is in accordance with Policy H12 (3) of the Local Plan.
- 4.11 The Council have confirmed that housing policies are up to date, as it now has a 5.4 year supply of deliverable housing land and as such the proposals should be considered under the normal planning considerations as well as impacts in terms of sustainability.

Sustainability of the Development

- 4.12 In terms of assessing the sustainability of housing development in this Green Belt location, it is noted that Appleton Roebuck which is the closest village to the application site is identified as being 'least sustainable' with respect to its

sustainability ranking as set out in Core Strategy Background Paper No. 5 Sustainability Assessment of Rural Settlements.

- 4.13 The application site itself is situated approximately 720 metres outside the defined development limits of Appleton Roebuck which provide local services such as a primary school, two public houses and a church. There is also a bus stop on Main Street within the village which serves the Colton to York bus route that runs Monday to Saturday on a 2 hourly basis. The site is also located approximately 1.3km from Bolton Percy which benefits from a village hall, café and public house and is also on the Colton to York bus route.
- 4.14 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 55 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 55.
- 4.15 Comments from objectors regarding the sustainability of the site have been noted and although sustainability was a previous reason for refusal for this site when considered under reference 2009/0572/FUL for conversion of the windmill to holiday let, this decision was within a different policy context to that which the application is now considered and a holiday let was subsequently approved under application 2012/0812/FUL which had regard to the NPPF.
- 4.16 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

Economic

The proposal would provide jobs during the conversion and internal works to the windmill as well in the construction of the extension and through local spending by new residents within the village and District.

Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

Environmental

The proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore the design would take into account

environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 4.17 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies.

Principle of the Development within the Green Belt

- 4.18 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 4.19 Paragraph 87 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.20 Paragraph 89 allows "...the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." In addition, paragraph 90 of the NPPF states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt which includes the re-use of buildings provided that the buildings are of permanent and substantial construction".
- 4.21 The proposed extension would be single storey and has been designed to appear subservient to the windmill with materials that are appropriate to the agricultural history of the site, providing a contrast to the brick windmill. Having had regard to the size, scale, footprint and volume of the extension and its relationship to the host building, it is considered that the proposed extension would not result in a disproportionate addition over and above the size of the original building therefore

would be not be inappropriate development within the Green Belt in accordance with Paragraph 89 of the NPPF.

- 4.22 A Structural Survey has been submitted with the application which concludes that the building is structurally suitable for its intended use and the conversion will retain and enhance the character of the windmill. However, as per the wording of the NPPF, an assessment of the harms of the proposed development to the Green Belt is required to be undertaken.

Harm to the Openness and Purposes of Including Land within the Green Belt

- 4.23 In respect to the other harms to the Green Belt it is necessary to determine what the potential impact of the proposal would be to: -

- (a) the openness of the Green Belt;
- (b) the purposes of including land within the Green Belt

- 4.24 Paragraph 79 of the NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.' Paragraph 81 of the NPPF states that "Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land".

Impact on Openness

- 4.25 When looking at this issue it is worth considering what is meant by the term 'openness'. In this context, openness is considered to be the absence of built structures. Hence, any new built structure would have the potential to detract from openness. However, the degree to which the development would detract from openness depends not only on its size, scale and mass but its relationship to existing built form. In the context of this site, the windmill is set back from the highway and is at an elevated level with no other buildings, either domestic or agricultural, in the immediate vicinity. Given the location of the site and its position, it is considered that there is already a limited impact on the openness of the Green Belt through this structure. The re-use of the building would result in no alteration to the bulk, scale, height and massing. Although the application proposes additional built form, it is considered that the proposed extension would be subservient to the windmill and has been designed sympathetically through the use of materials and ensuring it has an appropriate scale. This is considered to result in a development that would therefore preserve the openness of the Green Belt.
- 4.26 There would be an introduction of access road located to the west of the site adjacent to an existing hedgerow. The road would be constructed from tarmac at the site entrance, however would be predominantly laid with stone. It is noted that the access road is located where the existing field access is and limits the impacts on openness through its siting and it being surfaced with appropriate materials which can be conditioned. It is noted that the previous approval for the site (reference 2012/0812/FUL) permitted a similar access road to the one proposed

and concluded that it would not result in an impact on the openness of the Green Belt.

Impact on the Purposes of Including Land within the Green Belt

- 4.27 Paragraph 80 of the NPPF states that Green Belt serves five purposes, namely:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.28 The conversion of the windmill and the proposed extension to create additional living accommodation is not considered to result in a conflict with the five purposes of including land within the Green Belt as it is not considered that the conversion of an existing building into a single dwelling would result in encroachment into the countryside. As such, it is therefore considered that the proposal does not constitute inappropriate development within the Green Belt and therefore is acceptable in principle. However such proposals are still expected to meet normal planning considerations.

Impact on Heritage Assets

- 4.29 Whilst in considering proposals which affect a listed building regard has to be made of S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 4.30 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.31 Apart from the tower itself, it is noted by the Conservation Advisor and the applicant that very little remains of the original structure, however, there is clear evidence of the original foundations and footprint of the outbuildings remaining. The Statement considers that "The size and scale of the extension reflect a structure that would have been attached to a windmill previously" and adds that "The building has only the one wall, namely the circular tower wall, with no other internal walls or floors. The external face of the brickwork was originally covered in protective tar, but this has deteriorated to leave much of the brickwork exposed, although this is still in reasonably sound condition."
- 4.32 The Heritage Statement adds that "there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can

only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”

- 4.33 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”
- 4.34 In respect of the impact on the Conservation Area, as noted that the site lies 720 metres from Appleton Roebuck and the statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.35 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed conversion and extension. It concludes that “...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level.” Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building.”
- 4.36 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)” and adds that “Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses.”
- 4.37 In terms of landscaping, the Statement considers that “The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints” and The principal visual effect of these changes has very little impact on the nature of the building or its listed status.”

- 4.38 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.39 Historic England and the Council's Conservation Advisor have advised that the windmill is a Grade II listed building which means it is a nationally important building of special architectural and historic interest and Historic England note that "The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west."
- 4.40 Historic England do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised as the proposed conversion could provide a means of ensuring the future conservation of this important structure. In addition, they comment that "The design of the proposed extension has improved since the first submission. It no longer projects beyond the tower and the narrowness of the link to between the two allows a good appreciation of the circumference of the tower. The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence." Several conditions have been recommended to be attached, however, the condition in respect of the schedule of works is considered to be relevant to the Listed Building Consent application which is being determined under application 2016/0675/LBC and so would not be proposed to be attached.
- 4.41 The Council's Conservation Advisor has considers that the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with it conservation and sustains the windmill as a feature within the landscape for this and future generations to enjoy.
- 4.42 Furthermore, the Conservation Advisor considers that "Great weight has been given to the conservation of the Windmill as a Grade II heritage asset...[and] to the conservation of the heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132.The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application."

- 4.43 The Conservation Advisor concludes that “The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24” and recommended several conditions be attached to any permission granted
- 4.44 Having had regard to the submitted proposals, the comments received following notification of the application and responses from consultees, the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1, ENV24 and H12, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF subject to appropriate conditions.

Identifying the Impacts of the Proposal

- 4.45 The following sections of this report identify the potential impacts of the proposal:

Design and Impact on the Character of the Area

- 4.46 The proposed development seeks permission to convert an existing windmill into a residential dwelling and also proposes a single storey extension. The proposed re-use is considered to generally take place within the fabric of the building and does not require extensive extension in order to create a dwellinghouse. In addition it should be noted that the proposals would utilise the existing window and door openings within the existing building in order to retain the character and appearance of the building.
- 4.47 The proposed single storey extension would be 5 metres in height, a maximum of 11.4 metres in width and a maximum of 5.2 metres in depth. The size, scale and juxtaposition of the proposed extension would appear subservient to the windmill. Furthermore, the design takes into account the circumference of the windmill and appears as a functional outbuilding to the windmill rather than a separate building. In addition, the use of a dark wood for the external walls would reflect the original tar finish of the windmill visually and as such, it is considered that on balance the proposed extension would not be harmful to the windmill’s landscape prominence and is acceptable.
- 4.48 Other design features incorporated into the proposed extension and windmill includes ducts, vents, external pipes and openings for windows and doors. The existing openings within the windmill would be utilised and the proposed windows would be recessed and all windows would be dark painted or stained hardwood to reflect the historical character of the site. Although the proposed windows would vary in size, it is considered that this approach is acceptable.
- 4.49 The Heritage Statement confirms that ducts and vents would be fitted internally, although from the plans submitted, there may be some views of the vents on the windmill. However, when taken in the context of the site, it is not considered that the services required as part of the proposal would result in a visual impact as many would be located internally and therefore views would be limited.

4.50 The external wall materials proposed for the single storey extension would be dark wood timber boarding with Old English Pantiles for the roof which is considered acceptable. In addition, there would be a glazed link connecting the windmill and proposed extension in order to visually separate, but link the two structures. These materials are considered to be acceptable and can be secured by condition in order to ensure the development is carried out in accordance with the submitted details.

Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.

4.51 In terms of landscaping, a garden area is proposed to the rear of the proposed extension and windmill and the proposed hardstanding leading from the highway is proposed to be constructed of stone. There is an existing hedge to the western boundary which is proposed to have any gaps closed but no other boundary treatment is proposed which would retain the open nature of the site. This hedge planting can be conditioned to ensure it is of the same species and height as the existing hedge and a further condition can be included which removes permitted development rights for the installation of any further boundary treatments to the site under Part 2 of the General Permitted Development Order which would ensure the openness of the site is retained.

4.52 Although the submitted plan shows the areas of hard and soft landscaping within the site, it is considered that a condition is attached which requires full details of the hard and soft landscaping within the site in order to ensure the site does not appear overly domesticated in nature having regard to the historical setting of the site and the surrounding area. In light of the conditions proposed, it is considered that the landscaping and boundary treatments within the site would be appropriate to the current and historical landscape in the surrounding area and would not result in a significant impact on the visual amenity of the area.

4.53 It is considered that given the location of the windmill within the Green Belt whereby extensions and alterations to the existing building should be limited and permitted development rights should be removed for any development within Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order.

4.54 The letter of objection considers that insufficient information has been submitted which would allow the LPA to fully assess the proposal and its impact on the character. The public viewpoints of the site in the wider area have been visited and the proposal has been assessed accordingly. It is concluded that the proposals are acceptable having had regard to the impact on the character of the area subject to a series of conditions.

4.55 In addition, the objector considers that the use of the site as a dwelling is likely to have a significant impact on the area due to the creation of a structured urbanised landscape, introduction of lighting, residential paraphernalia and residential curtilage. This would result in the structure being more dominant in views from the more intensive use of the site. Having had regard to these issues and as set out above it is considered that an appropriate scheme can be achieved subject to

conditions. In terms of the issue regarding external lighting, within the letters of support it is noted that there would have been some lighting at the site when it was in operational use, although this is likely to have been low level and the application proposes blackout blinds in order to reduce light spillage from the site. As such, it is considered that an appropriate lighting scheme can be achieved at the site and this can be conditioned.

- 4.56 Having considered all of the above, the proposals are considered acceptable with respect to the design and the impact on the character of the area, in accordance with Policies ENV1 and H12 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF, subject to appropriate conditions.

Impact on Residential Amenity

- 4.57 The nearest residential property is located in excess of 500 metres from the application site and as such, it is considered that the proposal would not have any impact on the amenity of any property. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the occupants of the proposed dwelling. It is therefore considered that a good standard of residential amenity for both occupants and neighbours would be achieved and that the proposal is therefore in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Highway Safety Issues

- 4.59 The letter of objection raises some concerns in regards to highway safety including safe access to the site and provision for service vehicles to enter the site. The proposal would utilise an existing access into the site from Old Road and would create a new access road to the windmill which is similar to that approved under application 2012/0812/FUL in terms of length.
- 4.60 The Highways Officer at North Yorkshire County Council has been consulted and has no objections to the access arrangements and impacts on the highway network subject to several conditions. Furthermore it should be noted in respect of accessibility by service vehicles such as refuse vehicles that it is not unusual in locations such as this for the occupiers to present their bins at the entrance to the site for collection. It is therefore considered that there are suitable provisions in place to ensure that no detriment would occur.
- 4.61 A plan has been submitted which shows the required visibility splays of 138 metres to the west and 215 metres to the east are achievable at the site which meets the requirements of the Highways Officer and a suitable condition can be included which requires the visibility splays to be retained throughout the lifetime of the development. One of the conditions requested by the Highways Officer relating to a construction management plan is not considered as being reasonable or proportionate given the scale of the development.
- 4.62 It is therefore considered that the scheme is acceptable and in accordance with Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage and Climate Change

- 4.63 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that the foul water would be directed to a Package Treatment Plant and surface water would be directed to a soakaway. The Ainsty Internal Drainage Board has requested two conditions are attached to any permission in regards to soakaways. The Lead Officer for Environmental Health advises that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 4.64 Concern has been raised in the letter of objection in regards to the suitability of the well for use as a soakaway which could increase the risk of pollutants spreading into the surrounding ground water. It is noted that the IDB has requested conditions in regards to the suitability of the soakaway and it has been confirmed that the well would not be used as part of the soakaway or surface water disposal.
- 4.65 Having had regard to the above and taking into consideration the proposed connections, the proposed scheme is considered to be acceptable in regards to drainage on the site subject to appropriate conditions.

Nature Conservation Issues

- 4.66 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The applicant has submitted a Bat Survey and a Phase 1 Habitat Survey by Wold Ecology as part of the application.
- 4.67 The submitted Bat Survey has identified a common pipistrelle bat roost within the windmill which would be disturbed and destroyed as part of the proposed conversion and structural repair work to the windmill. Consequently, a Natural England European Protected Species development license is required before building work can commence. The Bat Survey identifies mitigation measures as appropriate which are required in order to apply for a development license from Natural England.
- 4.68 The ecological survey concludes that the proposed development is unlikely to impact upon any other protected species or associated habitats. However, the report recommends a number of measures which should be adopted to ensure potential adverse impacts to wildlife are avoided
- 4.69 The North Yorkshire Bat Group, Yorkshire Wildlife Trust and Natural England have been consulted on the application. Natural England have stated that they have no comments to make and refer to their standing advice, the Yorkshire Wildlife Trust consider that the surveys are thorough and the suggested mitigation should be conditioned as a European Protected Species Licence may need to be applied for and the North Yorkshire Bat Group has not provided any comments.
- 4.70 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to conditions.

Affordable Housing

- 4.71 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.

Contaminated Land

- 4.72 The proposal involves an end use that would be particularly vulnerable to contamination and the site is identified as potentially contaminated and a Screening Assessment Form (SAF) was submitted with the application. The Council's Contaminated Land Consultant has reviewed the SAF for the above site, as well as undertaken a brief review of available online information and advise that no contaminated land conditions are required to be appended to an approval of this application.
- 4.73 As such, the proposal is therefore considered to be acceptable with respect to contamination and in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Neighbourhood Plan

- 4.74 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.
- 4.75 The Council has now received 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 on 23rd November 2017.
- 4.76 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)
- 4.77 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.
- 4.78 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 plan will go for

referendum which is to take place on the 23rd November 2017 prior to the consideration of this application by the Committee, but after the deadline for the collation of this report. As such Members will be updated on the outcome of the and any implications for this application.

- 4.79 In terms of the sites relationship to the AR&AS NDP then the site lies within the area covered by the Plan and the Plan contains the following policies which are relevant to a conversion scheme of this type and works to listed buildings. The
- Policy WB1 Re-use of Redundant Buildings
 - Policy DBE2 – Respecting Traditional Building Design and Scale
 - Policy DBE3 - Green Infrastructure
 - Policy DBE4 - Drainage and Flood Prevention
 - Policy EHL1 – Maintaining Agricultural Land
 - Policy ELH 4 - Historic Rural Environment.
 - Policy H1 - New Housing Development Design and Scale,
 - Policy H3 – Car Parking

4.80 This application is for conversion of a currently redundant windmill structure and its extension to form a dwelling.

4.81 Relevant consultations have confirmed no objections to the scheme with particular regard to design, drainage and parking. The application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use which is in accordance with Policy WB1, plus the design, car parking approach and landscaping of the overall development is acceptable within the characteristics of the area Officers therefore consider that the scheme is appropriate and conforms with the noted NP policies.

Other Issues

4.82 Criterion 1 of Policy H12 of the Local Plan allows proposals for the conversion of rural buildings to residential uses provided it “can be demonstrated that the building, or its location, is unsuited to business use of that there is no demand for buildings for those purposes in the immediate locality”. However, the approaches taken by Policy SP2A(c) and Paragraph 55 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.

4.83 Criteria 6 of Policy H12 requires that buildings are not in close proximity to intensive livestock units or industrial uses which would be likely to result in a poor level of amenity for occupiers of the dwelling. The site is located adjacent to agricultural land which is not used for intensive livestock uses and is also located at a considerable distance away from the nearest industrial use.

4.84 The two letters of objection reference several mistakes within the application form and submitted documents. Officers have assessed the application based on a site

visit, consultee responses, the submitted information and having taken into account national and local policies as well as comments received following notification of the application and not solely based on the applicant's submission and are satisfied that there is sufficient information on which to determine the application.

- 4.85 Other concerns have been raised regarding alternative options in protecting the structure. The applicants contend in their Heritage Statement that the benefit of bringing the building into use is a conservation gain and alternative uses (such as a Visitor centre, Community hall and consolidated ruin amongst others) are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime). Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value and a permanent occupant of the building implies a higher standard of care than other uses.
- 4.86 A further concern has been raised over the supply of electricity to the site and it is noted that no overhead power lines are located within the vicinity of the site. However, in many instances, an electricity supply can be made through underground cables which do not require the provision of overhead power lines and it would be up to the applicant to ensure that a supply can be provided to the property.

Conclusion

- 4.87 In assessing the proposal, it is considered that the proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF which allows isolated homes in the countryside if such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 4.88 The proposal is not considered to inhibit an understanding of the windmill's historic function and how it would have operated and the proposed extension would appear as a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. In addition, the proposal would result in the future conservation of the windmill which is considered to be an important structure and therefore, the proposal is considered to be acceptable in terms of its impact on Heritage Assets.
- 4.89 The proposals would make use of the environmental capital (energy and materials) that is invested in the windmill through its re-use and the design would take into account other environmental issues such as reducing carbon emissions, flooding and impacts on climate change. Furthermore, the proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.
- 4.90 Whilst the proposal would perform poorly with respect to the location of the site, the proposal is considered to comply with paragraph 55 of the NPPF which

acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor.

Legal Issues

Planning Acts: This application has been considered in accordance with the relevant planning acts.

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.

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

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

5.0 Conclusion

5.1 The application seeks the conversion and extension of a windmill to form a single dwellinghouse. The site is located outside the defined development limits of Appleton Roebuck and is within the Green Belt.

5.2 The proposal is considered to be not to be inappropriate development in the Green Belt as it meets the exceptions as outlined in paragraphs 89 and 90 of the NPPF and is also considered acceptable when assessed against paragraph 55 of the NPPF.

5.3 It is considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of criteria (1) and (2) of the policy and the less onerous approach set out within the NPPF. Therefore, on balance, the proposal is considered to be acceptable in principle as substantial weight should be given to the NPPF which promotes the conversion of existing buildings.

5.4 The proposal is considered to provide a means of ensuring the future conservation of the windmill which is an important structure. The scale, appearance and design of the proposed extension is considered to provide a good appreciation of the circumference of the tower and give the appearance of a functional outbuilding to the windmill. As such, it is considered that the proposal is acceptable in respect of the impact on the Heritage Asset.

5.5 Other matters of acknowledged importance such as the impact the character of the area and Green Belt, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination have been assessed and are considered to be acceptable.

5.6 In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the

provision of an affordable housing commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

6.0 Recommendation

6.1 That the application be APPROVED subject to the following conditions:

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

Reason:

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

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

- Location Plan: LOC01
- All Plans: 2016/17/501/11B
- Proposed Sections: 2016/17/501/9B
- Visibility Splays: SK01

Reason:

For the avoidance of doubt.

03. Prior to the commencement of development, samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building.

04. The materials to be used in the repairing of the external walls of the windmill and in the construction flat roof of the windmill 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 to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

05. Before any development is commenced, details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. 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 and in the interests of protecting the Green Belt in accordance with Policy SP3 of the Selby District Core Strategy.

09. The new hedge planting, as shown on Drawing Number 2016/17/501/11B, shall be of the same species and height as the existing hedge along the western boundary of the site. The new hedge planting shall be carried out in its entirety prior to occupation of the proposed dwelling and shall thereafter be retained throughout the lifetime of the development.

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. Notwithstanding the provisions of Classes A to E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, porches, outbuildings, roof additions or other structures shall be erected, nor new windows, doors or other openings shall be inserted into the windmill or extension, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the Green Belt and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

11. Notwithstanding the provisions of Class A and Class C to Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby permitted, other than those shown on the approved drawings, nor shall any exterior painting of the extension or windmill be permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the Green Belt and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

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

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

13. No development approved by this permission shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented prior to the development being brought into use. The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.

- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

14. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained.

Reason:

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

15. The windmill and/or extension shall not be occupied or brought into use until the site is connected to the Package Treatment Plant for the disposal of foul water.

Reason:

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

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 improved to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 8 metres into the site shall be constructed in accordance with Standard Detail number E1.
- 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.

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 Policies T1, T2 and H12 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

17. The visibility splays, as shown on drawing number SK01 shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and in the interests of road safety.

18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 2016/17/501/11B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

INFORMATIVE

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

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

19. The development shall be carried out in complete accordance with the recommendations set out in the Bat Survey dated May 2016 and Extended Phase 1 Habitat Survey dated December 2015 both by Wold Ecology Ltd which were as received by the Local Planning Authority on 6 June 2016

Reason:

In the interests of biodiversity and nature conservation and in order to comply with the advice contained within the NPPG.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

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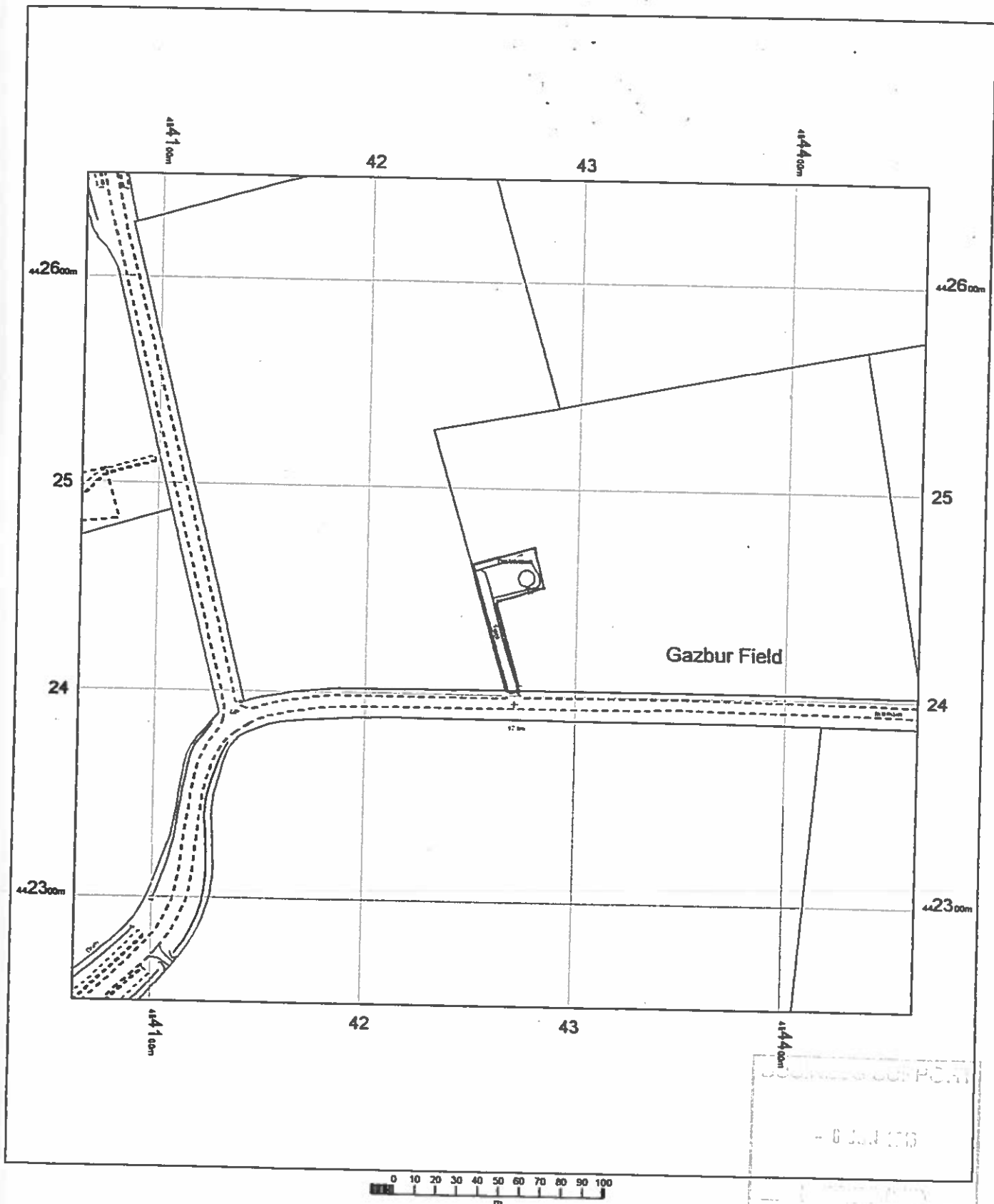


APPLICATION SITE

Item No: 2016/0673/FUL

Address: Windmill, Old Road, Appleton Roebuck

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10001

To: Planning Committee
Date: 8 November 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/0675/LBC	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Listed building consent for the proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill, Old Road, Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This matter has been brought to Planning Committee as it is the Listed Building application which accompanies application 2016/0673/FUL which is also being heard at this Planning Committee meeting and it is good practice to consider both applications together.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries. The windmill is on an elevated position within the site with grassed land surrounding the site and the remains of previous buildings.

The Proposal

- 1.2 The proposal seeks Listed Building consent for the conversion of the windmill into residential accommodation and the addition of a single storey extension to create additional living accommodation.

- 1.3 There would be significant internal works to the windmill due to the lack of floors/beams in order to facilitate the conversion and a full schedule of works has been submitted.
- 1.4 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with English pantiles to the roof and timber doors and windows. It would measure 11.4m in length by 5.2m in depth with a maximum height of 5m to the ridge.
- 1.5 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site.

Planning History

- 1.6 The following historical applications and appeals are considered to be relevant to the determination of this application:-
 - An application (2016/0673/FUL) for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
 - An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.
 - An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
 - An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.

- An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **HER Officer** - There is no known archaeological constraint to the proposals.
- 2.3 **Historic England** - The windmill is Grade II listed which means it is a nationally important building of special architectural and historic interest. The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west.

It is considered that incorporating the windmill tower into residential use could provide a means of ensuring the future conservation of this important structure. It would also provide a presence on the site to monitor the condition of the historic fabric on a regular basis. There is therefore do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised. The set of 'principles' at section 5.4 and the Schedule of Works at Appendix 1 is welcomed and conditions should be attached to secure this schedule of work.

The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill. This is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence. The wider site plan indicates that there are no proposals for any ancillary structures such as garages etc. and conditions restricting permitted development rights on the site should be attached.

It is considered that the proposals would not cause substantial harm to the significance of the listed building and there are benefits to facilitating a new use for the building which would outweigh any harm that would be caused. It is recommended that this harm is mitigated through the application of appropriately robust conditions to secure the quality of the works both to the tower and the extension. A record should also be made of the tower in its present condition for future reference.

No objections are raised on heritage grounds and consider that the issues and safeguards need to be addressed in order for the application to meet the requirements of the NPPF. The determination should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 2.4 **Georgian Group** - No response within the statutory consultation period.
- 2.5 **Twentieth Century Society** - No response within the statutory consultation period.
- 2.6 **Ancient Monument Society** - No response within the statutory consultation period.
- 2.7 **The Victorian Society** - No response within the statutory consultation period.
- 2.8 **Council for British Archaeology** - No response within the statutory consultation period.
- 2.9 **Conservation Advisor** - The conversion of the windmill into a residential use would provide a beneficial use that would ensure the future conservation of the structure. There are no concerns regarding the principle of the reuse of the windmill. The Heritage Statement contains the information that is required under NPPF 128 and is proportionate to the significance of the heritage asset. It provides enough information to be able to understand the significance of the structure, the proposals and the potential implication of the development. It also puts this within a legislative and policy context.

The application is supported by a structural survey and shows that with some repairs the building is capable of being re-used with minimal intervention and alteration to the windmill. Consideration has been given to conservation principles and the practice of minimal intervention and a philosophy of repair. The new roof will be formed below the existing parapet to reduce the visual impact of the proposed works. The existing openings will be retained and reused and new timber windows and doors inserted. Existing machinery will be incorporated into the conversion.

Whilst the present appearance of the site is of the windmill in its solitary form, it did have a building located to the west, albeit detached. Other historic windmills have ancillary buildings located about their bases. Therefore it is not historically inaccurate to have additional buildings associated with windmills. The materials for the extension have been chosen to reflect the agricultural nature of the setting and the existing building. The proposed dark wood reflects the original tar finish to the windmill. The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable. The design is utilitarian and uncomplicated.

Externally, the existing access would be upgraded and car parking for two cars, a small garden area and a small bin storage area would be provided. There would be no

garaging, boundary features or ancillary structures. This will retain the open nature of the site and reduce visual clutter associated with domestic properties.

Recommendation

The application has considered the special interest, identified significance and the agrarian setting in considering the acceptability of this application. The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset.

The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application. As harm has been identified the harm should be weighed against the public benefits of the application in accordance with NPPF 134.

The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24. Several conditions are recommended if approval of the application was recommended.

2.10 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.

2.11 The letters of objection raised the following points as summarised:

- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
- The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur.
- The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG (2014)*.

- Plans have not been provided from public vantage points of which to assess the proposal;
- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past.
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement.
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car.
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable.
- The creation of boundary treatment would introduce a defined and alien curtilage in the area.
- Associated activity and detailing such as garden planting, outdoor tables chairs etc will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings.
- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed.
- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating appliances, external lighting equipment, external pipes associated with drains etc.

- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach.
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension.
- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage.
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing.
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site.
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed.
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions.
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway.
- There is reference to removing parts of the hedge; however there is no indication of the level of visibility that this will achieve, or the works likely to be required to the hedge.
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection.

- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway.
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway.
- There has been no assessment of the historic or archaeological significance of this feature of the site.
- The structural survey contradicts the Heritage Statement in respect of the decay of the building.
- The Heritage Statement should be completed by a competent and informed individual.
- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF.
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.12 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling

will have a measureable impact on local traffic volumes. Traffic volumes are not great;

- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;
- Local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;
- Cyclists use this route extensively;
- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;
- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;

- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. Internally, the first, second and third floors are almost entirely missing with some supporting beams remaining.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

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:

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
ENV24	Alterations to Listed Buildings

Other Documents

3.8 Other relevant policies and guidance are:

- Appleton Roebuck Neighbourhood Plan

4.0 Appraisal

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

- Impact on Heritage Assets

Impact on Heritage Assets

4.2 Whilst in considering proposals which effect a listed building regard has to be made of S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

4.3 Relevant policies in respect to the impact on Heritage Assets have been included above. Further to this, paragraph 131 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

4.4 The application comprises the following works:

- Conversion of the existing windmill to a dwelling;
- Erection of a single storey extension;
- Internal works to the windmill;

- Repair works to the external walls of the windmill;
- Excavation and opening up of a well to form a soakaway;
- Excavation works to form a French drain;
- Upgrading of existing access from Old Road.

- 4.5 Two letters of objection have been received as part of the application (from the same objector) and twelve letters of support have also been received. The objection letter discusses wider issues which are assessed in detail within the accompanying application (2016/0673/FUL) as only the impact on the Listed Building can be assessed as part of this application. The full list of concerns raised within the objection letters have been detailed within paragraph 2.11 of this report.
- 4.6 The application form identifies the windmill as Grade II Listed and the listing description states “The mill was constructed in circa 1822 the building to be a windmill tower mill. Early C19. Reddish brown brick with no roof. Circular on plan tapering to summit. Entrances on 2 sides with segmented arches. Further segmentally- arched openings above. To other 2 sides are 4 segmentally arched openings. Remains of projecting course to summit.”
- 4.7 A Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.8 Apart from the tower itself, it is noted by the Conservation Advisor and the applicant that very little remains of the original structure; however, there is clear evidence of the original foundations and footprint of the outbuildings remaining. The Statement considers that “The size and scale of the extension reflect a structure that would have been attached to a windmill previously” and adds that “The building has only the one wall, namely the circular tower wall, with no other internal walls or floors. The external face of the brickwork was originally covered in protective tar, but this has deteriorated to leave much of the brickwork exposed, although this is still in reasonably sound condition.”
- 4.9 The Heritage Statement adds that “there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”
- 4.10 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no

evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”

- 4.11 It is noted that the windmill is a visible from the surrounding areas and the Heritage Statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.12 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed conversion and extension. It concludes that “...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level.” Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building.”
- 4.13 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)” and adds that “Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses.”
- 4.14 In terms of landscaping, the Statement considers that “The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints” and The principal visual effect of these changes has very little impact on the nature of the building or its listed status.”
- 4.15 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the

proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.

- 4.16 Historic England and the Council's Conservation Advisor have advised that the windmill is a Grade II listed building which means it is a nationally important building of special architectural and historic interest and Historic England note that "The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west."
- 4.17 Historic England do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised as the proposed conversion could provide a means of ensuring the future conservation of this important structure. In addition, they comment that "The design of the proposed extension has improved since the first submission. It no longer projects beyond the tower and the narrowness of the link to between the two allows a good appreciation of the circumference of the tower. The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence." Several conditions have been recommended to be attached, however, the condition in respect of the schedule of works is considered to be relevant to the Listed Building Consent application which is being determined under application 2016/0675/LBC and so would not be proposed to be attached.
- 4.18 The Council's Conservation Advisor has considers that the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with it conservation and sustains the windmill as a feature within the landscape for this and future generations to enjoy.
- 4.19 Furthermore, the Conservation Advisor considers that "Great weight has been given to the conservation of the Windmill as a Grade II heritage asset... [and] to the conservation of the heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application."
- 4.20 The Conservation Advisor concludes that "The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and

ENV24” and recommended several conditions be attached to any permission granted.

- 4.21 It is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use.
- 4.22 The contents of the letter of objection are noted and reference is made to the proposal being contrary to Policy ENV24 of the Local Plan. However, it is advised that Policy ENV24 of the Selby District Local Plan should be given limited weight due to the conflict between the approach taken and that set out within the NPPF.
- 4.23 The proposal seeks similar internal works to the Listed Building to that approved under the previous approval for the site but also includes a single storey extension to facilitate additional living accommodation. As stated earlier in the report, the emphasis within the NPPF is on conserving the significance of designated heritage assets and the balancing of harm to heritage assets against the public benefits of the proposal.
- 4.24 Much of the original internal structures have been removed from the windmill and a basic shell is retained on site. The proposed works would enable the use of the windmill for residential purposes.
- 4.25 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls of the proposed extension are considered to be acceptable and materials required in order to repair the walls of the existing windmill would match those as per existing. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.26 Subject to the aforementioned condition, the proposal is considered to be sympathetic to the historic significance of the windmill with a scale, massing and appearance that would be of a simple and historical design commensurate with the use of the land for agricultural purposes.
- 4.27 Having assessed the proposal, the comments from consultees and the comments received as part of various notifications of the application, it is considered, on balance, that the works proposed would lead to a less than substantial harm to the heritage asset and the public benefits of bringing the building into use and securing its future is considered to be of significant weight which would enable the assets continued conservation, in accordance with the approach taken within the NPPF.

- 4.28 Furthermore, it is considered that the proposal would preserve the setting of the Listed Building which is of considerable importance and weight when assessing an application which affects a Listed Building.
- 4.29 The proposals are therefore considered to be in accordance with Policies ENV1 and ENV24 of the Selby District Plan, Policy SP18 and SP19 of the Core Strategy and the advice contained within the NPPF subject to the imposition of conditions.

Neighbourhood Plan

- 4.30 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. As this application was first considered on the 2nd February 2017 by Officers then the position and status of the AR&AS NDP has changed since the decision was made.
- 4.31 The Council has now received 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 on 23rd November 2017.
- 4.32 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)
- 4.33 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.
- 4.34 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 plan will go for referendum which is to take place on the 23rd November 2017 prior to the consideration of this application by the Committee, but after the deadline for the collation of this report. As such Members will be updated on the outcome of the and any implications for this application.
- 4.35 In terms of the sites relationship to the AR&AS NDP then the site lies within the area covered by the Plan and the Plan contains the following policies which are relevant to a conversion scheme of this type and works to listed buildings. The

- Policy WB1 Re-use of Redundant Buildings
- Policy DBE2 – Respecting Traditional Building Design and Scale

4.35 This application relates to works to convert the currently redundant windmill structure and its extension to form a dwelling.

4.36 Relevant consultations have confirmed no objections to the scheme with particular regard to design, drainage and parking. The application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use which is in accordance with Policy WB1, plus the design, car parking approach and landscaping of the overall development is acceptable within the characteristics of the area Officers therefore consider that the scheme is appropriate and conforms with the noted NP policies.

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 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development, on balance, would lead to a less than substantial harm to the heritage asset and the public benefits of bringing the building into use and securing its future is considered to be of significant weight which would enable the assets continued conservation, in accordance with the approach taken within the NPPF.

5.2 The proposals are therefore considered to be in accordance with Policies ENV1 and ENV24 of the Selby District Plan, Policy SP18 and SP19 of the Core Strategy Paragraphs 14, 64, 128, 131, 132, 133 and 134 of the NPPF.

6.0 Recommendation

6.1 That the application be APPROVED subject to the following conditions:

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

Reason:

In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- Location Plan: LOC01
- All Plans: 2016/17/501/11B
- Sections: 2016/17/501/9B

Reason

For the avoidance of doubt.

03. Before the construction of the extension hereby commences, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

- a) detailed drawings at 1:5 scale of the glazed link to show materials, doors and interaction with the windmill;
- b) samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension

Reason:

In order to ensure the the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

04. The materials to be used in the repairing of the external walls of the windmill and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be utilised.

Reason:

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

05. Rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be in cast-iron. The sectional profile for the rainwater gutters shall be half round and fixed on brackets agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. The development hereby permitted shall be carried out in full accordance with the submitted Heritage Statement and Schedule of Works (paragraph 5.4) by Bill Blake Heritage Documentation, dated 20/03/17 which was received by the Council on 21/03/2017.

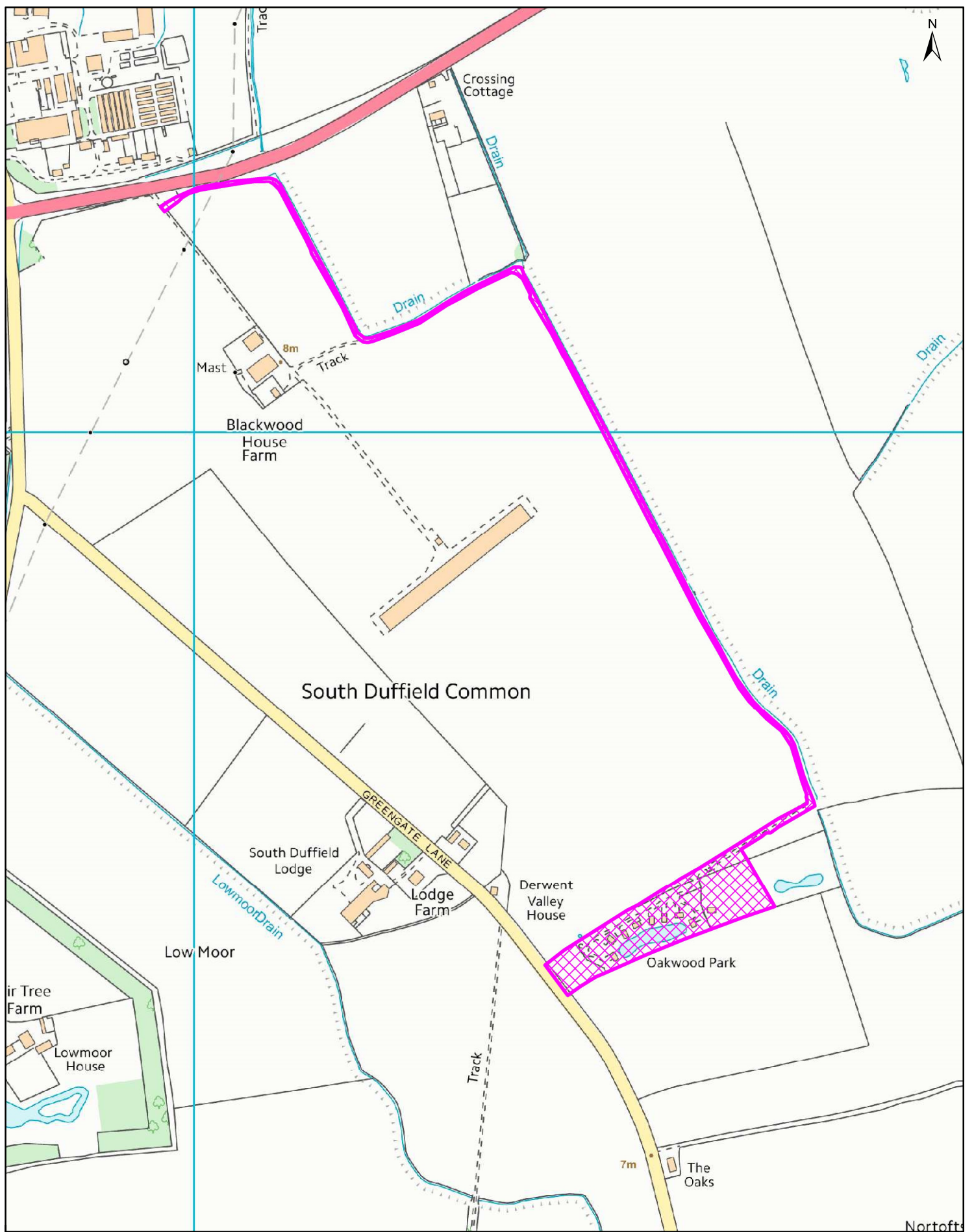
Reason

For the avoidance of doubt

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

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APPLICATION SITE

Oakwood Lodges, Oakwood Park, Market Weighton Road W, North Duffield
 2017/0229/FUL

1:6,000



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OAKWOOD LOOSES, MARKET WEIGHTON ROAD, NORTH DUFFIELD YO8 5DB
2017/0229/FUL
SITE LAYOUT PLAN



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

Agenda Item No: 6.3

To: Planning Committee
Date: 8 November 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:	21 April 2017
		EXPIRY DATE:	21 July 2017
PROPOSAL:	Section 73 to vary/remove 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.

The application was deferred from the October meeting as the Committee expressed a concern that without the existing conditions as a point of reference, it was difficult to take a decision on the matter. Members felt that they needed a clear and concise set of amended conditions.

Appendix A attached is the 2006/1531/FUL notice of decision for reference for Members and can be used to refer to the recommended conditions in this report. Three new highways conditions are recommended, namely Conditions 17, 18 and 19 and a new plans condition is noted as Condition 2.

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 two Parish Councils notified.

Five 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?

- Poor access and narrowness of the road.

Councillor Deans called the application into committee citing the proposal is overdevelopment of the site and that the proposed access would be inappropriate and dangerous.

2.1 **North Duffield Parish Council**

Support the application.

Cliffe Parish Council

Objection 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.

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
RT12:	Touring Caravan and Camping Facilities

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.

Condition 5 states:

Notwithstanding the details provided there shall be no vehicular access for occupants of the cabins from Greengate Lane.

Reason:

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

Condition 10 states:

There shall be no means of vehicular access to or from the application site other than from Selby Road (A163) unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety in order to accord with T1 of Selby District Local Plan.

Condition 17 states:

Prior to the commencement of the cabins and ancillary buildings on the site, the access road shall be constructed in accordance with the approved plans. Once constructed this shall be the sole access to the site for both construction vehicles and users of the site and shall be retained and maintained throughout the lifetime of the development.

Reason:

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

- 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 as it states that there shall be no vehicular access from Greengate Lane.

4.3.10 Condition 10 is to be recommended to be varied as it states that the only access to the site is via the A163. This is now condition 9.

4.3.11 Condition 17 is recommended to be varied as it is a prior to commencement condition and states that the A163 access should be the sole access to the site. The condition should still state that construction vehicles and waste vehicles can use the A163 access road. This is now condition 16.

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 The agent has received appropriate authorisation to use an Ecology Report submitted for an adjacent site as part of this application. 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 APPROVED 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 under this Section 73 application shall be carried out in accordance with the plans/drawings listed below:

Amended site plans received 7 June 2017,
Site Layout Plan received 21 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 A163 Selby Road access 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 T1 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 on the A163 access road shall provide clear visibility of 4.5 metres x 215 metres measured down the centre line of access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highways 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 T1 of 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 (on the A163 access road) have been constructed along this 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 shall be 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. The development permitted for the 2006/1531/FUL permission shall be carried out in complete accordance with the approved plans and specifications.

Reason:

For the avoidance of doubt

16. Within three months from the date of this decision, the A163 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 waste 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.

17. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the Greengate Lane access to the site has 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.

18. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays are provided giving clear visibility of 160 metres measured 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 T1 of Selby District Local Plan.

19. 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 in writing by the Local Planning 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.

Contact/Case Officer: Keith Thompson

Appendices: None

Appendix A

SELBY DISTRICT COUNCIL

Decision No.: 2006/1531/FUL
(8/17/37D/PA)

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

This Permission does **not** constitute approval under the Building Regulations
Please see notes at end of this letter

To:

Beckfield Developments
c/o Mr P Beck
The Willows
Main Street
North Duffield
Selby
YO8 5RG

The above named Council being the Local Planning Authority for the purposes of your application dated 21 November 2006 in respect of the following

Proposal: Resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works

Location: Proposed Holiday Cabins On OS Field No 6142, Greengate Lane, South Duffield,

Have considered your said application and have **GRANTED** permission subject to the following conditions and reasons:

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

Reason:

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

02. Prior to the commencement of development 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.

03. Prior to the commencement of development 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. 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.

05. Notwithstanding the details provided there shall be no vehicular access for occupants of the cabins from Greengate Lane.

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

06. 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.

07. 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.

08. No development shall take place until 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.

09. Prior to the commencement of any other part of the development hereby permitted, the access(es) to the site shall be laid out and constructed in accordance with the following requirements:-

ib) 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.

ic) 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.

ii) 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.

v) 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.

10. There shall be no means of vehicular access to or from the application site other than from Selby Road (A163) unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of Highway Safety, in order to accord with Policy ENV1 of the Selby District Local Plan.

11. Prior to the commencement of the development hereby permitted 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.

12. Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference 2209 & 2150). 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). 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.

13. 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 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.

14. Prior to the commencement of the development 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.

15. The use shall not commence until 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.

16. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

17. Prior to the development of the cabins and ancillary buildings on the site, the access road shall be constructed in accordance with the approved plans. Once constructed this shall be the sole access to the site for both construction vehicles and users of the site 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.

The decision to grant permission has been taken having regard to the policies and proposals in the:

Selby District Local Plan: DL1, RT12, ENV1, T1 and ENV21

In reaching this decision the Planning Committee were mindful of the particular circumstances of this application, namely:

The site is in a predominantly open area, however it is set back a significant distance from the most common public viewpoints of neighbouring settlements or the A163. The main intrusion is from views along Greengate Lane, a single track road and a small amount of properties in the immediate vicinity. Further to this the site currently benefits from a large amount of screening around the perimeter, which reduces the views into the site. The internal layout has also been designed to minimise visual intrusion by ensuring that the two larger two storey properties are located at the end of the site furthest from Greengate Lane.

The design and choice of materials also reflect the rural character of the area and ensure that the visual prominence of the properties is significantly reduced.

The site is located in a rural area and doesn't include the conversion of an existing property. Despite the isolated location of the proposed development it is linked to a road network and proposes footpaths to nearby residential settlements. The applicant has shown that services are available in the area and although the site doesn't benefit from local services and shops it is considered that due to the nature of the proposal it can still be considered sustainable. In order to fully achieve a fully sustainable location for new

tourist accommodation it would need to be situated within a defined settlement, where due to site availability and other considerations this would be unlikely to be viable or appropriate.

The new access road is to be created across an existing field, however it is intended to plant a hedgerow along its entirety to screen it and vehicles from view. Subject to suitable landscaping it is therefore considered acceptable.

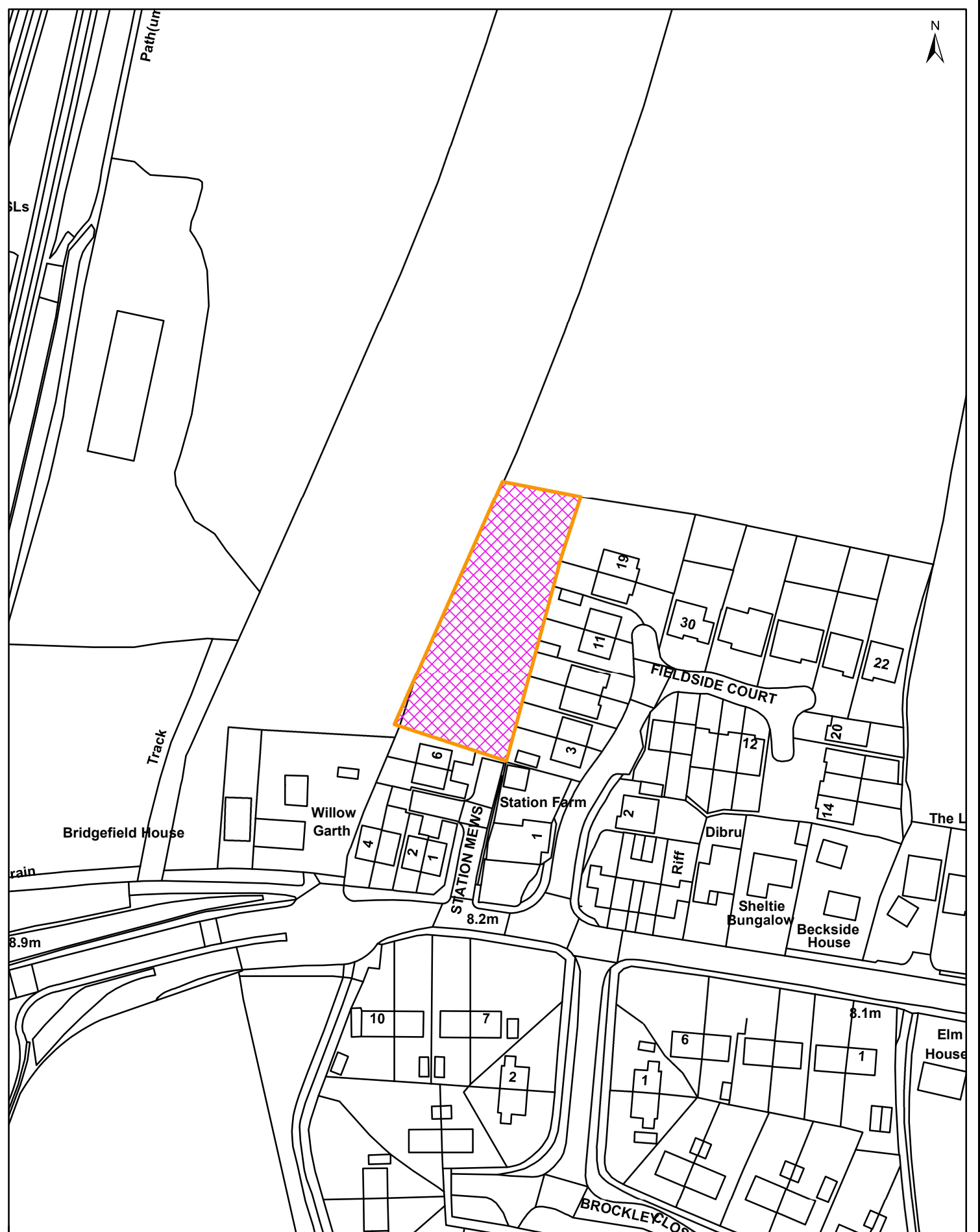
This informative is only intended as a summary of the reasons for granting of planning permission. For further detail on the decision please see the application report by contacting Selby District Council Planning Section or visiting the Planning Section on the Council's website.

Dated: 2 February 2007

..... J Crosby (signature redacted).....

Principal Planning Officer

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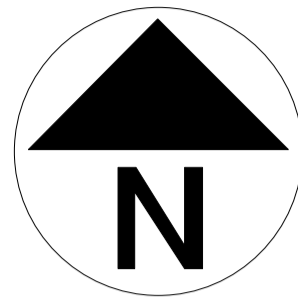


APPLICATION SITE

Station Mews, Church Fenton
2017/0443/REM

1:1,250





Revisions
N 17/10/17 CS Ridge and eaves levels corrected.

RECEIVED
17/10/2017
BUSINESS SUPPORT

**AMENDED
DRAWING**



Willow
Garth

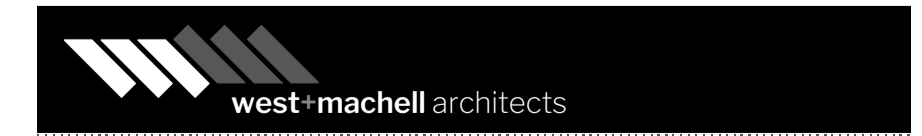
FIELD SIDE

FIELD SIDE CT

Riff

1 Site Layout Plan
Scale: 1:200

KMRE group Approval
project
Church Fenton Phase 2
drawing title
Site Layout Plan
drawing number
3304 (1)002 N
1:200 drawn/checked date
@A1 CO / SG 06/02/2017



1 Northwest Business Park Servia Hill Leeds LS6 2QH
Tel: 0113 2461746
email: architects@westmachell.co.uk www.westmachell.co.uk



Report Reference Number: 2017/0443/REM

Agenda Item No: 6.4

To: Planning Committee
Date: 8 November 2017
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0443/REM	PARISH:	Church Fenton Parish Council
APPLICANT:	KMRE Group	VALID DATE:	17 May 2017
		EXPIRY DATE:	12 July 2017 EOT 10/11/2017
PROPOSAL:	Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)		
LOCATION:	Land Adj To Station Mews Church Fenton Selby North Yorkshire		
RECCOMENDATION:	APPROVE		

This application has been brought before Planning Committee due to there being more than 10 objections to the proposal.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a rectangular shaped parcel of grassed field that lies adjacent to houses and is outside the development limits of Church Fenton.
- 1.2 The eastern perimeter has a timber panel fence circa 1.7m high and a hedge, the northern and western perimeters have a post and rail fence some 1.2m high and the southern boundary has a timber panel fence 1.6m high.
- 1.3 Church Fenton Railway Station lies a short walk from the site to the west.
 - 1.3.1 Vehicular access to the site would be taken off Station Road via Station Mews.

The proposal

- 1.2 The application is submitted for Reserved Matters relating to appearance, landscaping, layout and scale of 5 no dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

Relevant Planning History

- 1.3 Application Reference 2016/0505/OUT was permitted 08.09.2016, which granted outline planning permission for the erection of 5 new dwellings on the site. This was an outline consent with access agreed and all other matters reserved. The Outline consent includes a series of conditions on contaminated land, surface water drainage, waste/recycling provision, highway works and piled development and included indicative plans showing that the site could be developed for 5 units.

2.0 CONSULTATION AND PUBLICITY

The application was advertised in the local press as a departure from the Development Plan, neighbour notification letters were sent and a site notice was erected. As a result objections from 16 addresses have been received citing the following concerns:

- Principle of development;
- Overlooking of houses on Station Mews and Fieldside Court;
- Affect light to houses in Fieldside Court;
- Consultation has not been wide enough;
- Overdevelopment of the site;
- Out of character with the village;
- Houses would affect views from the existing properties;
- Contaminated land report has not reviewed rumours of previous contamination of the site;
- Surface water run off concerns;
- Cause noise pollution, dirt and dust issues;
- Insufficient parking provision; and
- Flood risk concerns.

2.1 NYCC Highways

No objection and no conditions recommended, although there are highways conditions on the outline consent pertaining to access design and the outline consent agreed the access point.

2.2 Yorkshire Water

No comments received on the application.

2.3 Selby Area Internal Drainage Board

No objection (A surface water condition is on the Outline permission).

2.4 Church Fenton Parish Council

Initial comments on the scheme noted an “Objection” to the development on the basis of the following grounds:

- Overdevelopment,
- Loss of amenity to residents in Fieldside Court,
- Parking a problem,
- Out of character.

Further comments of the 8th October noted the “Minor amendments but still overdevelopment, parking problems and out of character”.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

3.1 The application site lies outside the defined boundary of Church Fenton with access to the site taken through Station Mews from Station Road. The site is located adjacent to the defined village development boundary.

3.2 The site is within Flood zone 1 which is a low probability of flooding.

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:

- | | |
|------|--|
| 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

Other Documents

Church Fenton Village Design Statement February 2012.

4.0 APPRAISAL

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

1. Principle of development
2. Scale, Layout and External Appearance
3. Landscaping
4. Impact on Residential Amenity

Principle of Development

- 4.2 Objections have been received with regards to the location of the development and being located outside defined development limits. The application site was subject to an outline approval for the development of 5 dwelling with all matters except access reserved granted in September 2016 under Application Reference 2016/0505/OUT. Therefore, the principle of development and the access approach for the development has been established through the outline permission and only the reserved matters noted in the description of development can be considered at this stage by Members.

Scale, Layout and External Appearance

- 4.3 The application has been submitted with scale, layout and external appearance being sought for approval. Revised plans were submitted to reduce the scale of the house on Plot 5 and also included a series of minor alterations to the remaining plots. As such Plot 5 would be two storey unit, with the remaining plots being 3 storeys units. Within the 3 storey units the ground floors would include living and dining spaces and integral garage space. The first and second floors (for plots 1-4) would occupy bedrooms and bathrooms
- 4.4 The houses would be constructed using red brick walls and grey tile roof and there would be on-site parking to the front of each property and garden space to the front and enclosed garden to the rear,

- 4.5 The site lies adjacent to a group of houses on Station Mews to the south which contains three pairs of semi-detached houses two storey high. There is a larger housing estate located to the east of the site which comprises semi-detached, detached and a terrace of houses. The houses immediately adjacent to the site on Fieldside Court include two storey and three storey semi-detached houses. The submitted cross section plans indicate that the proposed height of the three storey plots would not be taller than these three storey houses (nos. 7, 9, 17 and 19).
- 4.6 The Church Fenton Village Design Statement refers to the Fieldside Court development and describes the development of the houses and density. It is considered that it would be appropriate in this case to accept a design that relates to the immediate setting rather than impose the style of houses on Main Street which were each developed one at a time and using a mix of materials. The houses surrounding the site are post 2000 and the proposed design, scale and appearance of the houses proposed in this scheme would not conflict with the design of development of houses nearby.
- 4.7 It would be reasonable and necessary to seek to see samples of materials prior to commencement of development and this can be secured by condition.
- 4.8 Objections received refer to the lack of parking spaces on the site and for each plot. These comments are noted, but each plot indicates an integral parking space through provision of a garage and two off street parking spaces for each house providing a total of three parking spaces for each plot. This is considered sufficient for a four bedroom dwelling. Car parking dimensional requirements are 4.8m x 2.4m and the hardstanding for each dwelling would permit two spaces using these dimensions.
- 4.9 Given the mixed character of the area and the noted context it is considered, that the proposed scale, layout and external appearance of the dwellings would be sympathetic to the locality where similar scale and external appearance of house are evident. There would be adequate space about the dwellings for future occupiers to enjoy.
- 4.10 As such subject to the agreement of the materials the scale, layout and external appearance of the proposed development is considered to be acceptable in accordance with Policy SP19 of the Core Strategy Local Plan, Policy ENV 1 (4) of the Local Plan and the advice contained within the NPPF which seeks good quality design in new development.

Landscaping

- 4.11 The landscaping plan indicates soft landscaping to each property with grassland to the front and to the rear. There is an existing hedgerow along part of the eastern perimeter of the site that butts the rear gardens of houses on Fieldside Court and a hedge next to plot 5.
- 4.12 In terms of views from the countryside to the north west of the site the boundary treatment proposed includes a 1.8m high vertical timber fencing which mirrors the type of fencing on the perimeter of the adjacent estate at Station Mews. A hedge is also proposed to be planted on Plot 3 northern boundary to provide an enclosure to

the rear garden. The principle of this type of landscaping would be acceptable and the species and size of planting and its lifespan can be secured by condition.

- 4.13 Taking into account the above policies it is concluded that the proposal is considered acceptable and is in accordance with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan and national planning policy guidance as set out in the NPPF.

Impact on Residential Amenity

- 4.14 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 4.15 The application is submitted for the development of the site for 5 dwellings. There would be 4 units that are three storey and a two storey house at Plot 5.
- 4.16 The site layout plan indicates that the separation distances from the row of houses on plots 1-3 would be circa 21.3m from the front elevation of the houses to the rear elevation of the houses on Fieldside Court directly facing them.
- 4.17 The boundary treatment which includes hedging and fencing at the rear of the houses at Fieldside Court would offer screening of the rear gardens and the separation distance is considered an acceptable distance to ensure no adverse overlooking, overshadowing or oppressive from these houses.
- 4.18 The house on Plot 5 has been reduced in scale to a two storey house as a result of discussions during the life of the application. This would be set off the shared boundary by circa 400mm. The separation distance from the gable wall of the house to the rear elevation of the house would be circa 11.2m which is considered an acceptable separation distance for this type of relationship.
- 4.19 Plots 1, 2 and 3 would have a first floor balcony which is open on two sides. The balcony to Plot 3 would have side views towards Plot 4 and it would be necessary to seek a privacy screen on the side elevation to protect privacy of the first floor bedroom window. This can be secured by condition.
- 4.20 Plots 1 and 2 balconies would overlook of gardens to the new dwellings, with plot 2 facing the rear garden of plot 1, and plot1 facing the adjacent rear garden of the house on Station Mews (no. 6). For the same reason above, it would be reasonable to impose a condition to secure a privacy screen to the side of these balconies to prevent overlooking between the new dwellings.
- 4.21 An objection refers to noise, dust and dirt being an issue as a result of the development. The Outline approval has a construction method statement condition attached which includes a requirement for the developer submitting measures to control the emission of dust and dirt during construction. It is considered that any noise disturbance from the construction of the dwellings can be managed under separate Environmental Health legislation should it be considered to raise a nuisance.

- 4.22 As such, subject to conditions on the outline consent and proposed conditions for this reserved matters stage, it is considered that the proposed layout of the dwellings would result in a development which would provide a good standard of amenity for occupiers of the dwellings and not adversely impact on residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Other Matters

- 4.23 Objections refer to the principle of development that has already been established through the Outline Consent, and thus the principle of development cannot be revisited in this application.
- 4.24 It is considered that a right to a countryside view is not a material consideration in determining this application.
- 4.25 Objections that refer to access, flood risk, contamination and drainage have been resolved in the Outline application with conditions where appropriate attached to that permission. These are matters not for consideration in this application.
- 4.26 The application was advertised by site and press notice and neighbour notification letter of properties whose land touches the application site. It is considered that this depth of publicity was adequate to notified local residents of this application.

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 The application site was subject to an outline approval with access agreed and other matters reserved in 2016 (reference 2016/0505/OUT). Therefore the principle of development and the access has been established through the outline permission and only the reserved matters noted here can be considered at this stage.

- 6.1.1 The reserved matters details for the appearance, scale, layout and landscaping details are considered to be acceptable. The details ensure that the proposal would not result in a significant or detrimental impact on the residential amenity of surrounding properties or on the character or appearance of the area.
- 6.1.2 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained with the NPPF.

7.0 RECOMMENDATION

7.1 The application is recommended to be APPROVED subject to the following conditions:

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

- Site Location Plan 3304(1) 001
- Site Layout plan 3304 (1)002 REV M
- Site Sections 3304(1)005 REV A
- 3304(3) 001 REV A
- 3304(3) 002 REV A
- 3304(3) 004 REV A
- Type A plans 3304(2) 001 REV J
- Type C plans 3304(2) 003
- Landscaping plan 3304(1) 006 REV B

Reason

For the avoidance of doubt

02. 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.

03. Development shall not commence until a scheme detailing species and size of planting to be carried out on the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

04. The development shall not be brought into use until a scheme for privacy screening to the balconies of plots 1, 2 and 3 has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be maintained for the lifetime of the development.

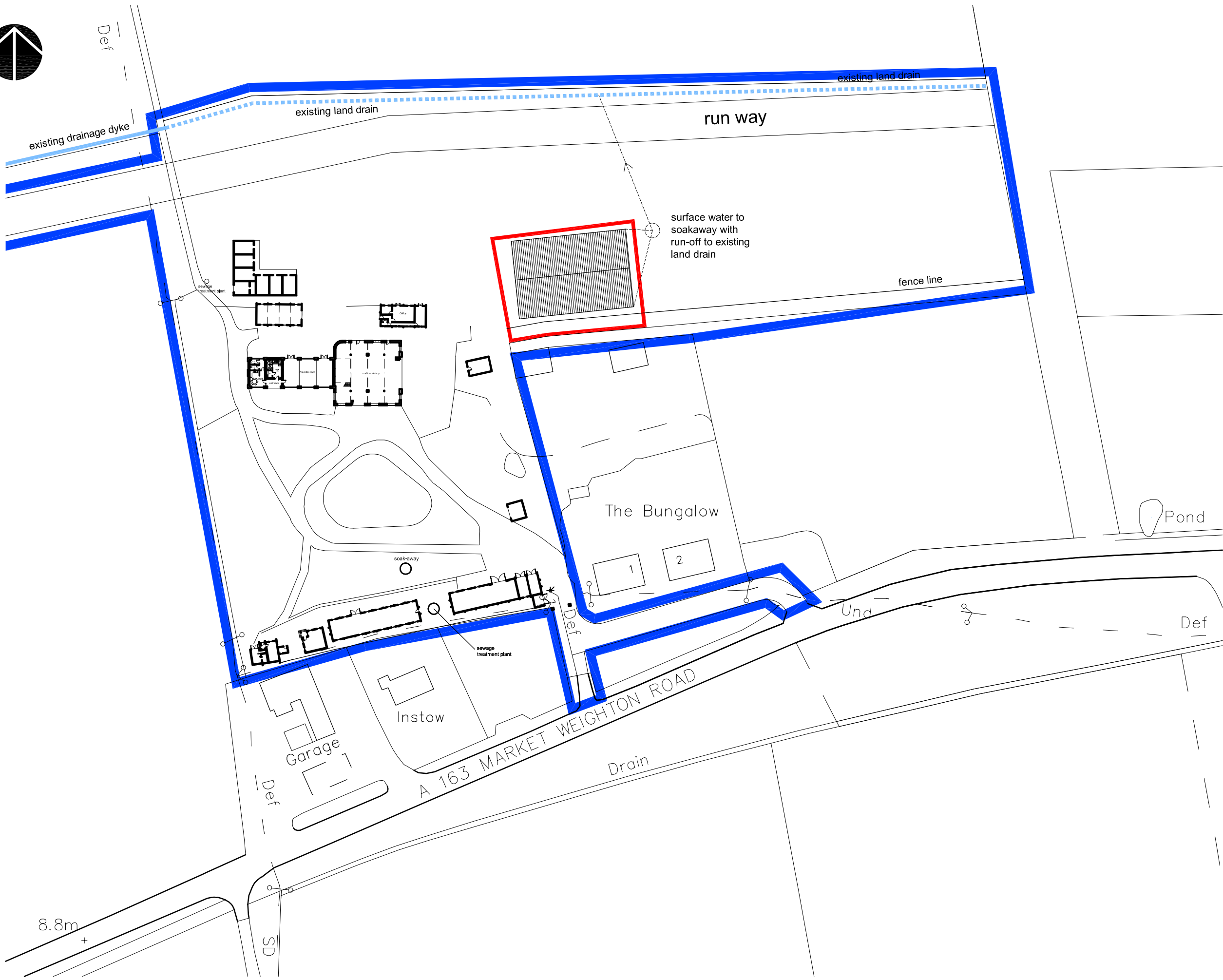
Reason:

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

Contact Officer: Mr Keith Thompson, Case Officer

Appendices: None

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NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.
 The contractor must verify all dimensions on site before commencing any work or shop drawings.
 The contractor must report any discrepancies to the Architect before commencing work. If this drawing exceeds the quantities taken in any way, the Architect is to be informed before the work is initiated.
 Work within The Construction (Design and Management) Regulations 1994 is not to start until a Health and Safety Plan has been produced.

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Rev	Description	By	Date	Chd	Chd Date
B	Amended location	TD	07-03-17		
C	Drainage field added	TD	12-04-17		
D	Surface water to land drain	TD	12-04-17		
E	Amended hangar design	TD	02-08-17		

RECEIVED
07.08.2017
DEVELOPMENT MANAGEMENT

Jonathan Forman Chartered Architects

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PROJECT:
**MARTYN WISEMAN - CONDOR PROJECTS
 BIRCHWOOD LODGE
 MARKET WEIGHTON ROAD, SELBY**

TITLE:
PROPOSED SITE PLAN

SCALE: 1:1000 @ A3
 DWG. STATUS: PLANNING
 DRAWN: TD
 DATE: Jan 2017

PROJECT NO: 17-102
 DRAWING NO: P-001
 REVISION: E

SITE PLAN - 1:1000



Report Reference Number: 2017/0528/FUL (8/17/312H/PA)

Agenda Item No: 6.5

To: Planning Committee
Date: 8 November 2017
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0528/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr Martyn Wiseman	VALID DATE:	22 August 2017
		EXPIRY DATE:	17 October 2017
PROPOSAL:	Proposed construction of hanger/storage building		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 5LE		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as it has been called in by Cllr Arthur on the following grounds:

- Impact on residential amenity
- The environmental impact of the proposal
- Intrusion into the openness of the countryside
- Noise pollution impacting on neighbouring properties
- The adverse visual impact of the proposal on neighbouring properties

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 1.2 The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west, a grass run-way (granted planning permission under application reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.

The Proposal

- 1.3 The application seeks planning permission for the construction of a hanger/storage building.
- 1.4 The proposed hanger/storage building would measure a maximum of 31 metres in width by 21 metres in depth and would have a pitched roof with eaves to a height of 6.1 metres above ground floor level and ridge to a height of 9.8 metres above ground floor level. The materials to be used in the external construction of the proposed hanger/storage building would be timber cladding for the walls atop a 2 metre high stone filled gabion plinth and green profile metal sheeting for the roof.
- 1.5 The proposed hanger/storage building would be accessed from an existing vehicular access from Market Weighton Road.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
 - Retrospective application 2007/0408/FUL for the retention of livery stables was Approved on 25 May 2007.
 - Application 2012/0248/COU for a proposed change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Approved on 21 May 2012.
 - Application 2012/0926/DPC for the discharge of condition 2 (materials) of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Part Discharged on 23 November 2012.
 - Application 2013/0349/DPC for the discharge of condition 2 (materials) to substitute previously approved materials of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Discharged on 8 May 2013.
 - Application 2014/0959/FUL for the proposed conversion of existing building to form manager's dwelling and conversion of existing building to disabled living accommodation was Approved on 12 March 2015.
 - Application 2015/0763/FUL for the proposed erection of 2m high fence was Approved on 11 September 2015.
 - Application 2015/0768/FUL for the proposed conversion of building to allow disabled accommodation (amendment to previously approved application 2014/0959/FUL) was Approved on 9 December 2015.
 - Application 2016/0141/COU for the proposed change of use to form grass runway was Approved on 9 March 2017.

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected and five statutory consultees notified)

- 2.1 **Cliffe Parish Council** – No response within statutory consultation period.

- 2.2 **Riccall Parish Council** – No response within statutory consultation period.
- 2.3 **Skipwith Parish Council** - No response within statutory consultation period.
- 2.4 **NYCC Highways** – There are no local highway authority objections to the proposed development. However, it is noted that the accesses into the site are not properly constructed. It is therefore recommended that in order for the airfield to operate properly without compromising highway safety that the accesses are made up to NYCC’s specification. It is therefore recommended that a condition relating to the construction requirements of private access/verge crossings is attached to any planning permission granted.
- 2.5 **Environmental Health** – No objections.
- 2.6 **Ouse and Derwent Internal Drainage Board** – No objections, subject to five conditions relating to: (1) drainage works to be agreed, (2) restricting rate of discharge, (3) evidence of existing surface water drainage, (4) sustainable drainage systems, (5) surface water to adjacent watercourse.
- 2.7 **Yorkshire Water** – No response within statutory consultation period.
- 2.8 **Neighbour Comments** - Three letters of objection have been received as a result of the advertisement of the application with concerns raised in respect of the following:
- The location of the proposed development.
 - The proposal would be in the open countryside and would detract from the character and appearance of the area.
 - The impact of the proposal on the residential amenity of neighbouring properties, in terms of overlooking, overshadowing and noise impacts from the activities associated with the proposed building.
 - There is already a hanger on site, which is used for the storage of planes.
 - The proposal does not accord with CAA guidelines and recommendations.
 - The proposed plans show an access road within the ownership of the applicant which does not belong to the applicant. The applicant has right of way over the access only.
 - Highway safety issues resulting from an increased number of wagons and cars visiting the site.
 - The site only has a B1, B2 and B8 usage.
 - There is no community benefit of the proposal.
 - Impact of the proposal on drainage and flooding.

3. **SITE CONSTRAINTS AND POLICY CONTEXT**

Constraints

- 3.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1.

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
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - 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
 - EMP9 – Expansion of Existing Employment Uses in Rural Area
 - T1 – Development in Relation to the Highway Network

4. APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Nature Conservation and Protected Species
- Flood Risk and Drainage

The Principle of the 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 Policy SP15 (B) of the states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 4.5 Policy SP2A (c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10, or other special circumstances".
- 4.6 Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings about sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the re-use of existing building and infrastructure and the development of well-designed new buildings. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 4.7 Policy EMP9 of the Selby District Local Plan relates to the expansion of existing employment uses in rural areas and sets out that proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map are acceptable in principle, subject to four criteria which will be assessed later in this report.

- 4.8 The application proposes the construction of a hanger/storage building on land at Birchwood Lodge. The proposed building would be used in association with the existing use of the site. The site is currently occupied by Condor Aviation, who are the leading company in the UK for experimental aircraft and are among the world leaders in the use of radial engines in sport aircraft. The information submitted in support of the application sets out that “already this year, the company has doubled in size and employed local skilled tradesmen. We are now at full capacity and require additional storage for the projects underway.”
- 4.9 In terms of the need for the proposed hanger/storage building, it was noted on the site visit, that in addition to the existing buildings at the site, there are a number of temporary storage containers located within the car park area, which are currently being used for the storage of dismantled aircraft. The proposed hanger/storage building would enable these temporary storage containers to be removed from the site and the aircraft to be stored within a purpose built building. The applicant has advised that the aircraft need to be stored inside, as opposed to outside, as the aircraft are either fabric covered or of composite and would be damaged by weather if they were to be stored outside during the winter.
- 4.10 The proposed building would be large in size measuring a maximum of 31 metres in width by 21 metres in depth and would have a pitched roof with eaves to a height of 6.1 metres above ground floor level and ridge to a height of 9.8 metres above ground floor level. The entrance to the building would measure 20 metres in width by 5 metres in height. The applicant has provided justification for the size of the proposed building. The applicant sets out that the proposed hanger/storage building would house at least three aircraft at any one time, which would have wingspans of up to 18 metres. Furthermore, in terms of the height of the proposed hanger/storage building, while the aircraft would typically have a height of 4 metres above ground floor level, the height of the building would need to be more than double this in order to incorporate the roof structure, with a large span and without intermediate support columns, which would impede the use of the building. In terms of the design of the proposed building, it would have a simple utilitarian appearance and the materials to be used in the external construction would be timber cladding for the walls atop a 2 metre high stone filled gabion plinth and green profile metal sheeting for the roof. This is considered acceptable having regard to the intended end use.
- 4.11 Having regard to the above, the proposal is for the erection of a well-designed new building of an appropriate scale associated with the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas and is therefore acceptable in principle in accordance with Policies SP2A(c) and SP13 of the Core Strategy, Policy EMP9 of the Selby District Local Plan, and the advice contained within the NPPF.

Design and Impact on the Character and Appearance of the Area

- 4.12 The application site is located outside the defined developments of any settlement and is therefore located within the open countryside. The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west, a grass run-way (granted planning permission under application reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.

- 4.13 The application proposes the construction of a hanger/storage building. The proposed building would measure a maximum of 31 metres in width by 21 metres in depth and would have a pitched roof with eaves to a height of 6.1 metres above ground floor level and ridge to a height of 9.8 metres above ground floor level. The materials to be used in the external construction of the proposed hanger/storage building would be timber cladding for the walls atop a 2 metre high stone filled gabion plinth and green profile metal sheeting for the roof.
- 4.14 The comments of the occupiers of the neighbouring properties are noted.
- 4.15 The proposed building would be large in size, however, the size of the proposed hanger/storage building has been justified in terms of its end use and the design of the proposed hanger/storage building is appropriate to its end use. Furthermore, the proposed building has been suitably located within the existing site at Birchwood Loge to order to minimise its impact, being located close to a cluster of existing buildings within the site and set against a boundary of the site. While the building would be visible in views from Market Weighton Road, by reason of its size and scale, it is considered that these views would not have any significant adverse impact on the character and appearance of the surrounding area due to the building being set back significantly from the road and being largely obscured from view by existing mature landscaping. Therefore, having regard to the context of the site, it is not considered that the proposal would be unduly visually intrusive within the open countryside. In addition the proposals, whilst involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and would be well related to existing development and well screened/landscaped.
- 4.16 Having regard to the above, it is considered that the proposal would have an acceptable siting, design and appearance and would not have any significant adverse impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.17 The comments of the occupiers of the neighbouring properties are noted with respect to the impacts on their amenity. However, given the size, siting and design of the proposed building and its relationship to neighbouring residential properties, while the proposed building would be visible from neighbouring properties, given the separation distance of approximately 45 metres it is considered that the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties. Furthermore, given the siting of the building to the north of the residential properties, it is considered that the proposal would not result in any adverse effects of overshadowing so as to have any adverse effects on the amenities of the occupiers of any neighbouring properties.
- 4.18 In addition, the Environmental Health Officer has been consulted on the proposals. The Environmental Health Officer initially raised concerns regarding the noise impacts of the development. However, following additional information submitted by the applicant, setting out that the proposed use of the building is for storage only and that nothing will be run, maintained or repaired within the building, the Environmental Health Officer has removed their objections. A condition could be

attached to any planning permission granted, restricting the use of the building as such, in the interests of the amenities of neighbouring properties.

- 4.19 Subject to the aforementioned condition, it is considered that the proposal is acceptable in terms of its impact on residential amenity in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained with the NPPF.

Impact on Highway Safety

- 4.20 The comments of the neighbouring properties with respect to the impact on the highway are noted. The proposal would use an existing access and would not alter any existing parking arrangements within the site. North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the proposals. NYCC Highways note that the access to the site is not properly constructed and recommends that in order for the airfield to operate without compromising highway safety, the access should be made up to NYCC Highways specification and therefore recommend that a condition relating to the construction requirements of private access/verge crossings is attached to any planning permission granted. However, it is not considered that this requirement is directly related to the proposal and therefore, it is considered that attaching this condition would be unreasonable.
- 4.21 Having regard to the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), T1 and EMP9 (1) of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Nature Conservation and Protected Species

- 4.22 A Great Crested Newt Survey undertaken by Wold Ecology Ltd, dated July 2017, has been submitted with the application. The survey states that two ponds have been identified within 500 metres of the application site and that no known great crested newts populations were recorded within 500 metres of the application site. Further, the survey sets out that the surrounding arable landscape significantly hampers great crested newt dispersal into the area, without the aid of humans. In conclusion, Wold Ecology does not recommend any further great crested newt survey work at the site and do not suggest any mitigation measures. There are no other known constraints with respect to nature conservation or protected species which would be impacted by virtue of the proposals.
- 4.23 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Flood Risk and Drainage

- 4.24 The application site is located within Flood Zone 1, which has a low probability of flooding.

- 4.25 In terms of drainage, the submitted application form states that surface water would be disposed of via sustainable drainage system, however, the submitted drainage strategy (drawing no. C-50) sets out that surface water would be drained to a land drain. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals. The Ouse and Derwent Internal Drainage Board have advised that they have no objections to the proposals subject to a condition requiring drainage works to be agreed, amongst other conditions. It is considered that attaching the condition requiring drainage works to be agreed as part of any planning permission is sufficient for the purposes of this application.

Legal Issues

- 4.26 Planning Acts
This application has been determined in accordance with the relevant planning acts.
- 4.27 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.
- 4.28 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

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

5. CONCLUSION

- 5.1 The application seeks planning permission for the construction of a hanger/storage building. The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 5.2 The proposal is for the erection of a well-designed new building of an appropriate scale associated with the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas and is therefore considered to be acceptable in principle in accordance with Policies SP2A(c) and SP13 of the Core Strategy, Policy EMP9 of the Selby District Local Plan, and the advice contained within the NPPF.
- 5.3 Having assessed the proposal against the relevant policies, it is considered it is acceptable in terms of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, nature conservation and protected species, and flood risk and drainage.

6. RECOMMENDATION

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

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

Reason:

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

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

P-004 A – Location Plan
P-001 E – Proposed Site Plan
P-003 C – Proposed Elevations
P-006 – Proposed Elevations
P-002 C – Proposed Floor Plan
P-005 – Proposed Roof Plan
C-50 – Drainage Strategy

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on drawing number P-003 C received by the Local Planning Authority on 07 August 2017 (timber cladding for the walls atop a 2 metre high stone filled gabion plinth and green profile metal sheeting for the roof). Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

04. The hanger/storage building hereby approved shall only be used for the storage of aircraft and shall not at any time be used for the maintenance or repair of aircraft, or for any other purpose.

Reason: In the interest of residential amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

05. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

Contact Officer: Jenny Tyreman

Appendices: None

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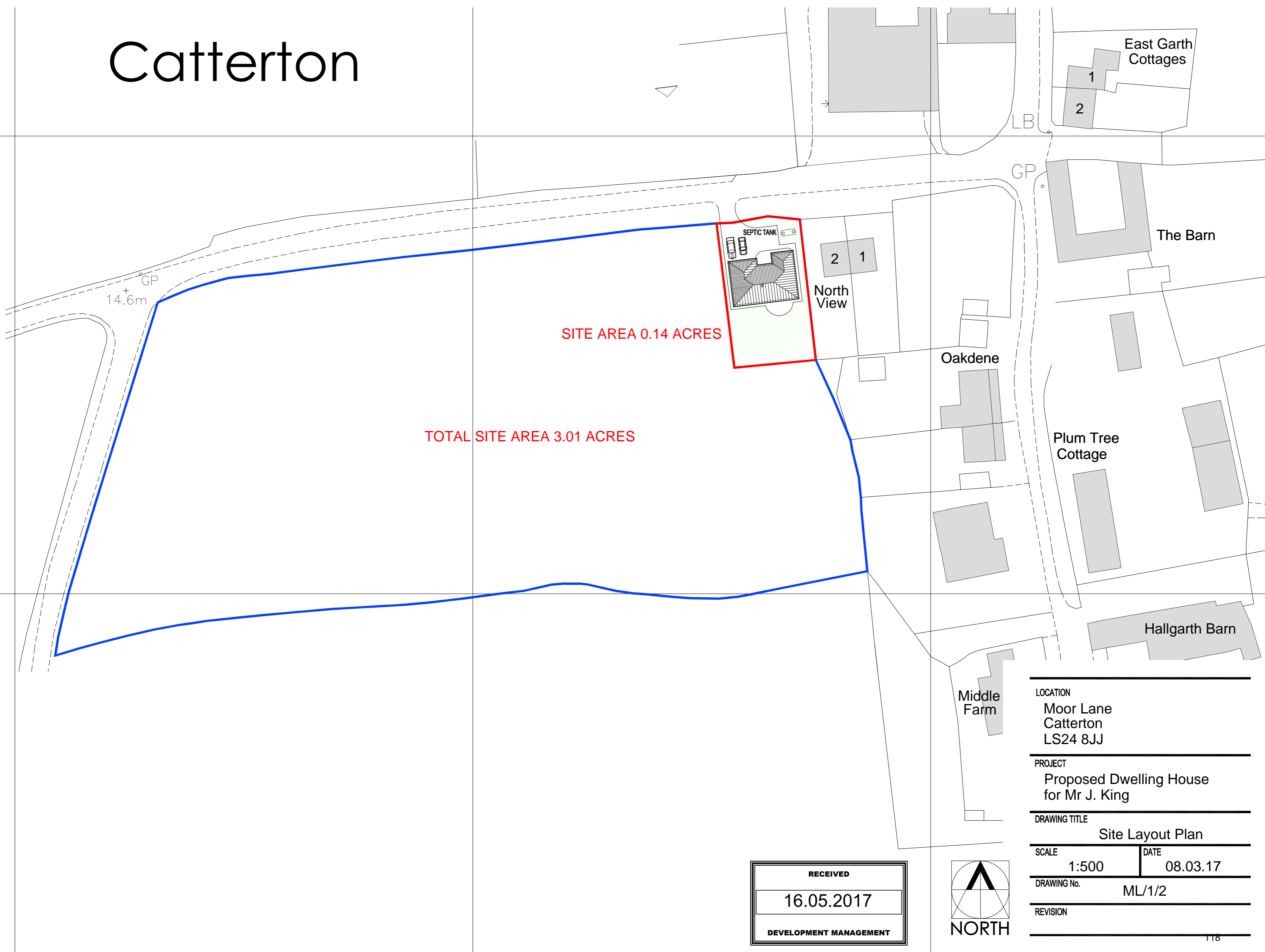
APPLICATION SITE

Item No: 2017/0530/FUL

Address: Land west of 2 North View, Moor Lane, Catterton

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Catterton



SITE AREA 0.14 ACRES

TOTAL SITE AREA 3.01 ACRES

LOCATION	
Moor Lane Catterton LS24 8JJ	
PROJECT	
Proposed Dwelling House for Mr J. King	
DRAWING TITLE	
Site Layout Plan	
SCALE	DATE
1:500	08.03.17
DRAWING No.	
ML/1/2	
REVISION	

RECEIVED
16.05.2017
DEVELOPMENT MANAGEMENT





Report Reference Number 2017/0530/FUL

Agenda Item No: 6.6

To: Planning Committee
Date: 8 November 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0530/FUL	PARISH:	Catterton Parish Council
APPLICANT:	Mr J King	VALID DATE:	17 May 2017
		EXPIRY DATE:	12 July 2017
PROPOSAL:	Erection of a detached bungalow with integral garage and creation of a vehicular access		
LOCATION:	Land to the west of 2 North View Moor Lane Catterton Tadcaster		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee due to there being 13 letters of support against the officer recommendation.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site lies on the western side of Catterton, a hamlet of farmsteads and dwellings. The proposal would be located on agricultural land adjacent to neighbouring property 2 North View off Moor Lane which adjoins the site. Catterton is a small hamlet without the benefit of a defined development boundary. As such the site is therefore considered to be within the open countryside. The land itself and the surrounding land to the site to the north, south and west is in agricultural use. There is an established hedgerow to the left of the site which bounds neighbouring property 2 North View. The site is situated within Flood Zone 1 which is at low probability of flooding, there are no protected trees which surround the site.

The Proposal

- 1.2. This application is for full planning permission for the erection of a detached

bungalow with an integral garage and the creation of a vehicular access, the proposed property would benefit from 2 bedrooms, kitchen, lounge, utility and integral garage and would be constructed from York handmade bricks and Old English traditional pantile. It is proposed the vehicular access into the site would be taken from Moor Lane and would lead to a driveway in front of the proposed dwelling. The hedgerow to the left boundary would be retained.

Relevant Planning History

- 1.3. There is no planning history considered to be relevant in the determination of this application.

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 a construction management plan and access to verge crossing construction requirements loading and unloading of plant and materials.

2.2 Yorkshire Water Services

No comments received during the statutory consultation period given.

2.3 Ainsty (2008) Internal Drainage Board

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

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, as well as a brief review of readily available online information, WPA recommend that Selby District Council's standard contaminated land conditions CL1 – CL5 should be applied.

Neighbour comments

- 2.6 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper resulting 13 letters supporting the application and 5 letters objecting to the application these are summarised below:

Support

- The application was considered to be sustainable in 2015 for another scheme along Moor Lane.
- Two properties in the last two years is considered to be a modest rate of development for the village.
- The development would help SDC meet their housing target.
- The property could provide a starter home for a small family.

- Other applications have been approved within the District which have been outside of development limits.
- The council do not have a 5 year housing land supply therefore this is an ideal opportunity and valid reason for a small dwelling.
- There are not many bungalows in Catterton.
- Development is a positive and an asset to a small village.
- There is a shortfall of small homes for older residents looking to downsize.
- The public transport would be used which runs through the village.
- Site is within a sustainable location.
- The application accords with national and local policies.
- The proposal would allow the relocation of a family.
- The village is not without services it has a rural bus service that provides access to York and Tadcaster.
- The proposed dwelling would not be placed apart from other residences nor would be alone.
- The brief assessment of the database of sites includes a number of sites which would not come forward therefore the LPA should reconsider its position.
- The erection of the proposed bungalow would have not greater impact on its surroundings than the existing dwellings and buildings within the vicinity.
- The land was owned by Selby District Council where pair of semi-detached properties has been built 1 and 2 North View.
- It was assumed at some point the Council would have intended to erect a further pair of semi-detached houses on this land.

Objection

- The site is an undeveloped portion of an agricultural land within the open countryside.
- The site is not considered to be previously development land.
- The site is not occupied by agricultural buildings and there is no evidence of having been previously developed in the past.
- The site is contrary to SP2, SP10, SP13, SP18 of the Selby District Core Strategy Local Plan.
- There is no indication that the proposal would contribute to the local rural economy.
- The proposal is contrary to paragraph 14 and 49 of the NPPF.
- The visual impact of this area of Catterton would provide a prominent, urbanising and incongruous addition to the area.
- The site lies within a visually open field that sits between existing properties to the north and south.
- The development would result in a significant erosion of the of open fields
- The building itself and associated equipment such as bins, fencing and gates would detract from the current open and agricultural appearance and character of the area.
- No provision for affordable housing is made.
- The roads and grass verges are in a poor state and do not allow for the passing of two vehicles at any one time.
- There are no services in Catterton therefore the proposal would result in an intensification of road use.
- The application is not considered to be for social housing or for a rural affordable use.

- Concerns with regard to the overdevelopment of drains and water courses.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 There is no settlement boundary within Catterton as such the application site within the open countryside.
- 3.2 The site is within Flood zone 1 which is a low probability of flooding.

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 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.

4.4 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. The proposals to develop the site for one dwelling are therefore contrary to Policy SP2 of the Selby District Core Strategy Local Plan (2013).

4.5 Paragraph 55 of the NPPF states that:

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work; or;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling'

In this case the development does not represent the use of a Heritage Asset, it is not the reuse of a redundant or disused building, is not for a rural worker and the design is not of exceptional quality or innovative nature. Therefore, taking all of the above into account it is considered that the proposed dwelling is not acceptable in principle and the proposals are not in accordance with paragraph 55 of the NPPF and Policy SP2 of the Core Strategy. There are no other material considerations which are considered to weigh in favour of the proposal.

Identifying the Impacts of the Proposal

4.9 The following sections of this report identify the potential impacts of the proposal:

Design and Impact on the Character of the Area

- 4.10 The application site is located off Moor Lane, Catterton. This village has not been identified as a settlement with no defined development boundary consisting of a hamlet or isolated group of dwellings and as such is located within the open countryside. The application seeks planning permission for the erection of one detached dwelling.
- 4.11 The submitted layout plan demonstrates that the dwelling would be set back from the site frontage along a similar line to the existing dwellings off Moor Lane. There would be provision for parking areas to the frontage of the property, the dwelling would be a detached bungalow with an integral garage. The dwelling would be an appropriate scale relative to the neighbouring properties and would allow sufficient space between proposed dwelling and the neighbouring property 2 North View. The dwelling would be constructed from York handmade brick and Old English traditional pantile and this this can be controlled through condition.
- 4.12 In terms of landscaping and boundary treatments, the submitted plans have shown no information provided in respect of this. The agent considers that a landscaping condition would not be required given the location of the site. Overall, it is considered that an appropriate landscaping condition would be necessary and a condition would be imposed to the application.
- 4.13 The existing properties to the east and south of the site along Moor Lane vary in terms of their size, scale and design with a mixture of two storey and barn conversions to dwellings. The dwellings tend to be set in moderate plot sizes with garden areas and driveways. The properties in the area are predominantly constructed from red brick with pantile roofs.

- 4.14 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 2 North View. Although the settlement pattern of Catterton village is considered to be a sporadic with some dwellings to the north of the village, with fields separating other dwellings to the south. The established hedgerow which separates the site from the neighbouring property forms a natural boundary which in turn retains the character of the village. It is considered that the proposed dwelling would encroach on to a new parcel of land agricultural land and would therefore lead to further erosion of the character of the village.
- 4.14 Therefore having regard to all of the above elements with respect to the design, scale and size of the detached bungalow the proposal would be considered to be acceptable and in accordance with Policy ENV1, of the Local Plan and Policy SP19 of the Core Strategy and the NPPF.
- 4.15 However it is considered that with regard to the impacts the development would have on the character of the area and sensitive landscape balance it is considered that the proposals would be not be acceptable as the proposal would encroach onto an agricultural field and lead to further erosion of the character of the village. Therefore, the scheme fails to accord with Policy ENV 1 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.16 The proposal would consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.17 The application site is located in Flood Zone 1 which is a low probability of flooding and the size of the site being less than 1 hectare negates the requirement for a flood risk assessment. The application form states that foul sewage would be disposed of via a septic tank with surface water disposed of via soakaways.
- 4.18 The Internal Drainage Board (IDB) has raised no objections to the proposals subject to conditions attached to any permission granted. No response has been received from Yorkshire Water.
- 4.19 Subject to conditions being imposed for surface water and foul drainage, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

Impact on Highways

- 4.20 There is no existing access into the site a new access would be created off Moor Lane. The dwelling provides an integral garage and sufficient off street parking for two parked vehicles.
- 4.21 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, and a construction management plan. With conditions attached it is considered that the proposals are acceptable and should not give rise to highway safety issues subject to conditions

- 4.22 Given the above it is therefore considered that the scheme would be acceptable and in accordance with Policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

Residential Amenity

- 4.23 There are no neighbouring properties which would bound the site to the north, south or west only neighbouring property 2 North View bounds the site area to the east. The openings to the eastern elevation of the proposed dwelling would consist of two windows serving bathrooms. A condition shall be imposed for these windows to be obscured glazed in order to protect the residential amenity to the future occupiers of the host dwelling and neighbouring property 2 North View.
- 4.24 Having had regard to the design of the dwelling and the established boundary treatment to the east of the site it is considered that the proposed dwelling would not create significant levels of overlooking, overshadowing or oppression to neighbouring property 2 North View. 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

- 4.25 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.
- 4.26 The Ecology report confirms that there are several ponds to the east, and south-east, a desk top assessment has been undertaken for the ponds within the locality with regard to protected species. The conclusion of the report concurs it is very unlikely that Great Crested Newts would occur within the proposed development footprint. The report recommends that the proposed development can proceed provided the mitigation measures described in the report are followed.
- 4.27 Therefore it is considered that with conditions imposed the proposal would not harm any acknowledged nature conservation interests and therefore would accord with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF with respect to nature conservation subject to conditions.

Affordable Housing

- 4.28 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

- 4.29 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.
- 4.30 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

- 4.31 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.32 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.
- 4.33 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

- 4.34 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 Having had regard to the character of the area and sensitive landscape balance it is considered that the proposals would be not be acceptable as the proposal would encroach onto an agricultural field and lead to further erosion of the character of the village. Therefore fail to accord with Policy ENV 1 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.
- 5.3 In addition as Policy SP2A (a) makes it clear that the location of future development will be based upon a series of settlement hierarchy principles. Catterton village is a secondary village which is the lowest ranking settlement of the settlement hierarchy

in terms of sustainability. Moreover, the site lies within the open countryside outside but close to the edge of the settlement. The development does not fall within any of the acceptable forms of development as set out under Policy SP2(c) of the Core Strategy. The proposals are therefore contrary to Policy SP2 of the Core Strategy and paragraph 55 of the NPPF and should be refused.

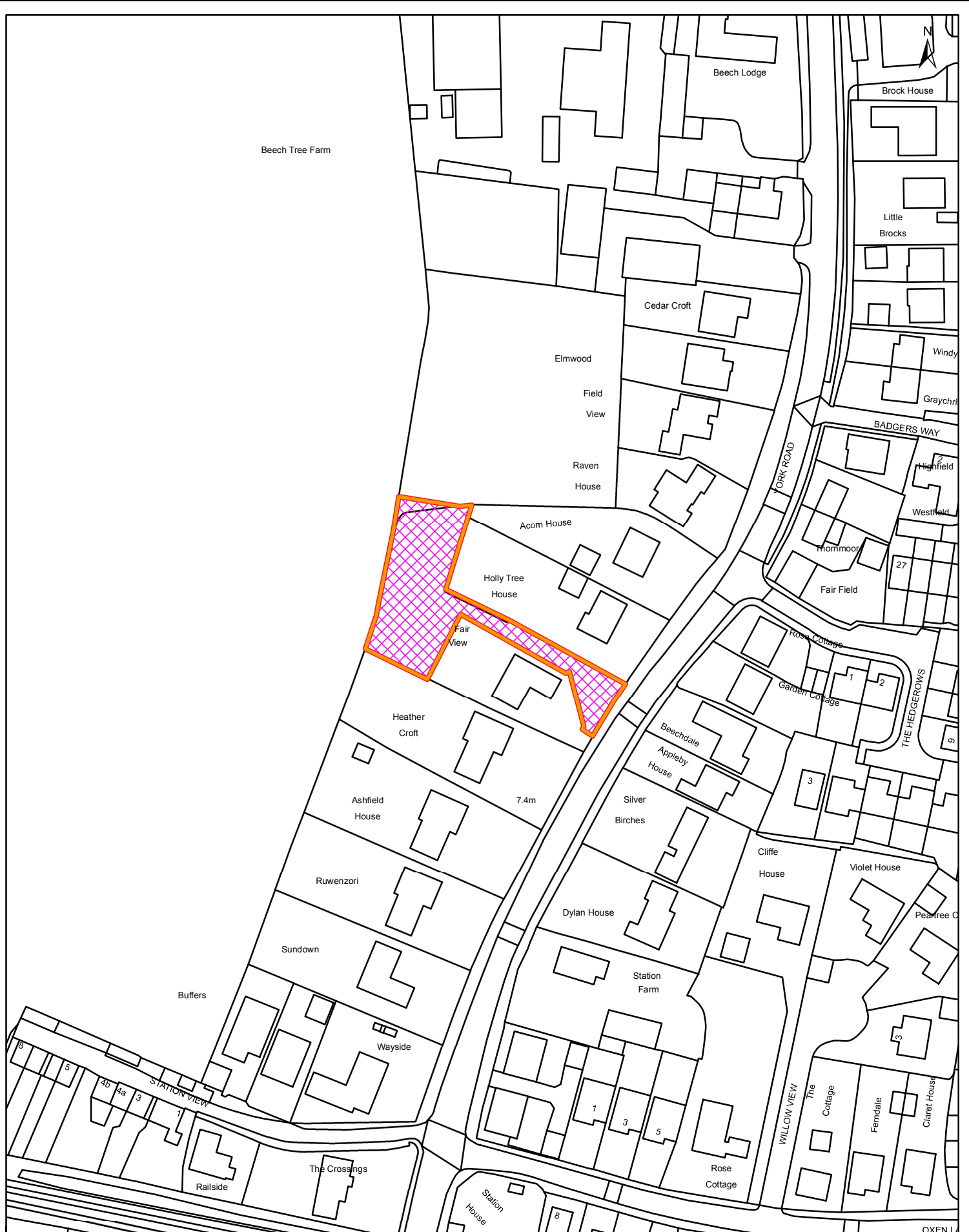
6.0 RECOMMENDATION

6.1 The application is recommended for REFUSAL for the following reasons:

01. The proposed dwelling lies within the open countryside and would result in a new isolated home in the countryside in an unsustainable pattern of development for which no special circumstances exist. The proposed scheme does not fall under within any of the acceptable forms of development set out under Policy SP2(c) of the Core Strategy. The principle of residential development is considered to be contrary to Policy SP2 of the Adopted Selby District Core Strategy and paragraph 55 of the NPPF.
02. The application site area would encroach on to an agricultural field which would lead to further erosion of the character of the area and sensitive landscape balance. Therefore fail to accord with Policy ENV 1 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Contact Officer: Diane Wilson - Case Officer

Appendices: None

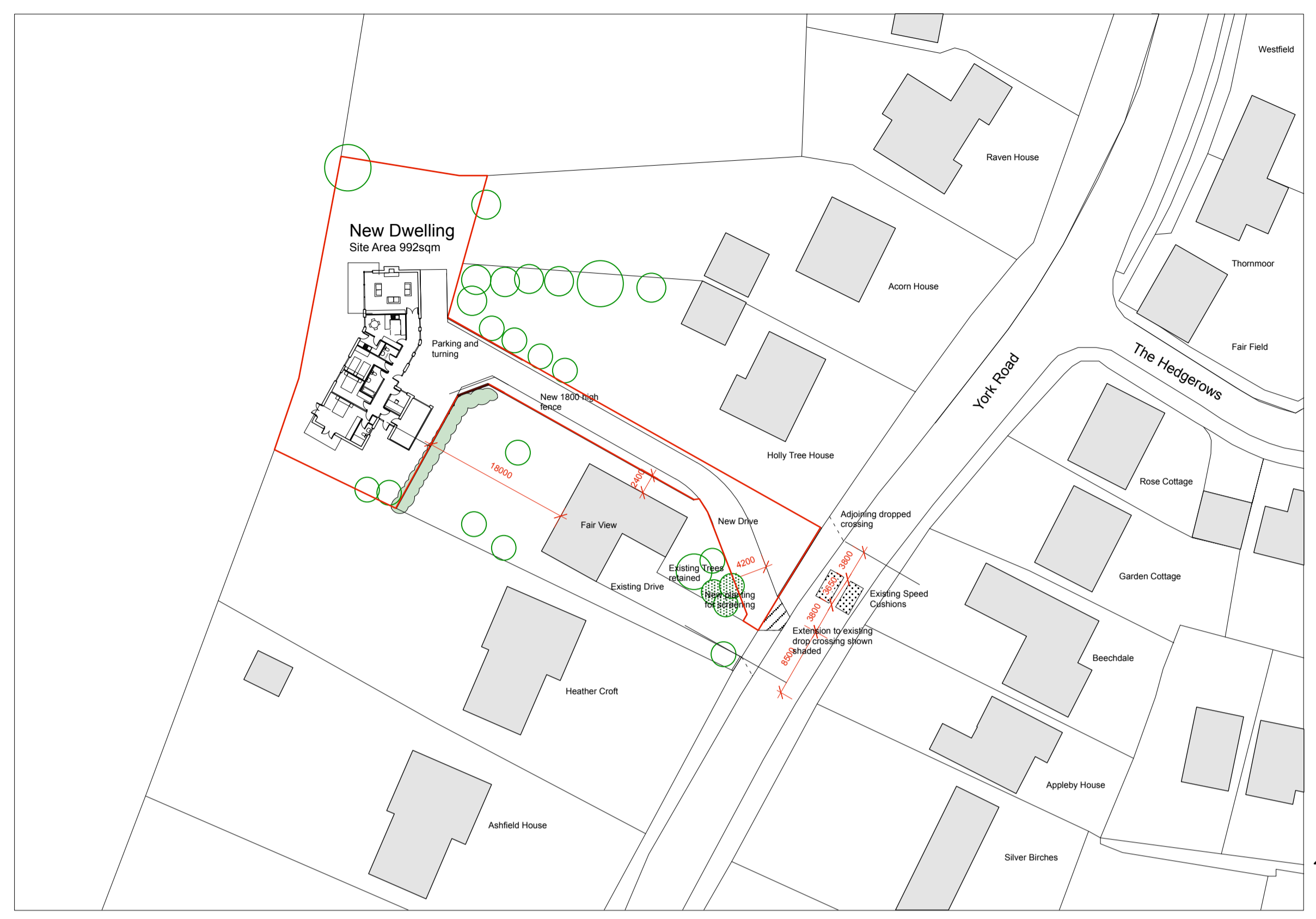
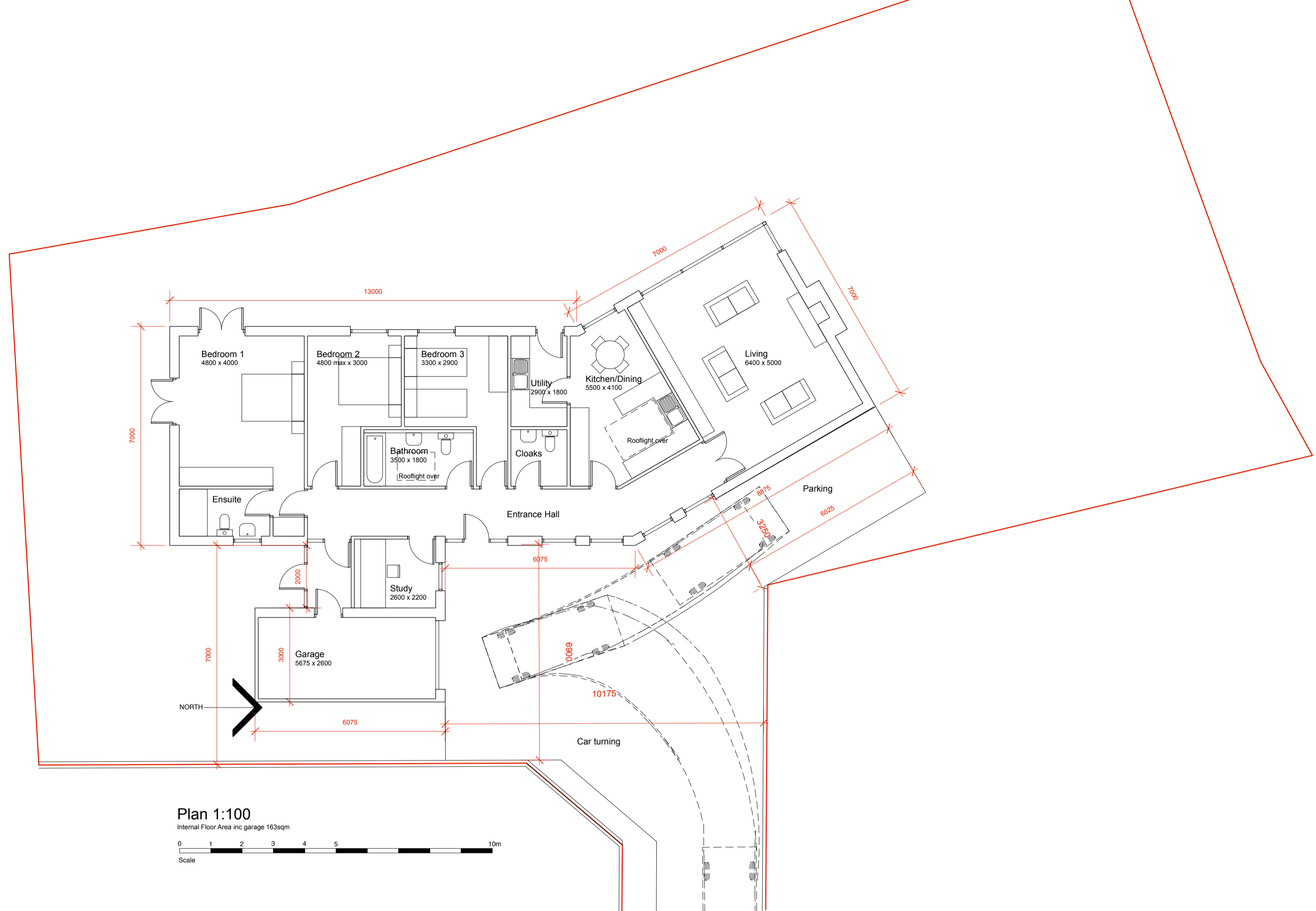


APPLICATION SITE

Fair View, York Road, Cliffe
2017/0665/FUL

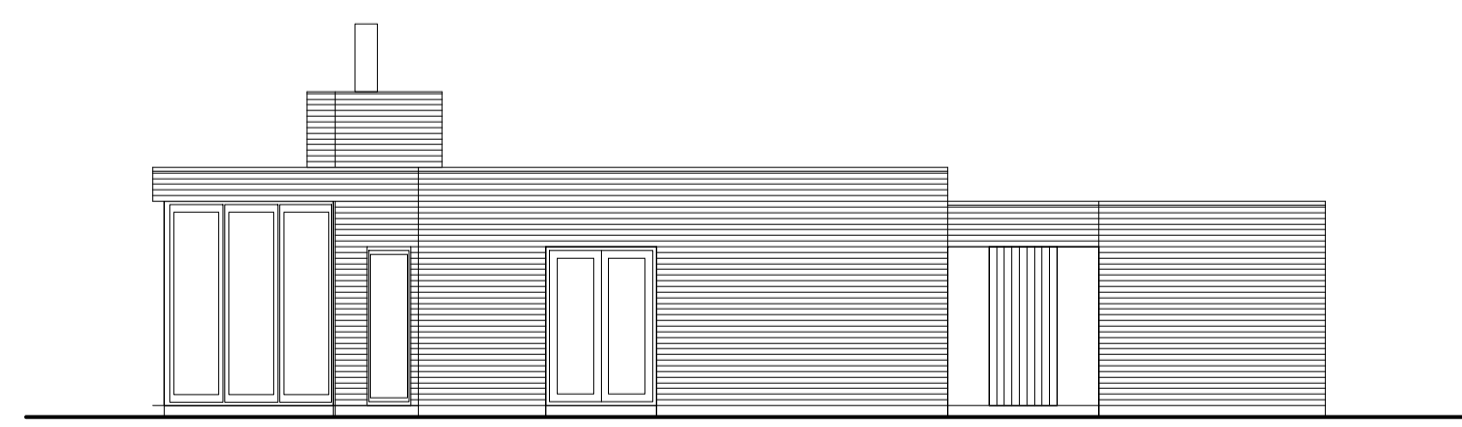
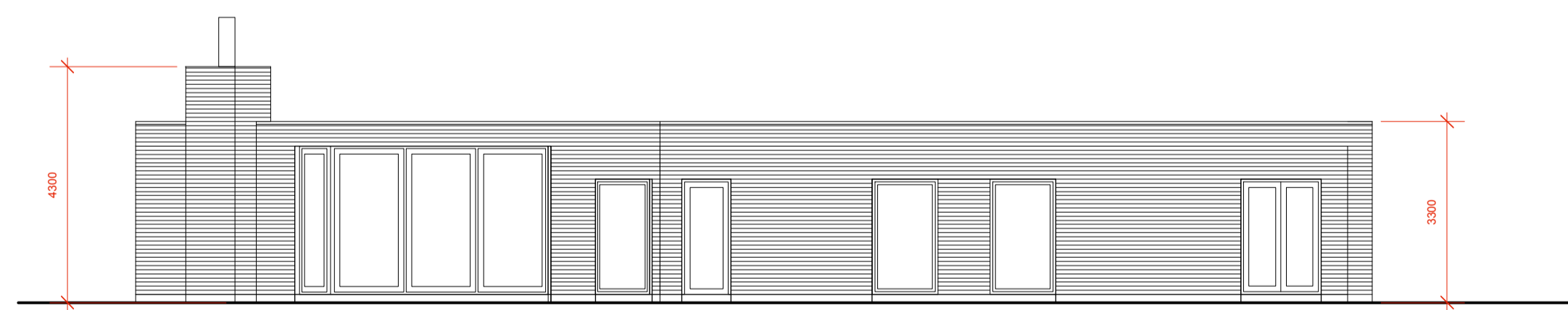
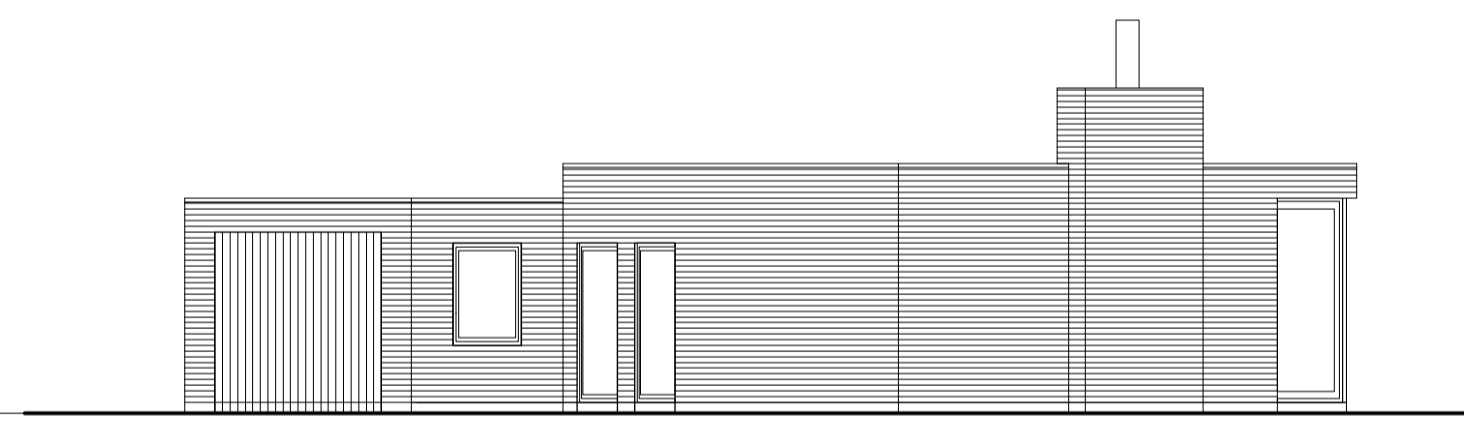
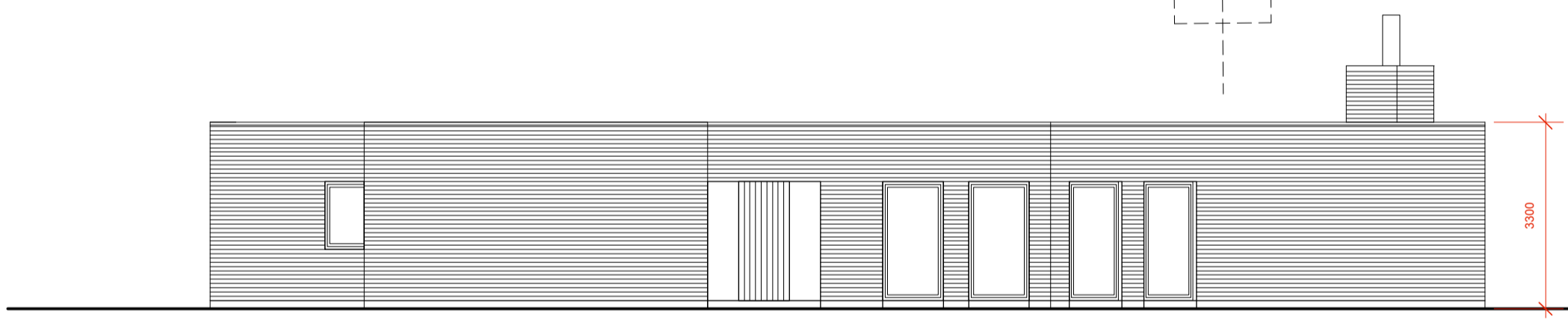
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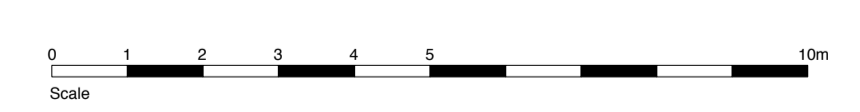
AMENDED
DRAWING

RECEIVED
16 August 2017
DEVELOPMENT MANAGEMENT



ELEVATIONS 1:100

Materials
Brickwork
Powder coated aluminium windows
Seamed zinc roof



Design Concept

A single storey, largely single aspect dwelling facing west, south and north. Being single storey, the dwelling retains the visual gap between Fair View and Holly Tree House. The dwelling would have a flat roof, set within an established mature garden. A new boundary fence/hedge would be planted to the west of Fair View to create an enclosed private rear garden. Generally, the streetscape of York Road is typified by 2 storey dwellings, in places quite tightly spaced. Typically, buildings to rear of such properties are smaller in scale. This proposal retains the important visual gap, and provides a low scale single aspect set in a mature garden, enjoying expansive west facing views across open countryside. Privacy to surrounding dwellings is retained.



Proposed New Dwelling
For Mr & Mrs T Stevens
to rear of Fair View
York Road Cliffe Selby
Y08 6NU
07/08/2017

PLANNING APPLICATION
Rev B 23/07/17 Turning area splay and further dimensions added
Rev C 01/08/17 Vehicle tracking noted
Rev D 07/08/17 House moved by 1m to west to give increased turning area and wider parking space
Rev E 10/08/17 Garage resited to give extra turning space
Rev F 15/08/17 Elevations amended to revised garage siting





Report Reference Number: 2017/0665FUL

Agenda Item No: 6.7

To: Planning Committee
Date: 8 November 2017
Author: Mr Simon Eades (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0665/FUL (8/17/353B/B)	PARISH:	Cliffe Parish
APPLICANT:	Mr Terry Stevens	VALID DATE:	10 July 2017
		EXPIRY DATE:	4 September 2017
PROPOSAL:	Proposed erection of a detached single storey dwelling		
LOCATION:	Fair View York Road Cliffe Selby YO8 6NU		
RECOMMENDATION:	REFUSE		

This matter has been brought to Planning Committee following the request of the Ward Councillor who states that:

1. The proposal is in accordance with ENV1 (1) and (2) and T1 and T2 of the Selby District Local Plan.
2. This proposal constitutes sustainable development in accordance with Paragraph 7 of the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located inside the defined development limits of Cliffe which is a secondary village. The surrounding area on the west side of York Road, where the application is located, consists of linear frontage development, with large detached properties which have small front gardens and large rear gardens. The east side of York Road predominantly consists of frontage development with the exception of two cul-de-sac developments. It should be noted that there is no backland development in the surrounding area. There is a mix of property designs along York Road, however properties are predominantly two storey constructed from red brick with either red or grey roof tiles.

The proposal

- 1.2 The application seeks full planning permission for the erection of a detached single storey dwelling in the rear garden of Fair View, York Road, Cliffe. The proposed dwelling would be constructed from brick with a seamed zinc roof. The driveway would be shared with the existing property and would pass in front and to the side of it.

Relevant Planning History

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

- An application referenced 2015/0210/FUL for the proposed erection of 2no. detached dwellings on land to the rear was Refused by Planning Committee on 10 March 2016 for the following reason:

1. The application site is located within the settlement of Cliffe wherein, in accordance with the overall Spatial Development Strategy for the District, development will be restricted to conversions, replacement dwellings, redevelopment of previously developed land, the filling of small gaps in otherwise built up frontages and the conversions/ redevelopment of farmsteads in the interest of promoting sustainable growth within the settlement hierarchy.

The proposal constitutes development to the rear of Fairview, York Road and therefore does not comprise any of the types of development that are acceptable in principle under Policy SP4(a) of the Core Strategy. The proposal is therefore contrary to Policy SP4(a) of the Selby District Core Strategy Local Plan and hence the overall Spatial Development Strategy for the District.

- The above application was subsequently appealed under reference APP/N2739/W/16/3151071 which was Dismissed on 2 September 2016 for the following reasons:

The proposed development would not constitute any of the listed types of development supported by Policy SP4 (a) of the Core Strategy for Secondary Villages. Furthermore, the development of two dwellings on greenfield (garden) land in Cliffe would run counter to the social and environmental strands of sustainable development which underpin policies within the Core Strategy in terms of the overarching development strategy in Policy SP2.

- An application referenced 2017/0091/FUL for the proposed erection of two detached dwellings was Refused on 16 March 2017 for the following reasons:

1. The proposed scheme relates to the siting of two dwellings to the rear of the existing dwelling and is therefore considered to be backland development, which does not meet any of the types of development considered appropriate for secondary villages in Policy SP4 of the Core Strategy.

2. The proposed scheme is considered to introduce an alien backland form of development which is considered to be out of keeping with the character and form of the area. The scheme fails to retain the dwelling to amenity space ratio characteristic of the area. The proposed scheme due to its size, design and siting is considered to be overdevelopment of the site and fails to provide a sufficient amount of amenity space for the occupiers of the proposed dwellings. The scheme is therefore considered to have a detrimental impact on the character and form of the area and fails to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy and the advice contained within the NPPF.
3. The proposed dwellings appear awkward and out of character and given that the driveway would be shared with the existing property and would pass in front and to the side of the existing dwelling, this would be likely to result in unacceptable loss of amenity to the occupants of that property through additional noise and disturbance. It is therefore considered that the proposed development would result detrimental impact on the residential amenities of the occupants of the existing dwelling and therefore fails to accord with Policy ENV1(1) of the Local Plan and the NPPF.

2.0 CONSULTATION AND PUBLICITY

- 2.1 **Cliffe Parish Council** - No response received.
- 2.2 **NYCC Highways** – Further to the amended plan consultation, Highways can confirm that the proposed turning area would appear sufficient for a vehicle to turn on site. Therefore no local Highway Authority objections subject to conditions.
- 2.3 **Yorkshire Water** - No response received.
- 2.4 **Selby Area Internal Drainage Board** - No objections subject to conditions.
- 2.5 **WPA Consulting - Contaminated Land Consultants** – No objections.
- 2.6 **Urban Designer** – Raises concerns and objections.
- 2.7 **Publicity** - All immediate neighbours were informed by letter and a site notice was erected on site. No representations have been received during this period.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located inside the defined development limits of Cliffe which is a secondary village. The application site is located in Flood Zone 1.
- 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 and saved Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
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

- 3.5 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
ENV2:	Environmental Pollution and Contaminated Land
T1:	Development in Relation to the Highway Network
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

- Climate change
- Flood Risk and Drainage
- Design and Impact on the character and form of the area
- Affordable Housing
- Impact on Residential Amenity
- Highway Safety Issues
- Protected Species
- Contaminated Land

Principle of development

- 4.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 4.4 The application is for the erection of one detached dwelling and the site is situated within the defined development limits of Cliffe which is a secondary village as defined by Policy SP2A of the Core Strategy Local Plan. Policy SP2A allows for limited amounts of residential development to be absorbed inside development limits of secondary villages where it will enhance or maintain the vitality of rural communities and which confirm with the provisions of Policy SP4 and Policy SP10.
- 4.5 Policy SP4(a) of the Core Strategy Local Plan defines the type of development that would be acceptable within the defined development limits of secondary villages as follows: conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads.
- 4.6 The proposed scheme proposes the siting of one dwelling in the rear garden of the existing dwelling at Fair View, York Road and is therefore considered to be backland development on a green field site. The proposed scheme does not meet any of the forms of development identified as being appropriate within Policy SP4(a) of the Core Strategy and as such the proposals fail to accord with Policy SP4(a) of the Core Strategy with respect to the principle of development. This approach remains consistent with the approach taken on the previous scheme for two dwellings at this site which was dismissed by the Planning Inspectorate at appeal. There are no other material considerations which are considered to weigh in favour of the proposal.

Climate Change

- 4.7 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It must be acknowledged that the proposal is for the creation of one dwelling, therefore the proposal's ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is therefore limited and it would not be necessary and, or appropriate to require the

proposals to meet the requirements of SP15 (B) (b), (c) (d), and (e) of the Core Strategy Local Plan.

- 4.8 Part (h) of Policy SP15 (B) refers specifically to the requirement to fulfil part (a) of Policy SP16 of the Core Strategy Local Plan. The proposed development is below the threshold of 10 dwellings and this part of the policy is therefore not applicable in this case. Policy SP16(c) requires development schemes to employ the most up to date national regulatory standard for code for sustainable homes which the proposed development would do through the current Building Regulations regime. Therefore having had regard to policies SP15 (B) and SP16 (a) & (c) of the Core Strategy Local Plan it is considered that the proposal is acceptable.

Flood Risk and Drainage

- 4.9 The application site is within Flood Zone 1 which is at low probability of flooding. The application form states the proposed scheme will dispose of surface water via a soakaway and foul sewerage via the mains sewerage. The application has received no response from Yorkshire Water and the Internal Drainage Board has no objections subject to conditions. On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

Impact on the Character and Form of the area

- 4.10 The scheme is for the erection of a single storey flat roof modern designed dwelling in the rear of the garden of Fairview. The proposed dwelling is larger than the existing and surrounding properties with respect to its footprint and measures 3.3 metres in height.
- 4.11 The surrounding area to the application site on the west side of York Road where the application is located consists of linear frontage development, with large detached properties which have small front gardens and large rear gardens. This layout is part of the character of Cliffe. The east side of York Road predominantly consists of frontage development with the exception of two cul-de-sac developments. It should be noted that there is no backland development in the surrounding area.
- 4.12 In the previously refused application for two dwellings referenced 2017/0091/FUL the officer report stated the following:
- 4.13 *“The development would be, served by a long rear access road. The two dwellings would have much smaller plots than those of nearby dwellings and they would have small back garden areas less than 5 metres deep. The arrangement of the plots appears awkward in relation to adjacent dwellings, not helped by the fact that the application site is at right angles to the other plots along York Road. The proposed two dwellings appear out of character and the driveway would be shared with the existing property, passing in front and to the side of the existing dwelling, thereby being likely to cause loss of amenity to the occupants of that property.*
- 4.14 *There are no other dwellings or built form in the surrounding area which are located in the rear garden and the proposal is considered to be out of keeping with the*

character of the area. The proposed scheme fails to retain the existing relationship of dwelling to amenity space ratio because the proposal proposes large dwellings with very little amenity space.

- 4.15 *The submitted Supporting Statement states that the Appeal decisions at Land adjacent to Little Common Farm, Biggin Lane Biggin APP/N2739/W/16/3157058 and Pear Tree House, Hull Road, Cliffe APP/N2739/W/16/3157872 provide justification to support the proposed scheme.*
- 4.16 *The appeal at Land adjacent to Little Common Farm, Biggin Lane Biggin APP/N2739/W/16/3157058 is considered not to be comparable to the proposed scheme as it is an outline proposal for dwellings located outside of the defined development limits of Biggin village on a site which is not constrained by other residential development compared to the proposed scheme which is located within the defined development limits of secondary village. The policy tests for the two schemes are therefore significantly different.*
- 4.17 *The appeal at Pear Tree House, Hull Road, Cliffe APP/N2739/W/16/3157872 is located within the same defined development limits of Cliffe as the proposed scheme. Again, this scheme is not directly comparable to the proposed scheme as the character and form of the area of the appeal site is different, having areas of back-land development already.*
- 4.18 *On the basis of the above the proposed scheme is considered to introduce an alien backland form of development which is out of keeping with of the character and form of the area. The proposed scheme fails to retain the existing dwelling to amenity space ratio which is characteristic of the area. The proposed development due to its size, design and siting is considered to be overdevelopment and fails to provide a sufficient amount of amenity space for the occupiers of the proposed dwelling. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area and fails to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy and the advice contained within the NPPF.”*
- 4.19 It is considered that despite the proposals being reduced from two dwellings to one, the issues discussed above would apply equally to the proposed scheme as despite the reduction to one dwelling the footprint of that dwelling sprawls across the application site.
- 4.20 In addition, following consultation with the Council’s Urban Designer they state that “this proposal will cause a potentially harmful precedent to the character of the village due to the back land nature of the development that could well result in many more proposals for similar applications that would alter the character of this part of the settlement of Cliffe. In terms of design the proposal seeks to create a modernist low rise building that is of its type. There could be some improvements in terms of proportions and details that could further enhance this building but the main issue is the sprawling nature of the building that will take up the entire width of the main garden curtilage. This could be designed out and reinforces the opinion that the principle of this development is the main issue”.
- 4.21 Having had regard to the previously refused application 2017/0091/FUL, the comments from Council’s Urban Designer and considering that the proposal has

been reduced to one dwelling, the scheme is still considered to introduce an alien backland form of development which is out of keeping with the character and form of the area. The sprawling nature of the building will take up the entire width of the main garden curtilage which is not characteristic of the area. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area and fails to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 4.22 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.
- 4.23 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Impact on Residential Amenity

- 4.24 The layout of the site, the design of the scheme and the siting results in separation distances, and orientation that is considered acceptable so as to ensure that the proposal would not result in a significant detrimental impact through overlooking, overshadowing, loss of light or the creation of an oppressive outlook for neighbouring properties.
- 4.25 In the previously refused scheme 2017/0091/FUL the driveway was shared with the existing property and would pass in front and to the side of it, thus being likely to result in unacceptable loss of amenity to the occupants of Fairview, York Road through additional noise and disturbance. The current scheme still proposes this, therefore this issue has still not been resolved. It is therefore considered that the proposed development would result in a detrimental impact on the residential amenities and therefore fails to accord with Policy ENV1 (1) of the Local Plan and the NPPF.

Highway Safety Issues

- 4.26 The application proposes a new widened access and drop crossing with a driveway running along the northern boundary of the site. The proposed access and driveway layout has largely been dictated by the fact that there are speed cushions on the highway directly fronting the site. The submitted layout demonstrates that parking and turning could be provided within the site. NYCC Highways were consulted on the application and they state "further to the amended plan consultation, Highways can confirm that the proposed turning area would appear sufficient for a vehicle to turn on site. Therefore no local Highway Authority objections subject to conditions in relation to:

- Private Access/Verge Crossings: Construction Requirements
- Visibility Splays
- Provision of Approved Access, Turning and Parking Areas
- Garage Conversion to Habitable Room
- Mud on the Highway informative

4.27 It is therefore considered that the scheme would be acceptable in terms of highway safety subject to the conditions above. The proposal is therefore 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.

Protected Species

4.28 The site is not a protected site for nature conservation nor is it known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Land Contamination

4.29 In the previously refused scheme the Contaminated Land Consultant stated that having reviewed the submitted Contamination Screening Assessment Form, as well as a review of readily available online information, it is not recommended that contaminated land planning conditions are required.

4.30 Given that the proposal is for the same use the scheme is therefore considered to be acceptable in regards to contamination and is therefore in accordance with Policy ENV2 of the Local Plan.

Legal Issues

4.31 Planning Acts: This application has been considered in accordance with the relevant planning acts.

4.32 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.

4.33 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

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

5.0 CONCLUSION

- 5.1 The proposed scheme for the proposed erection of a single storey dwelling which is located in the rear garden of the residential property of Fair View, York Road and is considered to be backland development, does not meet any of the types of development considered appropriate for secondary villages in Policy SP4a) of the Core Strategy and is therefore unacceptable in principle.
- 5.2 The scheme is considered to introduce an alien backland form of development which is out of keeping with of the character and form of the area. The sprawling nature of the building will take up the entire width of the main garden curtilage which is not characteristic of the area. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area and fails to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy and the advice contained within the NPPF.
- 5.3 The proposed dwelling appears awkward and out of character and given that the driveway would be shared with the existing property and would pass in front and to the side of the existing dwelling, this would be likely to result in unacceptable loss of amenity to the occupants of that property through additional noise and disturbance. It is therefore considered that the proposed development would result in a detrimental impact on the residential amenities of the occupants of the existing dwelling and therefore fails to accord with Policy ENV1 (1) of the Local Plan and the NPPF.
- 5.4 Matters of acknowledged importance such as climate change, energy efficiency, renewable considerations, flood risk, drainage and highway safety are considered to be acceptable.

6.0 RECOMMENDATION

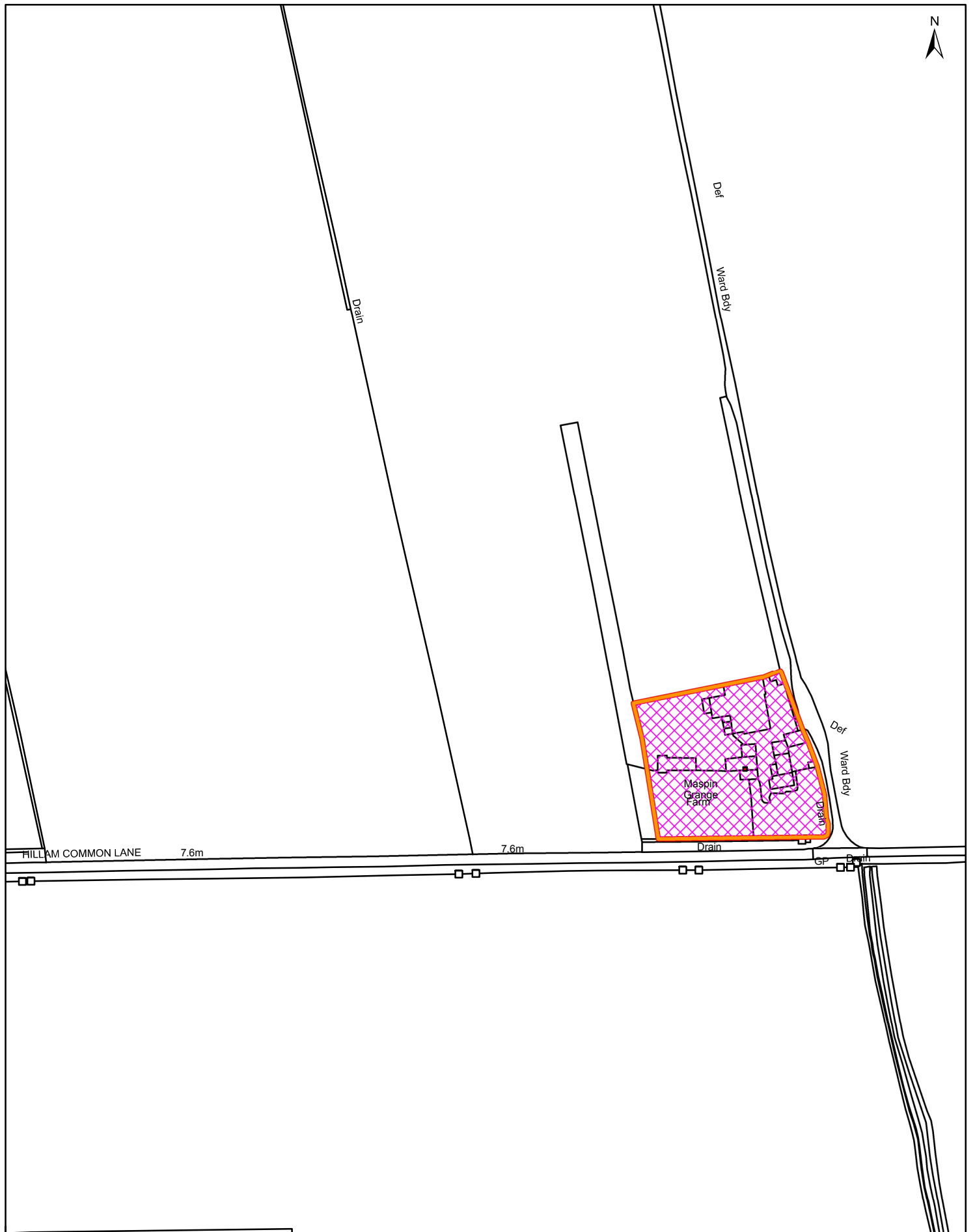
- 6.1 That the application be refused for the following reasons:
 1. The proposed scheme for the proposed erection of a single storey dwelling which is located in the rear garden of the residential property of Fair View, York Road and is considered to be backland development, does not meet any of the types of development considered appropriate for secondary villages in Policy SP4a) of the Core Strategy and is therefore unacceptable in principle.
 2. The scheme is considered to introduce an alien backland form of development which is out of keeping with of the character and form of the area. The sprawling nature of the building will take up the entire width of the main garden curtilage which is not characteristic of the area. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area and fails to accord with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy and the advice contained within the NPPF.
 3. The proposed dwelling appears awkward and out of character and given that the driveway would be shared with the existing property and would pass in front and to the side of the existing dwelling, this would be likely to result in unacceptable loss of amenity to the occupants of that property through additional noise and disturbance. It is therefore considered that the proposed development would result in a detrimental impact on the residential amenities of the occupants of the existing

dwelling and therefore fails to accord with Policy ENV1 (1) of the Local Plan and the NPPF.

Contact Officer: Simon Eades, Senior Planning Officer

Appendices: None

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APPLICATION SITE

Maspin Grange, Hillam Common Lane, Hillam
2017/0804/FUL

1:2,500



RECEIVED
 11/10/2017
 BUSINESS SUPPORT

**AMENDED
 DRAWING**



Dra

D ryden
W ilkinson
P artnership Architectural Design Consultants
 Building Surveyors

Norwood Barn, Norwood Farm, Lower Norwood Road, Norwood, Leeds, LS21 2RA
 Telephone 01943 566249 e-mail: enquiries@owp-partners.co.uk

GENERAL NOTES :

HEALTH AND SAFETY NOTES :

AMENDMENTS :

A 13.09.17 Layout amended
 B 10.10.17 Amendments for planning

CLIENT : **June Harris and Christine Millington**

JOB : **Proposed Barn Conversions Maspin Grange Farm Hillam LS25 5HT**

Scale : 1:200 @ A1
 Date : January 2017
 Rev Date : 10.10.17
 Drawn by : SW Rev : B

JOB NO. **LDS 2485 / 002**
 DWG. NO.
 STATUS: **PLANNING**

To: Planning Committee
Date: 8 November 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0804/FUL	PARISH:	Gateforth Parish Council
APPLICANT:	Ms Alice Lindley	VALID DATE:	27 July 2017
		EXPIRY DATE:	21 September 2017
PROPOSAL:	Proposed conversion and alterations to existing barn and piggery building to create two new dwellings and introduction of two storey side extension to existing farmhouse		
LOCATION:	Maspin Grange Hillam Common Lane Hillam Leeds West Yorkshire LS25 5HT		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site lies with an area of open countryside outside the defined development limits of Hillam. The farmstead joins Hillam Common Lane to the south and Fox Lane to the east, with arable agricultural fields to the north and west. There are established boundaries of hedgerows and walls. The site is situated within Flood Zone 2 and 3 which is medium and high probability of flooding. There are no protected trees which surround the site.

The Proposal

- 1.2. This application is for full planning permission for the conversion and alteration to an

existing barn and piggery building to create two new dwellings and the introduction of a two storey side extension to an existing farmhouse. The farmhouse extension would include a dining room and living room to the ground floor with a master bedroom with an en-suite bathroom to the first floor. The barn conversion which is attached to the farmhouse would benefit from an entrance hall, kitchen/utility room, four bedrooms and garage created from the conversion of a further two storey building to the rear. The converted piggery building would result in creating a lounge, bathroom, and four bedrooms along with off street parking. The proposed materials used would match that of the existing buildings and dwelling. It is proposed the vehicular access into the site would be taken from Fox Lane, an existing access which would serve all the properties.

Relevant Planning History

- 1.3. CO/1977/22618 (Per-17.05.1977) Proposed erection of a lean to store building

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.

- 2.2 Yorkshire Water Services
No comments received during the statutory consultation period given.

- 2.3 Selby Internal Drainage Board
It is noted that surface water would be disposed of via a sustainable drainage system. If the surface water were to be disposed of via a soakaway system then the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage. If the surface water is to be discharged to any watercourse within the drainage district then consent would be required from the IDB in addition to any planning permission and would be restricted to 1.4 litres per second per hectare or green field run off.

- 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 considered that the proposed site investigation works are acceptable. If contamination is found then appropriate remedial action would be required, this can be controlled through condition. This is to ensure that at least a Phase 1 Risk Assessment is undertaken for the site, to assess the potential risks from agricultural use of the site.

- 2.6 NYCC Bat Group
No objections subject to conditions and mitigation measures.

- 2.7 Natural England

Based upon the information provided there is no objection given the proposal is unlikely to affect any statutory protected species or landscapes.

2.8 Yorkshire Wildlife Trust

No comments received during the statutory consultation period given.

2.8 Environmental Health

The surrounding area is predominantly agricultural land and the proposed dwellings are not close to intensive livestock operations. No buildings on site would be used for agricultural purposes following the conversion of the piggery building and agricultural barn. The proposals are therefore considered to be satisfactory subject to an informative.

Neighbour comments

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

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located on the outside the defined development limit of Hillam and therefore is set within the open countryside.
- 3.2 The site is within Flood zone 2 and 3 which are moderate to high probabilities of flooding.
- 3.3 The site is constrained by contaminated land

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.

3.5 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

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

3.6 Selby District Local Plan

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

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
H12:	Conversion to Residential Use in the Countryside
T1:	Development in Relation to the Highway Network
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 However, proposals for the reuse of buildings for residential use must also comply with Policy H12 "Conversion to Residential Use in the Countryside" of the Local Plan.
- 4.5 Criterion (1) of Policy H12 allows proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality".
- 4.6 The approaches taken by Policy SP2A(c) and Paragraph 55 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 4.7 Notwithstanding the above, Criterion (3) and (4) of Policy H12 require that "the building is structurally sound and capable of re-use without substantial rebuilding" and "the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension".
- 4.8 The submitted Design and Access Statement sets out the proposed use of the buildings and from a site visit it is noted that although there is a pole barn structure in front of the piggery building which would be demolished. The piggery building appears to be structurally sound and capable of reuse without substantial re-building. The barn is attached to the farm house. A structural report has been submitted as part of this application along with a building method statement. The method statement submitted is written in conjunction with the structural report submitted as part of this application. Having read the contents of the structural report and the method statement it is considered that overall the buildings are capable of being converted. Officers consider that on the basis of a site inspection and the structural report it is considered that the barn is capable of reuse without substantial re-building. The other proposal includes a two storey side extension to the southern elevation of the existing farm house, the design is considered to be acceptable and proportionate to the size of the dwelling. Overall the proposed house extension and conversions of the farm buildings are considered acceptable. Given the proposed re-use of these buildings would generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension. The proposals would comply with Criterion (3) and (4) of Policy H12 of the Local Plan. The proposal should therefore be approved unless material considerations indicate otherwise.

4.9 Paragraph 55 of the NPPF states that:

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work; or;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling'.

4.10 In this respect, it is considered the proposal would enhance can maintain the vitality of rural communities and would re-use a redundant or disused building, leading to an enhancement of the immediate setting. The proposal is therefore considered to be in compliance with paragraph 55 of the NPPF.

4.11 The proposal would bring back into use redundant farm buildings. Having regard to the above the above information, it is considered that the proposals are acceptable in regards to the principle of development in this location. The application site is for residential development and as such in respect of local and national policies the proposal would be in accordance with H12 of the Selby District Local Plan, SP1, SP2 and SP19 of the Core Strategy and Paragraph 55 of the NPPF.

Design and Impact on the Character of the Area

4.12 The application site comprises some brick built agricultural buildings. Included within this site is a farm house with attached agricultural buildings constructed of brick walls which have been rendered. The roofs of these buildings are constructed from corrugated sheet material and a slate tile. The application seeks planning permission for the conversion existing agricultural buildings and a two storey side extension to the farm house.

4.13 The submitted layout plan demonstrates that the converted buildings would be separated by a timber post and rail fence. This boundary treatment would ensure separate amenity space is achieved as such the proposed boundary treatments would result in creating substantial size plots for each of the properties. There is an established hedgerow which bounds the whole perimeter of the site including along Hillam Common Lane and Fox Lane which would be retained. Overall, it is considered that with the existing landscaping in place, along with the introduction of timber post and rail fence as shown on drawing number LDS2485/002 Rev B the scheme would be acceptable. However, It is considered prudent to attach a condition to ensure the established hedgerow is retained and the timber post and rail fence would be erected prior to the occupation of the properties.

4.14 As part of this proposal a pole barn lean to building which is currently attached to the

piggery building would be demolished. This building is not considered to be of any architectural merit and therefore the demolition is considered to be acceptable and would facilitate bringing the piggery building back into use. An outbuilding which is located to the west of the barn and farm house would be converted to provide a garage to serve the barn. These proposals are considered to be acceptable and are not considered to detract from the overall character and appearance of the area.

- 4.15 The farmhouse would benefit from a two storey side extension. This would replace an existing conservatory which would be demolished as part of this application. The two storey side extension would be erected on the southern elevation and would measure approximate 4.7 metres in width, 7.5 metres in depth and a height of 7.7 metres to the ridge. The roof would be a gable pitched roof which would be integrated into the host dwelling and would include a chimney stack to match that of the existing chimney. The proposed extension would be modest in comparison, the size and scale would satisfactorily integrate into the existing building. All additional materials used with regard to the conversion of the agricultural buildings and the two storey side extension would match that of existing buildings and would be controlled through condition.
- 4.16 The vehicular access to the converted buildings would come from the existing vehicular access off Fox Lane. Hardstanding areas for off street parking provision would be available for each building and the barn would benefit from a garage via converted outbuilding.
- 4.17 Subject to the aforementioned condition, it is therefore considered that the proposals are acceptable and would not have a significant or detrimental impact on the character and appearance of the area or the surrounding countryside. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) and H12 (5) of the Selby District Local Plan, Policies SP18 and SP19 of Core Strategy and the advice contained within the NPPF

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.18 The proposal would consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.19 The site is located within flood zones 2 and 3 on the Environment Agency's flood zone maps. Land in Flood Zone 3 is regarded as having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. Buildings used as dwellings are considered to be "more vulnerable" in terms of flood risk. "More vulnerable" uses in flood Zone 3 are normally required to meet the Sequential and Exceptions tests. However, the Sequential and Exception Tests do not need to be applied to change of use to residential that would not result in an increase footprint (e.g. an extension).
- 4.20 Paragraph 104 of the NPPF states that "Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments." As such, given the proposal includes only a minor extension to the farm house and the agricultural buildings would simply involve a change of use. A sequential test would not be required to be undertaken in line with the guidance within the NPPF and PPG.

- 4.21 A flood risk assessment has been submitted with the application which advises that the floor level of the converted agricultural buildings would be elevated to 0.6 metres above the surrounding ground floor level to mitigate the residual risk of flooding from the land drainage network and surface water. Where architectural constraints mean that it is not possible to achieve a 0.6 metre ground floor level, the ground floor should be set at the highest achievable level but not less than 0.3 metres above ground level. In addition to floor level raising flood resilient design measures would be included with the design to mitigate the residual risk of flooding to an achievable ground floor space within each dwelling. A condition requiring the development to be carried out in accordance with these mitigation measures can be secured by way of condition.
- 4.22 In terms of drainage, the applicant has indicated on the application form and flood risk assessment that the existing buildings have existing formal roof drainage with down pipes leading to underground drainage infrastructure. The flood risk assessment has indicated that in some areas it is unclear where the below ground drains lead. However the flood risk assessment goes on to state that there are land drains which surround the main farmstead, and there are ample areas which may accommodate soakaways. It is proposed that the new development would utilise existing drainage infrastructure and the removal of the tall pole barn would reduce the burden of ground drainage. Therefore in accordance with sustainable drainage best practice any new surface water infrastructure is required to serve the new dwellings, the applicant shall seek to discharge surface water run off to infiltrated systems.
- 4.23 Yorkshire Water were consulted and at the time of writing this report no response has been received, should a response come forward then this shall be submitted via the officer update note for members. Selby Area Internal Drainage Board have sent a standard response requesting conditions for the proposed means of surface water disposal. As mentioned above there may be a requirement for new surface water systems to be introduced to the site. Therefore it is considered prudent to attach a condition for any new soakaways to be approved in writing by the Local Planning Authority. Environmental Health has been consulted as part of this application and they have no objections subject to an informative with regard to the septic tank to be used for foul drainage.
- 4.24 Subject to conditions being imposed for surface water and foul drainage, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

Impact on Highways

- 4.25 The proposal would use the existing vehicular access off Fox Lane to the west of the site, and would benefit from areas of hardstanding to serve the converted buildings. These areas of hardstanding would be located to the east of the piggery building, and the site of the south of the farm house. Further hardstanding would be upon the entrance to the farmstead and one of the converted buildings would form a detached garage to the west of the converted barn.
- 4.26 North Yorkshire County Highways have been consulted as part of this application. No objections have been raised to the proposal and no conditions are required given the proposal would utilise the existing access.

- 4.27 Given the above it is therefore considered that the scheme would be acceptable and in accordance with Policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impacts on the highway network.

Residential Amenity

- 4.28 The proposal involves the conversion of agricultural farm buildings and a two storey side extension to the existing farm house. The site is located on a corner plot which bounds Hillam Common Lane and Fox Lane and as such there are no residential properties which bound the application site area.
- 4.29 Given there are no neighbouring properties which bound the site; it is considered that the proposals would not result in any adverse overlooking that would have an adverse impact on the amenities of the occupiers of any neighbouring properties. An adequate level of privacy and amenity can be provided for the new dwellings.
- 4.30 Having regard to the above, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF.

Impact on Nature Conservation and Protected Species

- 4.31 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.
- 4.32 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.
- 4.33 The Ecology report confirms that there are established hedgerows which are largely intact, with the exception being along the north-eastern section. Throughout the south of the site there are planted flower beds with a range of ornamental species present. The site largely supports a range of species poor habitats with the native hedgerows and trees being of slight greater ecological value.
- 4.34 The site itself consists of derelict agricultural buildings and a farm house. The ecology report submitted concludes that the majority of the site can be considered to support habitats of low ecological value which do not constrain the proposed development. The report stipulates that the native hedgerows around the site boundaries provide the highest value across the site in terms of ecology. In addition the trees along the western boundary and within the south of the site are also of ecological value. Having regard to the information submitted within the Ecology Report it is considered prudent to attach a condition to retain the established hedgerows which bound this site.
- 4.35 Following the results of the Ecology Report submitted a Bat Survey has accompanied the application. The conclusion of the Bat Survey states that the development of the site would involve the complete renovation of the roost buildings. North Yorkshire Bat Group have been consulted as part of this application and note the ecology

report and the mitigation measures recommended within the report. North Yorkshire Bat Group concludes that the mitigation measures as detailed would be supported and therefore no objections are raised with regard to this development.

- 4.36 It is acknowledged that a European Protected Species Mitigation licence would need to be secured prior the development of the site. This licence would be sought following the approval of this permission. A detailed method statement has accompanied the Bat survey along with mitigation measures. These mitigation measures and method statements shall be secured by way of condition to ensure the proposal would meet the licensing test.
- 4.37 Therefore it is considered that with conditions imposed the proposal would not harm any acknowledged nature conservation interests and therefore would accord with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF with respect to nature conservation subject to conditions.

Affordable Housing

- 4.38 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

- 4.39 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 have raised no objections subject to conditions these would include an investigation and risk assessment which would be undertaken in order to assess the nature and extent of any land contamination, a remediation scheme, the verification of remedial works and the reporting of any unexpected contamination. This is a precautionary measure due to the agricultural use of the site.
- 4.40 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

- 4.41 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.42 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.
- 4.43 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

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

5.0 CONCLUSION

5.1 The application seeks planning permission for the conversion of discussed agricultural buildings and a two storey side extension to an existing farm house. The application site is located outside the defined development limits and is therefore located within the open countryside.

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

5.4 The proposal would bring back into use redundant farm buildings. Having regard to the above the above information, it is considered that the proposals are acceptable in regards to the principle of development in this location. The application site is for residential development and as such in respect of local and national policies the proposal would be in accordance with H12 of the Selby District Local Plan, SP1, SP2 and SP19 of the Core Strategy and Paragraph 55 of the NPPF.

6.0 RECOMMENDATION

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 - Drawing No LOC 01 - Dated 13/07/2017

Existing Site Plan - Drawing No LDS2485/001 - Dated 13/07/2017

Proposed Site Plan - Drawing No LDS2485/002 Rev B - Dated 11/10/2017

Proposed General Site Plan - Drawing No LDS2485/003 - Dated 11/10/2017

Existing and Proposed Garage - Drawing No LDS2467/203 - Dated 13/07/2017

Existing Floor Plans - Drawing No LDS2485/101 Rev A - Dated 11/10/2017

Proposed Floor Plans - Drawing No LDS2485/102 Rev A - Dated 11/10/2017

Existing and Proposed Piggery - Drawing No LDS2485/202 - Dated 11/10/2017

Existing and Proposed Farm House - Drawing No LDS2485/201 - Dated 11/10/2017

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted be as stated on the application form submitted to the local planning authority submitted on the 13 July 2017.

Reason:

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

04. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event
- A 20% allowance for climate change should be included in all calculations
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

05. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

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

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

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

07. The development hereby permitted shall be carried out in accordance with recommendations contained within the Bat Survey received by the Local Planning Authority on 15 August 2017.

Reason:

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

08. 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.

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

Reason:

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

10. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out 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.

11. 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.

12. The conversion of the buildings hereby permitted shall be carried out in accordance with recommendations contained within the Building Method Statement received by the Local Planning Authority on 13 September 2017.

Reason:

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

13. The garage hereby permitted shall only be occupied in connection with and ancillary to Maspin Grange Barn, Hillam Common Lane, Hillam. It shall not at any time be occupied as an independent dwelling or separated from the ownership or curtilage of the main dwelling.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential property, having had regard to Policy ENV1.

14. 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 this development.

Reason:

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

15. Prior to the occupation of the dwellings hereby permitted the boundary treatments submitted on plan reference LDS 2485/002 Rev A shall be erected and shall be implanted in accordance with the approved scheme.

Reason:

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

16. The development hereby approved shall be implemented in accordance with the flood mitigation measures outlined in the Flood Risk Assessment received by this department on the 16 September 2016.

Reason:

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

17. The existing hedgerow as identified on drawing number LDS 2485/002 REV A shall be retained and remain so for the life time of the development.

Reason:

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

INFORMATIVE:

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

INFORMATIVE:

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

INFORMATIVE

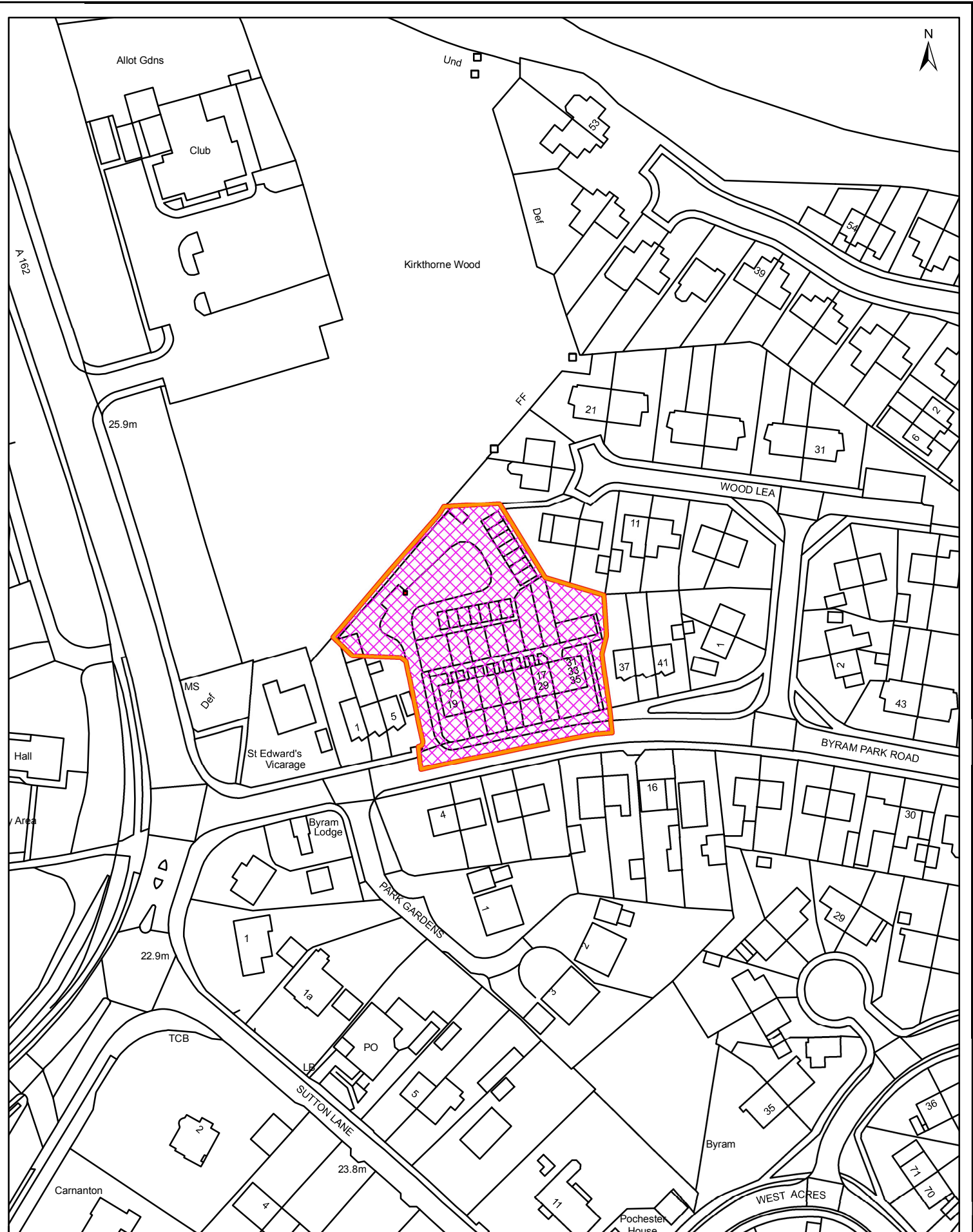
The applicant has indicated that foul drainage is to be disposed of via package treatment plant. It is advised that the installation of the new found drainage system would require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.

INFORMATIVE:

The applicant should be aware that a licence is required with regard to European Protected Species Mitigation. The licence would be need to be secured prior the development of the site. The licence would be sought following the approval of this permission.

Contact Officer: Diane Wilson - Case Officer

Appendices: None



APPLICATION SITE

Byram Park Road, Bryram
2017/0816/FULM

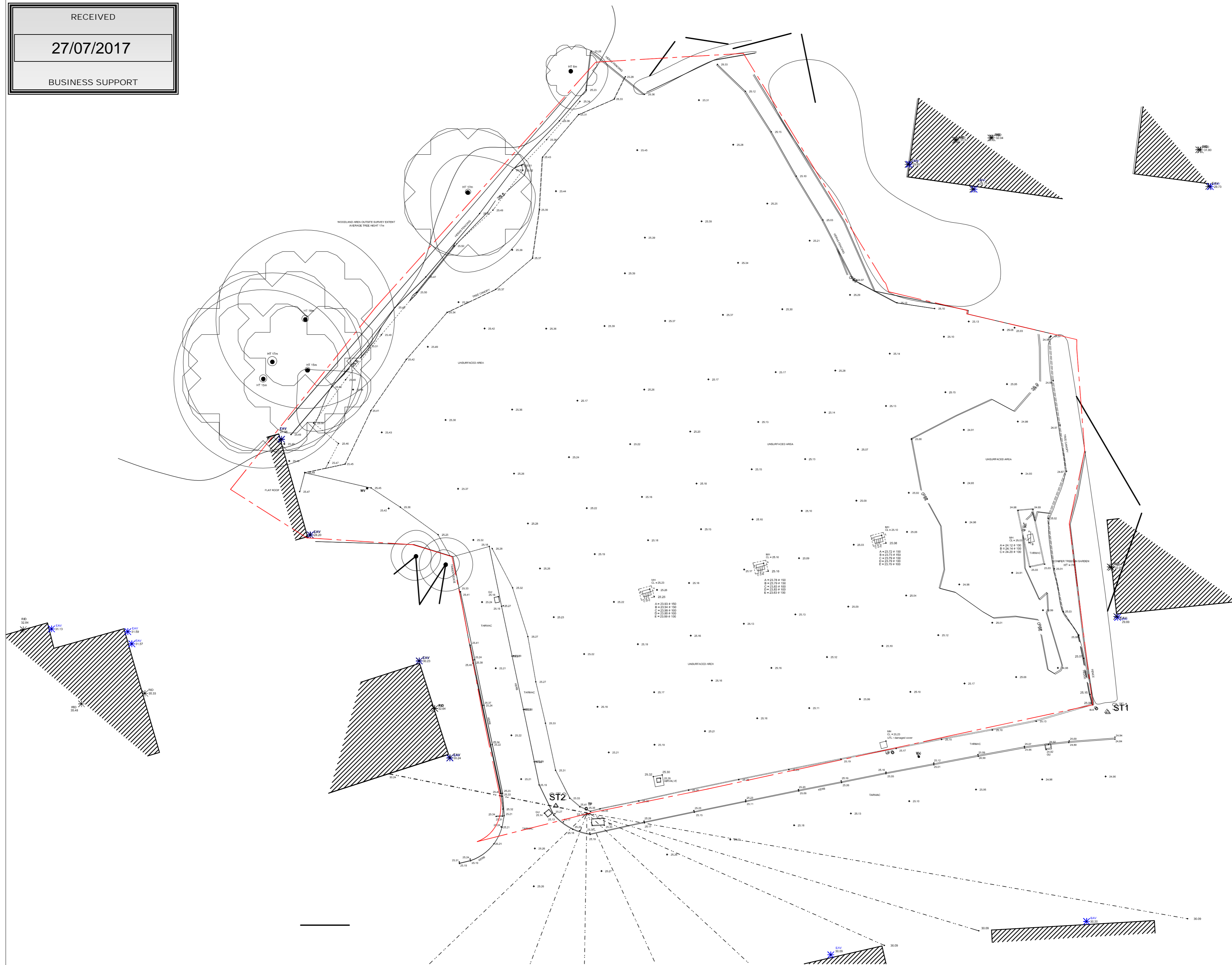
1:1,250



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PROPOSED RESIDENTIAL
 DEVELOPMENT
 BYRAM PARK ROAD, BYRAM, SELBY

EXISTING
 SITE LAYOUT PLAN

Drawn: CJ Scale: 1:200 @ A2
 Date: MAY 2017 Checked: MH

brewsterbye architects
 5 NORTH HILL ROAD
 HEADINGLEY
 LEEDS
 LS6 2EN
 telephone 0113 2754000
 facsimile 0113 2844250
 e-mail info@brewsterbye.co.uk

Dwg No: 516/02(02)002 #

To: Planning Committee
Date: 8 November 2017
Author: Andrew Martin (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0816/FULM	PARISH:	Byram Cum Sutton Parish Council
APPLICANT:	Selby District Council	VALID DATE:	8 August 2017
		EXPIRY DATE:	7 November 2017
PROPOSAL:	Proposed construction of 13 affordable rent houses with associated highways and landscaping		
LOCATION:	Land At Byram Park Road Byram Park Road Byram Knottingley West Yorkshire		
RECOMMENDATION:	APPROVE subject to: (1) no representations raising new material planning considerations within the remainder of the re-publicity period; (2) a unilateral undertaking to secure: (a) the delivery of affordable housing; and (b) a financial contribution of £65 per dwelling towards waste & recycling; and (3) conditions:		

This application has been brought before Planning Committee because it has been submitted by Selby District Council.

1.0 INTRODUCTION AND BACKGROUND

Site and context

- 1.1. The application site, which measures 0.26 hectares in area, is situated to the north of Byram Park Road, approximately 60m east of its junction with the A162 (Old Great North Road). The site qualifies as previously-developed land, having formerly been occupied by a block of flats that fronted Byram Park Road, with a garage courtyard to the rear. The site was cleared earlier this year. There is a residual footpath connection through to Wood Lea previously used by garage tenants. A significant group of protected trees, Kirkthorne Wood, forms a backdrop to the site when viewed from Byram Park Road.

The proposal

- 1.2. This is a full application proposing 13 houses for affordable rent. Seven of the houses will front Byram Park Road, in the form of two pairs of semis and a terrace of

three units, with the remaining six developed to the rear in the form of a small courtyard served off of a single access. All of the units are proposed to be two-storeys in height and will be constructed of brick under concrete tile roofs. The mix of unit sizes comprises 9 x two-bedrooms, 3 x three-bedrooms and 1 x 4-bedrooms. Parking is to be provided at the rate of 200% for each of the 3- and 4-bedroom units and 150% for the remainder.

Relevant Planning History

- 1.3. 2016/0884/DEM (PER - 18.08.2016) Prior notification of proposed demolition of flats and maisonette block and associated outbuildings and garages.

2.0 CONSULTATION AND PUBLICITY

The application was initially advertised by site notice, advertisement in the local newspaper and neighbour notification. Following changes to the scheme it was subsequently re-advertised for a further 14 days by site notice and neighbour notification. The amended plans are available to view on Public Access.

- 2.1. Byram Cum Sutton Parish Council
No comments or concerns.
- 2.2. Local highway authority
Amended plans need to address unresolved problems.
- 2.3. Yorkshire Water Services Ltd
No objection subject to conditions.
- 2.4. Selby Area Internal Drainage Board
Should consent be required from the IDB as described above then we would advise that this should be made a condition of any planning decision.
- 2.5. Flood Risk Management, North Yorkshire County Council
Upon receipt of satisfactory information to address outstanding issues a planning condition can be recommended to ensure suitable surface water management.
- 2.6. Principal Archaeologist, North Yorkshire County Council
No objection to the proposal.
- 2.7. Natural England
Natural England has no comments to make on this application.
- 2.8. Environmental Health
There are no objections to the granting of this application.
- 2.9. Environmental Consultancy, City of York Council
The applicant's geotechnical report is acceptable. Conditions recommended.

Neighbour comments

- 2.10. No letters of representation have been received.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1. The site lies within the development limits of Byram.
- 3.2. The site is within Flood zone 1 which is a low probability of flooding.
- 3.3. The site directly adjoins a Tree Preservation Order – TPO Ref. 10/1980, Kirkthorne Wood.

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

- 3.4. 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.
- 3.5. 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

- 3.6. The relevant Core Strategy and saved Policies are:
 - SP2 Spatial Development Strategy
 - SP4 Management of Residential Development in Settlements
 - SP15 Sustainable Development and Climate Change
 - SP16 Improving Resource Efficiency.
 - SP18 Protecting and Enhancing the Environment
 - SP19 Design Quality

Selby District Local Plan

- 3.7. 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)".

3.8. The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- ENV18 - applications to fell or to carry out other works to trees subject to tree preservation orders
- RT2 - provide recreation open space at the rate of 60 square metres per dwelling
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- VP1 – Parking standards.

4.0 APPRAISAL

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

- Principle of development;
- Affordable housing;
- Impact upon the character of the area;
- Impact upon trees;
- Impact upon residential amenity;
- Access and parking;
- Community infrastructure;
 - Recreation open space;
- Drainage;
- Impact on nature conservation and protected species;
- Land contamination;
- Energy efficiency.

Principle of development

4.2. Policy SP2 of the Core Strategy establishes the Spatial Development Strategy for the District and sets out that "*The majority of new development will be directed to the towns and more sustainable villages ...*" Selby, as the principal town, will be the main focus for development. The next largest settlements, Tadcaster and Sherburn in Elmet are identified as Local Service Centres, still with significant potential for growth, and then there are Designated Service Villages, including Byram/Brotherton taken together, with scope for additional residential and small-scale employment growth to support rural sustainability. This hierarchical approach to growth, focusing development in locations and at a scale that reflects the capacity of existing or planned infrastructure, remains entirely consistent with the principles of sustainability established in the National Planning Policy Framework. In this case the proposal is within the development boundary of the village and, furthermore, comprises previously developed land. In that context there is a strong presumption in favour of the principle of development.

Affordable housing

- 4.3. This application proposes 100% housing for affordable rent, in a mix of unit types and sizes to reflect the need in Byram and, in particular, to: (a) redress the current imbalance caused by a higher than average percentage of flats; and (b) provide some two-bedroom houses, of which there were none amongst the 114 properties that comprised Selby District Council's total stock in Byram in April 2016.
- 4.4. The breakdown of proposed accommodation in this application is as follows:

Size	Number	Configuration
Two-bedroom	9	6 semi-detached and 3 terraced
Three-bedroom	3	3 semi-detached
Four-bedroom	1	Detached

- 4.5. The Core Strategy, quoting from the 2009 Strategic Market Housing Assessment (SHMA), states that affordable housing need arising from local requirements in the District will amount to some 409 affordable homes (gross) each year over the period 2009 – 2014. The Final Draft Report of the 2015 Selby Strategic Housing Market Assessment estimates the same annual requirement over the period 2014 – 27. The Core Strategy describes this as an *“unrealistically high figure in delivery terms, given existing levels of public funding available and the levels of affordable housing provision likely to be achievable through market housing schemes in association with an overall target house building rate of 450 dwellings”* It also *“notes the relatively low level of affordable housing delivered in recent years – (over the six years from April 2004 to March 2010, some 769 affordable dwellings have been constructed or are committed through planning permissions”*. And recognising the fact that *“Affordable housing provision through the planning system is ... by far the most important mechanism and is likely to remain so for the foreseeable future”* the Core Strategy sets what it describes as a *“challenging target”* of *“40% affordable housing from the total housing provision from all sources.”* However, it also acknowledges the need *“to pursue other mechanisms for delivery of affordable housing [including] use of the Council’s own land”*. That is the background to this application.
- 4.6. Schemes of this nature are clearly to be welcomed. Although delivering only a relatively small number of units the proposal will still make a much-needed contribution towards the District's affordable housing supply.

Character of the area

- 4.7. The Local Plan describes Byram as *“a highly compact village form which is very much suburban in character.”* The *Village Design Statement* (February 2012) analyses the village in more detail, identifying four distinct character areas: (1) *Old Byram*; (2) a *(former) industrial area* to the north; (3) *Suburban Estates: Garden City* – an area of development dating from the 1950s and part of a larger planned village that was never completed; and (4) *Later Suburban Estates*, an extensive area of relatively modern development extending predominantly north, east and south. The application site sits within the latter, but directly abuts the *(former) industrial area* on its northern boundary and is only separated from the *Suburban Estates: Garden City* area by Byram Park Road itself.

- 4.8. The character of the *Later Suburban Estates* area is described as “*simple uniform plots, uniform house styles and front facing layout.*” It would also be relevant to note the typical hierarchy of suburban streets in this area, with distributor routes leading into feeder roads which eventually end in a series of culs-de sac.
- 4.9. The proposed scheme successfully reflects the established character of the area by providing a strong frontage to Byram Park Road with additional development in depth in the form of a small courtyard. And further opportunities to strengthen the scheme have been secured since the application was first submitted. One of the units to the rear has now been relocated onto the site frontage, creating a short terrace which further reinforces the established character of Byram Park Road and, in the process, releases more space in the heart of the site. This allows a number of the units in the courtyard to be provided with bigger gardens, which is particularly important for those properties abutting the northern boundary which are most likely to be affected by the protected woodland to the north - which is discussed further below. The additional space to the rear also provides opportunities to reposition the parking in ways which make it less visually dominant. With the agreement of the local highway authority the main access has also been narrowed to create a less engineered feel to the entrance. The immediate view into the development from Byram Park Road is now one of a courtyard framed by buildings, with the allocated parking largely out of view.
- 4.10. The latest amendments to the proposal have improved the garden sizes of the dwellings at the rear and modified the layout to make parking less dominant. This improves the amenity for future residents and creates an attractive gateway to the village. Overall the proposal is judged consistent with the design quality objectives of Core Strategy policies SP4 and SP19 and Local Plan policy ENV1.

Trees

General considerations

- 4.11. The adjoining land to the north of the application site is covered by a Tree Preservation Order (TPO) dating from 1980. It covers an area referred to on the map as Kirkthorne Wood. A number of the protected trees overhang the site boundary. There are also a number of unprotected trees and hedges within, and adjoining, other boundaries of the site. An *Arboricultural Report* accompanying the application assesses the trees and hedges likely to be impacted by the development. The report makes a number of recommendations based upon general arboricultural considerations, rather than the specific impacts of the proposed development.
- 4.12. Considering the protected trees first, the *Arboricultural Report* considers them as three individual specimens, labelled T3, T4 and T6, and a larger group, labelled G5. The individual specimens overhang the boundary to a greater or lesser extent, whereas the group is generally set further back. T3 and T6, both semi-mature sycamores, are in very poor condition and contribute very little amenity value. Using standard arboricultural notation they are both categorised as “U”, meaning that they cannot realistically be retained in their current context for longer than 10 years. The recommendation of the *Arboricultural Report* is that they be removed.

- 4.13. T4, an early-mature sycamore, is in a slightly better condition, but still judged to have low amenity value. It is categorised as “C”, with a life expectancy of 20+ years. The recommendation of the *Arboricultural Report* is that this tree is crown-lifted to 3.5m where it overhangs the boundary.
- 4.14. The group, G5, composed of sycamores of a varying age, is judged to have moderate amenity value and a life expectancy of 40+ years. The recommendation of the *Arboricultural Report* is that these trees too are crown-lifted to 3.5m where they overhang the boundary.
- 4.15. Turning to the unprotected specimens, T1 (semi-mature leylandii) and T2 (young magnolia) are positioned in an adjoining garden to the west. The *Arboricultural Report* judges both to have low amenity value – not being generally visible from public areas. No arboricultural action is judged necessary in respect of these two trees.
- 4.16. H7 is a leylandii hedge situated on the northern boundary of the site. The *Arboricultural Report* judges it to have low amenity value, although no arboricultural action is seen as necessary.
- 4.17. G8 is a group of varied specimens in an adjoin garden to the east. It too is judged to have low amenity value and no arboricultural action is judged necessary.
- 4.18. Finally, H9 is described as an “*unmaintained garden hedge*” on the eastern boundary of the site, comprising leylandii and cherry laurel. It appears to have grown unchecked for some while and overhangs the application site to a considerable degree. The *Arboricultural Report* judges it to have low amenity value. It is a currently a prominent feature in the street, but will be less so once subjected to routine maintenance.

Impact of development

- 4.19. The protected trees appear as a dense woodland edge when viewed from the application site and will have a significant impact on the living conditions of the proposed houses abutting the northern boundary. The removal of T3 and T6, which is justified on arboricultural grounds alone, will improve the situation appreciably, as would the *Arboricultural Report’s* recommendation for crown-lifting of T4 and the group G5. The application actually goes further than these recommendations propose the removal of the T4. It has been confirmed that the adjoining landowner has agreed to these works taking place.
- 4.20. Had the protected trees been within the application site then the proposed works could, potentially, have been sanctioned as part of any planning permission. But, in the circumstances, a separate consent will be required. It is important not to prejudge that process, although given the conclusions of the *Arboricultural Report* it is difficult to see what planning arguments could be advanced against the works taking place.
- 4.21. There are two unprotected hedges that will be affected by the development. H7 strays into the northern edge of the application site and is shown to be removed to increase the size of the proposed gardens. H9 is on adjoining land to the east, but overhangs the boundary. At the very least this will require some maintenance.

Neither hedge exhibits a level of amenity value that would justify refusing planning permission if it has to be removed. The trees in adjoining gardens, T1, T2 and G8, do not appear to be directly affected, but, again, do not exhibit significant amenity value in any event.

- 4.22. If permission is granted then a condition will be necessary to ensure that the root protection areas of the retained trees are safeguarded.

Residential amenity

- 4.23. The development in this case is proposed on a constrained site, enclosed on three sides by existing residential development and on the fourth (north) by a dense area of woodland. The latest amendments to the scheme have sought to maximise levels of amenity for residents of the scheme itself and of its neighbours. This has been achieved by adjusting the layout to allow more of the site to be used as private garden space and to further reduce the impact of the trees.
- 4.24. The seven houses on the site frontage establish a configuration which is typical of the wider area. They have front gardens averaging approximately six metres in depth, partly allocated to parking, and enclosed back gardens ranging in depth from nine to ten metres. The outlook to the rear is either into the parking courtyard or the blank gable ends of other units within the scheme, establishing a decent level of privacy.
- 4.25. The rear of the site has presented more of a challenge. It is an irregular shape with a complex boundary composed of many different angles. The north-western boundary is dominated by the protected trees within the Kirkthorne Wood TPO, and that will continue to be the case even after the tree works described above.
- 4.26. The response to these constraints has been to create a courtyard with the houses pulled away from the boundaries as far as practicable. This maximises private garden space, reduces the impact of the trees and establishes the best possible relationship with adjoining properties - both existing and proposed.

Unit 8

- 4.27. This is a three-bedroom unit adjoining the eastern boundary of the site. It has an east-west aspect, with front windows looking into the parking courtyard and rear windows looking into a private rear garden which, because of the sharply-angled rear boundary, ranges in depth from three to ten metres when measured from the rear face of the proposed house. The shallowest part of the garden abuts the gardens of nos. 13 and 15 Wood Lea, a pair of semi-detached properties to the north. The existing properties are angled obliquely to unit 8 which all but eliminates the potential for window-to-window overlooking, but there is the potential for the proposed house to overlook the adjoining gardens. However, this has been minimised by arranging the first floor accommodation in Unit 8 so that there is a bathroom in the north-east corner. The only bedroom with an aspect to the rear looks down the longest part of the garden. This arrangement is not atypical of the area.

Units 9 and 10

- 4.28. These are a pair of semi-detached dwellings, one two-bedroom unit (Unit 9) and one three-bedroom unit (Unit 10). They face onto the parking courtyard and have back gardens running northwards towards the boundary with no. 17 Wood Lea. 17 Wood Lea is one half of a pair of semis, angled obliquely to proposed Units 9 and 10. On plan the back garden depths (measured from the rear elevations of the proposed houses) range from six to ten metres, although on the ground the boundary has clearly become confused over time. Nevertheless, the arrangement shown on the *Proposed Site Layout Plan* is typical of others in the vicinity.

Unit 11

- 4.29. Unit 11 is a detached four-bedroom unit. It too faces into the parking courtyard, but its rear garden abuts Kirkthorne Wood. Its position relative to existing and other proposed properties presents no significant potential for overlooking and it has been provided with a relatively generous rear garden to reflect its larger size and the need to provide some relief from the impact of the adjoining trees.

Units 12 and 13

- 4.30. These are a pair of semi-detached units adjoining the western boundary of the site. They are orientated with an east-west aspect, with the front elevation overlooking the parking courtyard and the rear elevation overlooking private gardens, which range in depth from six to 11 metres (measured from the rear elevations of the proposed houses) and abut Kirkthorne Wood and the rear gardens of nos. 1-5 Byram Park Road – the latter very obliquely. Less obliquely, the rear elevations of the proposed properties will also look directly at the rear of St. Edward's Vicarage, but at a distance in excess of 24 metres.
- 4.31. This is another area where the boundary has become confused on the ground over time, but the *Proposed Site Layout Plan* shows an arrangement typical of others in the vicinity.

General considerations

- 4.32. Careful thought has gone into the latest layout to ensure that the particular constraints and opportunities of the site are properly acknowledged. The result is a scheme that successfully maximises the level of amenity for proposed and existing properties, whilst creating an attractive piece of urban design at this gateway to Byram.
- 4.33. It is not inconceivable that the properties could be extended at some stage in the future, but in order to ensure that appropriate standards of amenity are maintained it is recommended that a condition is attached to any permission removing the normal permitted rights that would otherwise apply to properties of this type.

Access and parking

- 4.34. The local highway authority raised a number of concerns in respect of the scheme as originally submitted. These are listed in its consultation response quoted above. Since then it has been directly involved in the further discussions that have taken

place to reinforce the character of the scheme. This has resulted in a significant reduction in the width of the site access and a redesign of the courtyard to reduce the dominance of parking.

- 4.35. The loss of the garage parking that previously occupied the rear part of the site, mainly, but not exclusively, used in association with the flats that have now been demolished, was considered as part of the “*prior notification of demolition*” application determined in 2016 under reference 2016/0884/DEM. It was acknowledged at that time that the demolition would “*facilitate housing regeneration*” of the site and it was noted that the occupants of the flats had all been rehoused, albeit that there was no explicit reference to the garages. Nevertheless, the site has now been cleared and unavailable for parking for some while.
- 4.36. The proposed scheme includes a total of 20 parking spaces; two each for the 3- 4-bedroom units and generally one each for the 2-bedroom units, although unit 2 fronting Byram park Road (a 2-bedroom unit) is provided with two spaces. There are two additional spaces in the rear courtyard available for visitors.
- 4.37. In setting a standard of parking for this redevelopment, Local Plan policy VP1 supports the provision of parking “*up to the maximum car parking standards as set out in Appendix 4*”. For “*rural areas*” that would establish a maximum of three spaces for 4-bedroom dwellings and two spaces for 2- and 3-bedroom dwellings.
- 4.38. The NPPF adopts a more nuanced approach to setting local parking standards suggesting that, amongst other things, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development; and
 - the availability of and opportunities for public transport.
- 4.39. Byram has a modest range of local services. Using retail provision as an example, there is a small convenience store approximately 200m east of the current application site and a combined convenience store and post office much the same distance to the south in Sutton Lane. However, for the bulk of retail (and other service) needs residents will need to travel further afield. There is a two-hourly bus service to Pontefract (Mon – Sat) but, in reality, car ownership is all but essential.
- 4.40. Having said that, it is generally accepted that levels of car ownership within affordable developments tend to be lower and in this case the applicants consider that the proposed provision strikes the right balance. Similar standards were accepted in association with the affordable housing development by Home Group at Land Off East Acres, also in Byram (ref. 2016/0831/FUL).
- 4.41. The local highway authority’s comments on the revised proposals will be reported to Committee.

Community infrastructure

Community Infrastructure Levy

- 4.42. Given that the proposal comprises 100% affordable housing there will be no CIL charge.

Recreation open space

- 4.43. Local Plan policy RT2 states that “Proposals for new residential development comprising 5 or more dwellings will be required to provide recreation open space at the rate of 60 square metres per dwelling ...” And for proposals of between 10 and 50 dwellings, as in this case, there are four options available for meeting this requirement subject to negotiation and the existing level of provision in the locality:

- *Provide open space within the site;*
- *Provide the open space within the locality;*
- *Provide the open space elsewhere;*
- *Where it is not practical or not deemed desirable for Developers to make provision within the site the District Council may accept a financial contribution to enable provision to be made elsewhere;*

- 4.44. The submitted scheme provides no on-site public open space and it is not considered desirable that it should. There are already extensive and easily accessible areas of public open space to the west of the A162, around Brotherton Parish Hall, and west of the A1246 across an existing footbridge.

Drainage

- 4.45. The application proposes that surface water will be disposed of via an existing mains system. Yorkshire Water Services Ltd. has confirmed that it is content with this proposal subject to conditions.

Impact on nature conservation and protected species

- 4.46. The site was subject to an *Extended Phase 1 Habitat Survey* in April 2017. This concluded that:

The site is not situated within influencing distance of any nature conservation sites of either statutory or non-statutory designation. None of the habitats found on site are of national significance, and the majority are of low ecological value. This site has been kept as a residential area in the past, and as a result, most habitats have been consistently maintained.

- 4.47. The report does add the usual caution that no vegetation can be removed between March-October if found to contain nesting birds.

Land contamination

- 4.48. To address this issue this application is accompanied by a *Phase 1 Geoenvironmental Risk Assessment and Phase 2 Ground Investigation* prepared by Michael D Joyce Associates LLP. This concludes:

‘At present there do not appear to be any major geotechnical constraints to developing this site. However, there are a number of aspects that need to be

taken into considering when assessing the feasibility and design of the scheme.'

- 4.49. The Environmental Consultancy team at City of York Council has confirmed that the submitted report is acceptable and has recommended a number of conditions that have been included in the recommendation to this report.

Energy efficiency

- 4.50. There are two related Core Strategy policies that deal with sustainability, climate change and improving resource efficiency – Policies SP15 and SP16. Policy SP15 concentrates on practical design and layout measures, whilst SP16 is more ambitious, requiring all new developments of 10 dwellings or more to provide a minimum of 10% of predicted energy consumption from renewable, low carbon or decentralised energy sources.
- 4.51. The *Sustainability Statement* in the applicant's *Design and Access Statement* confirms that the properties will be constructed to approved document L of the Building Regulations and suggests that additional measures such as a waste water heat recovery systems could be provided if required. It is recommended that meeting the necessary energy efficiency standards is addressed through a planning condition.

5.0 Waste & recycling

- 5.1. Each house is shown with ample external space for waste storage and with convenient routes to get refuse to collection points without the need to take bins etc. through the inside of properties. The courtyard is not large enough to allow a refuse vehicle to enter and turn; to achieve that standard would require the area of hardstanding to increase to a point where the amenity of the houses surrounding it would be severely compromised. Nevertheless, as things stand, the Council's *Head of Commissioning, Contracts & Procurement* has confirmed that the layout presents no waste collection issues.
- 5.2. The Council's *Developer Contributions Supplementary Planning Document* (March 2007) expects a financial contribution of £65 per dwelling towards "*Waste and Recycling Facilities*". This can be addressed in the unilateral obligation proposed as part of the recommendation.

Legal Issues

- 5.3. Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 5.4. 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.
- 5.5. 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

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

6.0 CONCLUSION

- 6.1. This is a proposal for 13 units of affordable rented accommodation on previously-developed land within the development boundary of Byram, a Designated Service Village for the purposes of Policy SP2 of the Core Strategy. In that context there is a strong presumption in favour of the principle of development.
- 6.2. The layout, which has been refined since it was first submitted, successfully reflects the established character of the area by providing a strong frontage to Byram Road with additional development in depth in the form of a small courtyard. Overall the proposal is judged consistent with the design quality objectives of Core Strategy Policies SP4 and SP19 and Local Plan Policy ENV1.
- 6.3. The adjoining land to the north of the application site is covered by a Tree Preservation Order (TPO) dating from 1980. A supporting *Arboricultural Report* makes various recommendations in respect of those trees closest to the common boundary and the application shows three trees to be removed. The trees concerned have low amenity value, and their removal will significantly improve the living conditions for occupants of the proposed houses abutting the northern boundary. However, their removal will need to be subject to a separate application under the provisions of the Planning Act relating to protected trees.
- 6.4. There are a number of unprotected trees/hedges either on or overhanging other boundaries. None exhibits a level of amenity value that would warrant refusing planning permission if they could not be retained as part of the development.
- 6.5. Careful thought has gone into the latest layout to ensure that the particular constraints and opportunities of the site are properly acknowledged. The result is a scheme that successfully maximises the level of amenity for proposed and existing properties, whilst creating an attractive piece of urban design at this gateway to Byram.
- 6.6. It is not inconceivable that the properties could be extended at some stage in the future, but in order to ensure that appropriate standards of amenity are maintained it is recommended that a condition is attached to any permission removing the normal permitted rights that would otherwise apply to properties of this type.
- 6.7. The local highway authority raised a number of concerns in respect of the development as originally submitted and has been directly involved in the further discussions that have taken place to reinforce the character of the scheme. This has resulted in a significant reduction in the width of the site access and a redesign of the courtyard to reduce the dominance of parking.
- 6.8. The levels of parking proposed in association with this development are below the standards advocated by Local Plan policy VP1, reflecting the applicant's view that a scheme proposed exclusively for affordable rent will attract lower levels of car ownership.

- 6.9. The local highway authority's comments on the revised proposals will be provided as an update to Committee.
- 6.10. An *Extended Phase 1 Habitat Survey* confirms that there is nothing of ecological significance on the site.
- 6.11. There is no recreation open space provided within the scheme, but there are extensive and easily accessible areas of public open space to the west.
- 6.12. Outstanding issues in respect of surface water drainage, land contamination and energy efficiency are proposed to be dealt with via conditions.
- 6.13. Overall this is a policy-compliant scheme that will make a valuable contribution towards the provision of much-needed affordable housing within the District. The latest amendments to the proposal have improved the garden sizes of the dwellings at the rear and modified the layout to make parking less dominant. This improves the amenity for future residents and creates an attractive gateway to the village.

7.0 RECOMMENDATION

- 7.1. Approve subject to: (1) no representations raising new material planning considerations within the remainder of the re-publicity period; (2) a unilateral undertaking to secure: (a) the delivery of affordable housing; and (b) a financial contribution of £65 per dwelling towards waste & recycling; (3) conditions and (4) any subject to any additional or amended conditions requested by those statutory consultees as a result of the re-publicity period:

1. The development for which permission is hereby granted shall be begun within a period of 3 years from the date of this permission.
Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Materials

2. Prior to commencement of work above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the local planning authority, and only the approved materials shall be utilised thereafter.

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

Levels

3. No development shall commence until details of the finished floor levels of each of the 13 dwellings hereby approved, relative to ordnance datum, has been submitted to, and approved in writing by, the local planning authority. Thereafter, unless agreed otherwise in writing by the local planning authority, the development shall be completed in accordance with the agreed levels.

Reason: In the interests of amenity having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

Trees

4. No development shall commence until measures to safeguard the protected trees on adjoining land to the north of the application site have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining protected trees in accordance with policies ENV1 and ENV18 of the Selby District Local Plan.

Landscaping

5. Prior to commencement of work above foundation level a soft landscaping scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iii) details of any trees / hedges to be retained; (iv) an implementation timetable; and (v) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, unless otherwise approved in writing by the local planning authority, the approved landscaping scheme shall be implemented in accordance with the agreed details and timetable.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

6. Prior to commencement of work above foundation level a hard landscaping scheme for all areas within the application site, and not proposed to be contained within the curtilages of the dwellings hereby approved, shall be submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise approved in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until the approved hard landscaping scheme has been completed.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

7. Prior to commencement of work above foundation level a scheme detailing the means of enclosure to the plots of the 13 dwellings hereby approved shall be submitted to, and approved in writing by, the local planning authority. Thereafter, no individual dwelling shall be first occupied until its mean of enclosure has been completed in accordance with the approved scheme.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

Highways

8. Comments on amended plans are awaited. An update will be provided at Committee.

Parking

9. None of the houses hereby approved shall be first occupied until its associated parking has been laid out and made available for use. Thereafter, unless otherwise approved in writing by the local planning authority, the approved parking shall be maintained for the life of the development.

Reason: In the interests of residential amenity having regard to policy VP1 of the Selby District Local Plan.

Construction management plan

10. No development shall commence until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The CMP must include measures to ensure that noise, dust (and other airborne pollutants) vibration, smoke and odour from construction work will be controlled and mitigated during construction work. The measures within the approved CMP shall remain in force for the duration of construction works.

Reason: In the interests of residential amenity having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

Permitted development

11. 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 within the curtilages of the dwellings hereby approved, nor shall any new windows, doors or other openings, other than those indicated on the approved plans, be inserted into the walls / roofs of the dwellings hereby approved, without the prior written approval of the local planning authority.

Reason: In the interests of residential amenity having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

Sewage and surface water

12. No development shall take place until details of the means of protecting the public sewerage and water main laid within the site boundary during

construction of the development have been submitted to and approved by the Local Planning Authority. Construction shall not commence in the affected area(s) until the approved measures have been implemented to the satisfaction of the local planning authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

13. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Discharge to public sewer shall not exceed 8.7 litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Energy efficiency

14. None of the dwellings hereby approved shall be first occupied until a scheme to ensure that at least 10% of the energy supply to the dwellings comes from decentralised and renewable or low carbon energy sources has been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Unless agreed otherwise in writing by the local planning authority the agreed scheme shall be retained as operational for the lifetime of the development.

Reason: To ensure that the development meets the expectations of policies SP15 and SP16 of the Selby District Core Strategy in respect of sustainability, climate change and improving resource efficiency.

Land contamination

15. Prior to commencement of development, gas monitoring and a risk assessment shall be carried out by a competent person to assess ground gas generation and migration. Based on the results of the gas monitoring and risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Prior to occupation of the development, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. 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 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.

Approved plans

18. At the time of concluding this report a number of the submitted plans are undergoing further minor amendments. By the time this report is published a final set of plans will be available to view on Public Access. Committee will be provided with a comprehensive list of updated plan references.

Contact Officer: Andrew Martin

Appendices: None



APPLICATION SITE

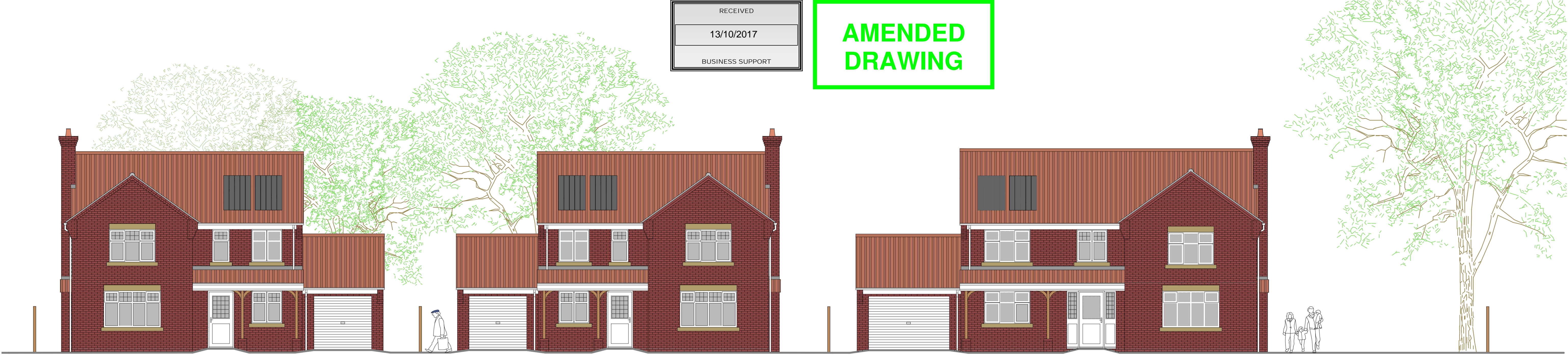
Item No: 2017/0235/FUL

Address: Willowdene, Hull Road, Hemingbrough

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RECEIVED
13/10/2017
BUSINESS SUPPORT

**AMENDED
DRAWING**



West

Street Scene - Hull Road

East

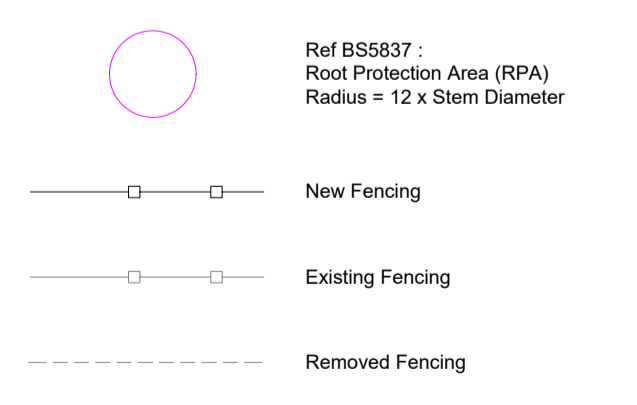


Notes
Do not scale without prior approval, use written dimensions where provided. Large scale drawings take preference over small scale drawings unless advised otherwise. This drawing is to be read in conjunction with all related drawings, schedules, and specifications.
All component and assembly dimensions are to be checked on site prior to the beginning of the production of any shop drawing or off-site fabrication. Any discrepancies with drawn information are to be reported to the Main Contractor.
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Plot No.	No. Beds	Floor Area (to Garage)
1	4	165m ²
2	4	165m ²
3	5	222m ²
	13	552m ²

Ref Tree Report By R Lancaster
Dated October 2017

KEY
Tree Grades, to BS 5837:2012.
Root protection areas calculated from BS 5837, for trees potentially impacted by development zone
Proposed Construction Exclusion Zone fencing.
NO Construction Access within these fences, except for arboricultural contractors



Rev	Date	Description	Initials
A	24.02.17	First Issue	FRF
B	13.08.17	Amendments Following LPA Comments	FRF
C	12.10.17	Tree Protection Areas Revised And Plots 2 and 3 Moved To Suit Following Tree Report	FRF



Project
**3 New Build Detached Dwellings
On 0.233 Hectares**
Willowdene
Hull Road
Hemingbrough
Selby YO8 6QQ

C Ward
Drawing Title
Street Scene And Site Layout
Scale NTS / 1:200 Date 12.10.17
Drawn by FRF Checked by ---
Job No. PAS 200 / 002 Rev. C
STATUS
Planning Application

A1
arthstone
oft



Report Reference Number: 2017/0235/FUL (8/18/44L/PA)

Agenda Item No: 6.10

To: Planning Committee
Date: 8 November 2017
Author: Louise Milnes (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0235/FUL	PARISH:	Hemingbrough Parish
APPLICANT:	Mr Craig Ward	VALID DATE: EXPIRY DATE:	2 May 2017 27 June 2017
PROPOSAL:	Proposed erection of 2no. 4 bed detached dwellings and 1no. 5 bed detached dwelling with integral garaging		
LOCATION:	Willowdene Hull Road Hemingbrough Selby YO8 6QG		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due to the application being recommended for approval contrary to the provisions of the Development Plan.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is currently part of the residential curtilage of the property known as Willowdene which is a detached two storey property constructed from red brick and render with a pantile roof. There is an existing vehicular access into the site and off street parking provision to the site frontage which serves the existing property. The site is bounded by wooden fencing along the eastern, southern and western boundaries with mesh fencing along the northern boundary. The site contains three mature trees located adjacent to the eastern boundary with a group of smaller trees located in the north western corner of the site. None of these trees are currently protected via TPO, however the Council have served a temporary TPO on the three trees along the eastern boundary and this TPO may be confirmed after 30 October 2017.

The Proposal

- 1.2 The application is for full planning permission for the erection of three dwellings, two of which would be four bedroom properties and one five bedroom property. The properties would each be two storey with attached single storey garages and would be constructed from red facing brick with pantile roofs. It is proposed to widen the existing vehicular access into the site and to create a new access to serve Plot 3. It is proposed to retain the existing fencing and boundary treatments around the site and existing trees within the site are shown as being retained.

Relevant Planning History

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

- An outline application referenced 2011/0915/OUT for 1no detached dwelling with primary access off Hull Road on land adjacent was Refused on 10.01.2012. The reasons for refusal were as follows:
 1. The application site is situated outside of the development limits of Hemingbrough and is not considered to be previously developed land in accordance with Annex B of PPS3. The principle of the proposed development therefore does not accord with the policies of the Development Plan and approval of the application would therefore undermine the clear strategy for the release of sites set out in the Local Plan and work on the Core Strategy which is currently being undertaken. It is therefore concluded that in the context of Policy H2A as the site is not a previously developed site, the proposals to erect a dwelling would be contrary to Policy H2A (1).
 2. The defined development limit cutting through the side garden of Willowdene was so located to differentiate between the built form to the west and open nature to the east. The proposed location would serve to elongate the row of properties and would fail to reflect the relatively close association between properties. It is considered that whilst a consideration of design is held for a reserved matters that by virtue of the location of the proposed plot (redline plan) that a dwelling in this location would fail to reflect the existing distinct character of the area contrary to Policy ENV1(1,4).
 3. The site is located outside of the defined development limits of Hemingbrough. The proposed development does not form any of the types of development established as being acceptable in principle outside of defined development limits as set in Policy DL1.
- Appeal reference APP/N2739/A/12/2172737 was dismissed due to the proposals conflicting with the development plan and there being no material considerations to outweigh this conflict.

2.0 CONSULTATION AND PUBLICITY

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

- 2.1 **Hemingbrough Parish Council** - Object to the application as no residential development should be permitted on the north side of the A63.
- 2.2 **North Yorkshire County Council Highways** – No objections subject to conditions relating to the construction of the access, vehicular visibility splays, pedestrian visibility splays, parking and turning provision, restricting garage conversion, and provision of on-site car parking and storage during construction are attached to any permission granted
- 2.3 **Yorkshire Water** - No response received.
- 2.4 **The Ouse & Derwent Internal Drainage Board** - No objection but recommends that any approval granted should include conditions.
- 2.5 **WPA Consulting - Contaminated Land Consultants** – No objection subject to a condition.
- 2.6 **Natural England** - No comments.
- 2.7 **Yorkshire Wildlife Trust** - No comments received.
- 2.8 **Policy and Strategy Team** – The key issues which should be addressed are:
- Impact on the Council’s Housing Land Strategy
 - The Principle of Development
 - Previous Levels of Growth and the Scale of the Proposal
 - Relation of the Proposal to the Development Limit
- 2.9 **Urban Designer** – No objections but recommend conditions for materials, boundary treatments, tree protection.
- 2.10 **Council’s Tree Consultant** – Recommended that the trees to the east be covered by Tree Preservation Order and made recommendations with respect to root protection areas. The proposed position of the existing trees along the eastern boundary of the site can be successfully retained as part of the development proposals. Ideally the oak should have greater separation than is currently proposed if that can be achieved. Otherwise it should be accepted that the tree will require minor crown reduction to the western side of the crown from time to time.
- 2.11 **Neighbours** – No comments received.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located outside the defined development limits of Hemingbrough (a Designated Service Village), to the north east of the existing settlement boundary and as such is within Open Countryside. The site lies within Flood Zone 1 which has low probability of flooding. The existing willow, oak and walnut trees along the eastern boundary are protected via a temporary TPO which may be confirmed after 30 October 2017.

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 and saved Policies are:

Policy SP1:	Presumption in favour of Sustainable Development
Policy SP2:	Spatial Development Strategy
Policy SP5:	The Scale and Distribution of Housing
Policy SP8:	Housing Mix
Policy SP9:	Affordable Housing
Policy SP15:	Sustainable Development and Climate Change
Policy SP16:	Improving Resource Efficiency
Policy SP18:	Protecting and Enhancing the Environment
Policy SP19:	Design Quality

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:

Policy ENV1:	Control of Development
Policy ENV2:	Environmental Pollution and Contaminated Land
Policy T1:	Development in relation to the Highway Network

Supplementary Planning Documents

3.7 The relevant Supplementary Planning Documents are:

Affordable Housing Supplementary Planning Document, 2013
Hemingbrough Village Design Statement, 2009

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 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

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 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 4.4 Policy SP2 identifies Hemingbrough as a Designated Service Village which has some scope for additional residential development to support rural sustainability. Despite being located within the curtilage of an existing residential property, the application site is located outside the defined development limits of Hemingbrough and therefore is located within open countryside. 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.
- 4.5 The Council can demonstrate a five-year supply of deliverable housing sites. This was confirmed on the 24th July 2017, the Director of Economic Regeneration and Place formally endorsed an updated five year housing land supply methodology and

resultant housing land supply figure of 5.4 years, as set out in the 2017-2022 Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. Relevant policies for the supply of housing are therefore up-to-date.

- 4.6 The NPPF is a material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with particular emphasis on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Sustainability of the Development

- 4.7 In respect of sustainability, the site is adjacent to the development limits of Hemingbrough which is defined as a Designated Service Village within the Core Strategy which have some scope for additional residential and small scale employment growth to support rural sustainability. The village of Hemingbrough contains a primary school, local shop including post office, two public houses and two churches, a number of local businesses and a sports field for bowling and cricket. In addition, there is a regular bus service between Goole and Selby which provides onward links to York, Leeds and other cities and a school bus service. It is therefore considered that the settlement is well served by local services.
- 4.8 It is noted that the village of Hemingbrough has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location in a rural context. The village is considered to be "more sustainable" in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy, meaning that three of four indicators assessed were in the highest two categories. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Hemingbrough, it is adjacent to the boundary and would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects, however this needs to be considered alongside the levels of growth of the settlement.

Previous Levels of Growth and the Scale of the Proposal

- 4.9 Core Strategy Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 new dwellings for Designated Service Villages (DSVs) as a whole over the period 2011 to 2027. The most recent monitoring indicates that this figure has been exceeded by completions and permissions in these settlements as a whole. However, the Core Strategy does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether Hemingbrough has exceeded its dwelling target.
- 4.10 In order to assess the scale of housing allocations to apportion to each DSV in the Site Allocations Local Plan, the Council published a Designated Service Villages Growth Options Report as part of the evidence base for the PLAN Selby Site

Allocations Local Plan Document in June of 2015; this document was subject to a 6 week public consultation.

- 4.11 The evidence set out in the Growth Options report provides a guide for decision making as to the amount of housing development that is appropriate in DSV's. The research and analysis undertaken in the Growth Options report included a numerical assessment of the housing supply per village and a detailed assessment of the services and infrastructure of each village, in order to determine its sustainability.
- 4.12 This approach accords with the spatial strategy of the CS which envisages only "limited" growth in DSVs to support rural sustainability. Any other approach would inevitably lead to unsustainable levels of housing development in the villages and a fundamental undermining of the spatial strategy.
- 4.11 The Growth Options report indicates minimum growth options of between 33-54 dwellings for Hemingbrough. To date, Hemingbrough has seen 15 (gross) dwellings built in the settlement since the start of the Plan Period (13 net) in April 2011 and has extant gross approvals for 11 dwellings (11 net), giving a gross total of 26 dwellings (24 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at three dwellings, is considered to be appropriate to the size and role of this Designated Service Village. The agent has confirmed that should the application be approved development would commence April 2018 with a two year build out period and as such would positively contribute towards the Council's five year housing land supply.

Design and Impact on the Character of the Area

- 4.14 It is noted that there has been a previous appeal dismissed at this site, however this was due to the proposals conflicting with Local Plan Policy DL1 and H2A with respect to the principle of development. These policies have since been superseded by Policy SP2 therefore the current scheme is being assessed under the most recent Policy basis as set out above. In addition the Inspector noted that detailed design and quality to achieve compliance with Policy ENV1 would be for consideration under the reserved matters scheme, the Inspector therefore did not uphold the second reason for refusal with respect to the impact on the character of the area as detailed in Paragraph 1.3 above.
- 4.15 The Hemingbrough Village Design Statement (VDS) acknowledges that large scale expansion of the village has eroded the traditional local features creating 'anywhere houses' that do not respect local character. The VDS considers that "in future development, more of the traditional features and layout could be incorporated in to this area without slavishly copying the designs."
- 4.16 The application proposes full planning consent for three detached dwellings. The submitted layout plan demonstrates that the dwellings would be set back from the site frontage along a similar level to the existing dwellings along Hull Road. There would be provision for parking areas to the frontage of each of the properties with private amenity space to the rear. The dwellings would each be two storey with single storey attached garages. The dwellings would be an appropriate scale relative to the neighbouring properties and would allow sufficient space between the respective plots so as to ensure that the development does not appear cramped.

- 4.17 The dwellings would be constructed from red brick with a pantile roof and this can be conditioned to ensure an appropriate colour palette. With respect to the fenestration detailing and external appearance comments have been received from the Council's Urban Designer who made recommendations with respect to the chimneys being enlarged and the gable detailing being uniform across the plots. In response to these comments the agent has submitted amended plans which amend the chimney and gable detailing which are considered acceptable.
- 4.18 With respect to the impacts on mature trees it is noted that the existing Walnut, Oak and Willow are large specimens which contribute positively to the visual amenities of the area and would continue to do so given their location within the site. The Council have therefore sought advice from a Tree Consultant who advised that the trees are worthy of formal protection via Tree Preservation Order and as such a temporary order has been placed on these trees which will be confirmed after 30 October 2017. The Council's Tree Consultant also provided recommendations with respect to root protection zones and in response to this the Applicants provided an independent Tree Survey and revised layout plan showing the proposed root protection zones in order to demonstrate that the trees would not be undermined by virtue of the proposed development. The Council's Tree Consultant has accepted the findings of the report however has recommended a condition in relation to the future protection of the trees.
- 4.19 In terms of landscaping the submitted layout plan demonstrates that the existing boundary treatments around the site which comprise of solid boundary fencing along the western, southern and eastern boundary and mesh fence along the northern boundary would be retained. In addition hedgerow would be provided alongside the boundary treatments to the north and south and between plots 2 and 3. Furthermore the existing cluster of trees to the north-west and the mature weeping willow, oak and walnut trees along the eastern part of the site would be retained. Appropriate conditions should be incorporated to ensure the retention and protection of existing trees during the development stage and beyond given the location of the site immediately adjoining open countryside and on a prominent road within the village. The parking areas to the frontage of the site would be laid with gravel with lawned garden areas to the rear of the properties which is considered acceptable as it provides a similar landscaping arrangement to other neighbouring properties. Overall it is considered that an appropriate landscaping scheme has been demonstrated to be acceptable subject to conditions with respect to the detailed shrub/tree planting schedule, boundary treatments and tree retention.
- 4.20 The site is located outside the defined development limits and as such is classed as being within open countryside. It should however be noted that the characteristics of the site are that of a residential garden rather than agricultural land or open countryside per se. When looking at the development limits it is noted that the residential development is largely contained to the south of Hull Road with only a small amount of existing residential development to the north. However given the context of the site being residential curtilage with a clear defined boundary comprising mature trees which provide a clear distinction between the built form and open countryside beyond the development would not lead to encroachment into the agricultural land. In addition the scheme is for small scale development of three dwellings which have been designed so that they are in keeping with the layout and general streetscene, it is therefore considered that on balance, the proposals would

have an appropriate relationship to the development limit and would not result in a harmful effect on the character of the settlement. It is therefore considered that the development would be acceptable with respect to its relationship to the development limit and would not be considered visually prominent or discordant within the landscape given its backdrop against existing residential development and it being contained within existing residential curtilage.

- 4.21 With respect to the impacts of the development on the character of the area and landscape character, it is noted that the site comprises part of the existing domestic curtilage of Willowdene and as such does not encroach into the agricultural fields beyond. The Landscape Appraisals which form part of the Core Strategy Background Paper No. 10 states that 'although both the urban edge and wider landscape are particularly open to views, development to the north would be sited against the backdrop of existing development.' The appraisal therefore considers that this area of Hemingbrough has low landscape sensitivity. As such it is not considered that the proposal would result in a significant visual or landscape harm.
- 4.22 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 no significant detrimental impacts are caused to the character of the area in accordance with policies ENV 1 (1) and (4) of the Local Plan and Policies SP18 and SP19 of the Core Strategy and the NPPF.

Impact on Residential Amenity

- 4.23 The proposed layout ensures that there are appropriate separation distances between the existing and proposed dwellings and between the respective properties themselves so as to ensure that there is no detrimental impact on residential amenity through overlooking, overshadowing or creating an oppressive outlook. In addition there are no significant noise sources which have been identified which would result in detriment to future residents.
- 4.24 Having taken into account the matters discussed above it is considered that the proposals would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF.

Impact on the Highway Network

- 4.25 The existing access into the site would be widened to enable access to Plots 1 and 2 with a new access created to enable access to Plot 3. Each of the properties provides a single garage and sufficient parking to the site frontage for at least three vehicles.
- 4.26 Having consulted NYCC Highways they have reviewed the proposals and have confirmed that the existing access would need to be upgraded given that it will be catering for three dwellings rather than the one existing. Highways therefore consider that subject to conditions the proposals are acceptable.
- 4.27 Given the above it is considered that the proposals are acceptable in respect of their impact on the existing highway network in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and SP19 of the Core Strategy.

Impact on Nature Conservation Issues

- 4.28 The application is accompanied by a Great Crested Newt Survey dated April 2017, this report also covers other ecology matters. The report confirms that the site has no statutory or non-statutory designations and within a 2km radius there is one statutory designation, that being Hagg Lane Green SINC site, however due to the separation distances involved the proposals would not impact upon this. In addition the River Derwent Special Area of Conservation (SAC) which is a European site is located to the south west of the village of Hemingbrough, however given the relationship of the site to this designation it is not considered that the proposals would result in a detrimental impact. In addition it is considered that The River Derwent SSSI does not represent a constraint in determining this application.
- 4.29 There is a pond within 100m of the site which was tested for Great Crested Newts and the result was negative. Although the result was negative due to the fact that there are known Great Crested Newt Habitats some precautionary measures have been set out with the report which should be conditioned. The trees on the site have been assessed as being unsuitable for roosting bats. No other protected species have been identified as being impacted by the proposals.
- 4.30 Other recommendations in order to enhance the biodiversity of the site set out within the report include the planting of hedgerows, incorporation of bird boxes and bat boxes and these should be conditioned. Natural England have been consulted and provided no comments.
- 4.31 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to conditions.

Affordable Housing

- 4.32 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

- 4.33 The application seeks to provide (2) four bedroom properties and (1) five bedroom property. The Draft Selby District Council Strategic Housing Market Assessment (2015) has recognised a need for all property sizes and despite there being a higher requirement for 2 and 3 bedroom properties, it should be noted that the development would still 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

- 4.34 The proposals will consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.

- 4.35 The application site is located in Flood Zone 1 which is at low probability of flooding and the size of the site being less than 1 hectare negates the requirement for a flood risk assessment. The application submission states that further to ground percolation testing, soakaways will be considered for the dissipation of surface water run-off from hardstanding areas. Should the site not be considered suitable for soakaways then on-site storm water attenuation would be designed in accordance with the Internal Drainage Board/Yorkshire Water requirements. In addition the foul connection would be to the existing sewer.
- 4.36 The Internal Drainage Board have been consulted on the proposals and have recommended that conditions be imposed with respect to surface water drainage. No response has been received from Yorkshire Water.
- 4.37 Having taken the above into account it is therefore considered that, subject to the attached conditions a satisfactory drainage scheme could be achieved to adequately address flood risk, drainage and climate change in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

Land Contamination

- 4.38 The application is accompanied by a Preliminary Investigation by G&M Consulting Ltd. The report confirms that the historical site use is very unlikely to give rise to any significant amount, if any, contamination however due to the sensitive nature of the end users (proposed residential development) it is considered that the site requires further intrusive investigation. The submitted report has been considered by the Council's Contaminated Land Consultant who have noted the contents of the report and recommended that conditions be imposed.
- 4.39 The proposals, subject to the attached 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.

Legal Issues

- 4.40 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.41 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.
- 4.42 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

- 4.43 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 three dwellings which are located outside the defined development limits of Hemingbrough which is a Designated Service Village and is therefore located within the open countryside. It is therefore in conflict with the Development Plan. Having had regard to the previous levels of growth within Hemingbrough, the appropriate relationship of the proposal to the development limit, the nature of the site being residential curtilage whereby encroachment into agricultural land would not occur, the sustainability of the settlement and the anticipated timescale for delivery of these dwellings it is considered that on balance the proposals can be considered in the light of limited conflict with the development plan and limited harm.
- 5.2 The proposals are considered acceptable with respect to the layout, appearance, scale, landscaping and access and provide an appropriate housing mix. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, flooding, drainage and climate change, protected species, and contamination in accordance with policy. It is on this basis that permission is recommended to be granted subject to conditions.

6.0 RECOMMENDATION

This application is recommended to be APPROVED subject to 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:

PAS 200 001 Rev A	Location Plan/Existing Site Plan
PAS 200 002 Rev C	Proposed Site Layout and Streetscene
PAS 200 003 Rev B	Proposed Floor Plans and Elevations Plots 1 and 2
PAS 200 004 Rev B	Proposed Floor Plans and Elevations Plot 3
PAS 200 005 Rev A	Proposed Visibility Splay

Reason:

For the avoidance of doubt

03. No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

04. Should any of the proposed foundations be piled then no development shall commence until a schedule of works setting out the mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

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

05. No development shall commence until a comprehensive scheme of soft and hard landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes and details for measures to protect existing trees has been submitted to and 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:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

06. No dwelling shall be occupied until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. 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:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

07. 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.

08. No development shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. The approved scheme shall be implemented before the development is brought into

use, unless otherwise agreed in writing by the Local Planning Authority and the following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse;
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area);
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm);
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event;
- A 30% allowance for climate change should be included in all calculations;
- A range of durations should be used to establish the worst-case scenario;
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

09. The recommendations and mitigation measures set out within Section 7 of the Great Crested Newt Survey Report by Crow Ecology dated 6 April 2017 shall be carried out in their entirety within 12 months following commencement of development, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that protected species are not significantly impacted by the development.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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 by increasing the construction in accordance with the details and/or Standard Detail number E6c.
 - b) The new accesses crossing the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - c) 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.

- d) Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

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

INFORMATIVE

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

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along both vehicle track lines of the major road Hull Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

INFORMATIVE

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

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of road safety.

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed

in accordance with the submitted drawing PAS 200 002 Rev C. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

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

Reason:

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

15. 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, T1 and T2 of the Local Plan and to provide for appropriate on-site vehicle parking and storage in the interests of highway safety and the general amenity of the area.

16. 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.

17. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - ii. an assessment of the potential risks to:
 - 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.

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

Reason:

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

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

Reason:

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

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

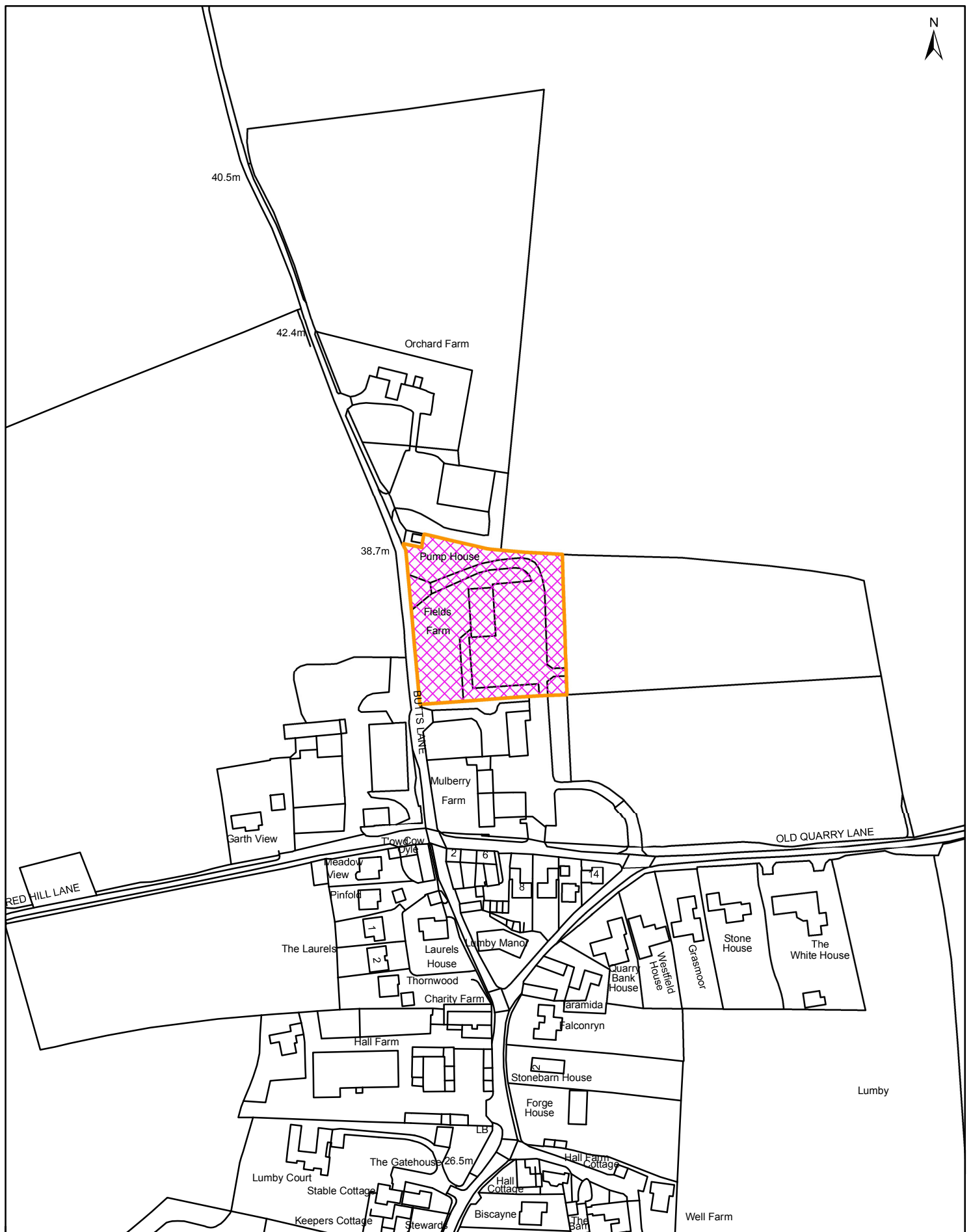
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

21. Prior to the commencement of the development including any soil stripping, an Arboricultural Method Statement for the protection and integration of the trees into the development shall be submitted to the Local Planning Authority for approval in writing. The proposals shall thereafter be carried out in accordance with the approved statement.

Reason: The information submitted in respect of tree protection is considered generic in nature and therefore not specific to the approved development and to ensure accordance with Policy ENV1 of the Local Plan and Policy SP19 of the Core Strategy.

Contact Officer: Louise Milnes (Principal Planning Officer)

Appendices: None



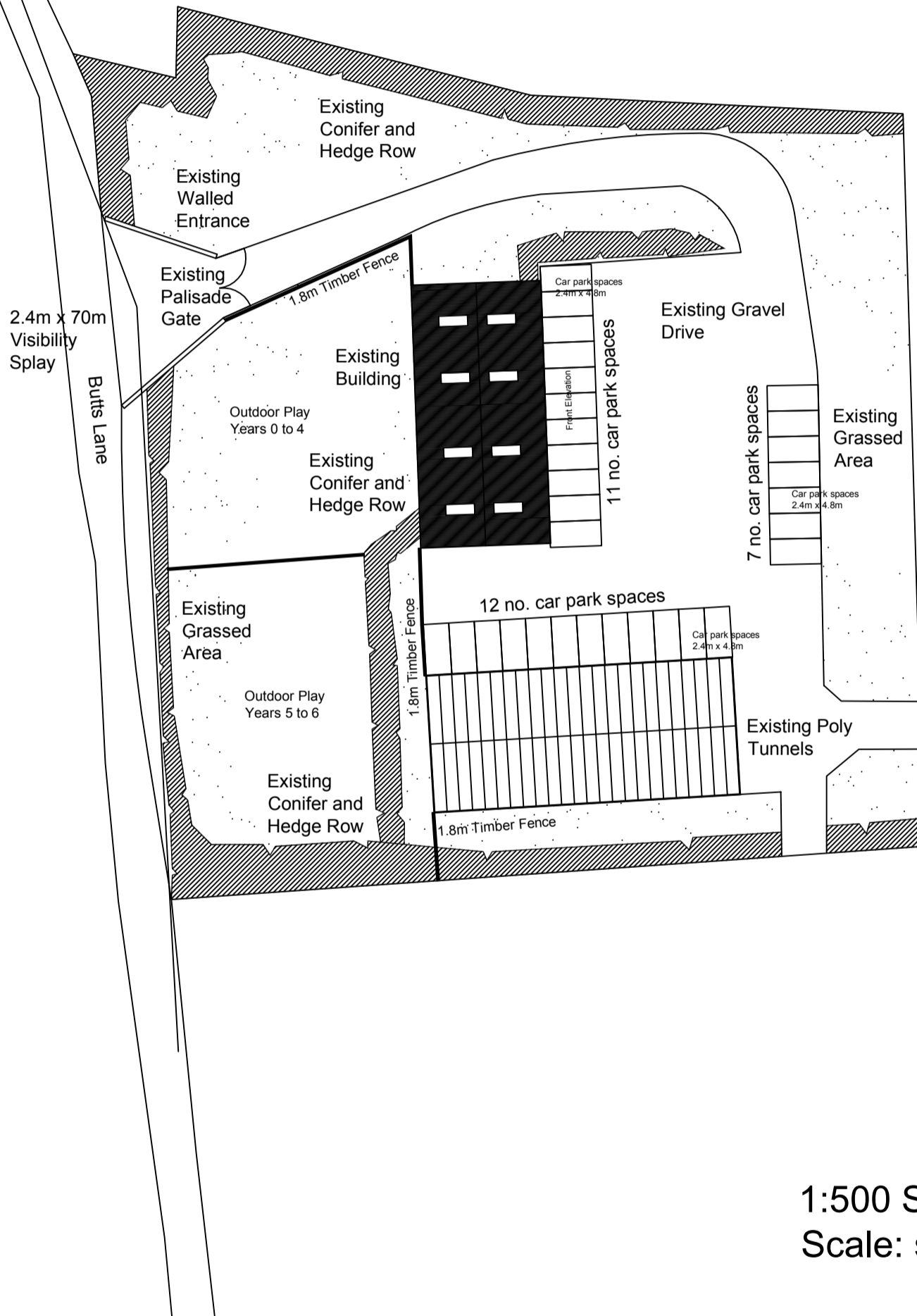
APPLICATION SITE

Fields Farm, Butts Lane, Lumbly
2017/0614/COU

1:2,500



AMENDED DRAWING



1:500 Site Plan
Scale: see plans @ A3

13th June 2016

FFarm_002 Rev A

Rev A - Fence Added
To Rear Play Area

RECEIVED

02 October 2017

DEVELOPMENT MANAGEMENT



Report Reference Number 2017/0614/COU (8/57/570/PA)

Agenda Item No: 6.11

To: Planning Committee
Date: 8 November 2017
Author: Mr Simon Eades (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0614/COU (8/57/570/PA)	PARISH:	South Milford Parish Council
APPLICANT:	Miss M Fletcher	VALID DATE:	28 June 2017
		EXPIRY DATE:	26 October 2017
PROPOSAL:	Proposed change of use of agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors		
LOCATION:	Fields Farm Butts Lane Lumby Leeds West Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as there are 10 representations contrary to the officer recommendation.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application is located outside the defined development limits and is located within the Green Belt and is in a Locally Important Landscape Area. The site is bounded by mature hedgerows and is situated within Flood Zone 1 which is a low probability of flooding.

The proposal

- 1.2 The proposal is for a change of use of an agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors. The conversion includes internal partitioned walls for the functionality of the childcare nursery. The scheme includes the following external changes:

- East elevation three new windows
- West elevation three new windows

- South elevation removal of a door and two new windows
- North elevation two new windows and a door.
- Formalised car parking with 30 spaces.

The scheme utilises the existing access from Butts Lane which joins onto a large area of rough stone hardstanding which surrounds the existing building. The rough stone hardstanding is to be used for car parking for the day care nursery. There is an existing polytunnel on site which will remain.

Relevant Planning History

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

- CO/1982/23449 (PER - 17.11.1982) Outline App For The Erection Of A Farm Workers Bungalow
- CO/1994/0984 (REF - 01.06.1995) outline erection of dwellings following the removal of HGV garage/workshop at extension of time reason
- CO/1994/0983 (PER - 29.09.1994 - certificate of lawfulness in respect of the existing use of buildings and land as a haulage yard
- CO/1995/0973 (PER - 05.12.1995) Erection of first floor extension to create self-contained flat at Hollins Farmhouse, extension of time reason
- CO/2004/0244 (PER - 22.04.2004) Proposed erection of a potting shed

2.1 CONSULTATION AND PUBLICITY

2.1 **Yorkshire Water** – The applicant has indicated on application form that foul and surface water will go to mains sewer – YW advise that unfortunately, Lumby is not served by any public sewer network. Most likely the drainage referred at Fields Farm is probably to a private septic tank (or similar system) and any surface water probably to soakaway/land drain etc. With regards to change of use, they say no comments are required from Yorkshire Water.

2.2 **Selby Area Internal Drainage Board** - Regarding the above application, this lies outside of the drainage board district borders that the Shire Group of IDB's manage.

2.3 **NYCC Highways** – In assessing the submitted proposals and reaching its recommendation the Local Highway Authority recommends a condition in relation to passing places and improvements to the highway.

2.4 **North Yorkshire Bat Group** – Requested a Bat Survey by a suitably qualified ecologist.

2.5 **South Milford Parish Council** – Reply by saying that Lumby is a small farming hamlet of around 40 houses and is accessed via a series of very narrow roads across farmland/greenbelt from the north, south and east of the hamlet.

South Milford Parish Council objects to this application, due to the adverse impact it will have on the residential amenity; and impact on the local highways; and highway safety.

The increase in traffic is a major concern for the local highways and highway safety. Access and egress to Lumby can be hazardous at times, the roads are very narrow, they are single track to the north and east; with current road users already having to use verges, paths and driveways to pass each other - these existing road users also include farm traffic, consisting of such vehicles as tractors, lorries and large farming equipment used for harvesting. There was a near miss with a local resident and a van recently, which resulted in the resident being taken to hospital; and the residents are now limiting their walking, cycling and running activities to times outside of normal commuting hours as it is considered too dangerous due to the through traffic from other areas to the north of Lumby. Access from the south, although slightly wider has much the same issues; and is considered to be of a significant risk as the junction leads on to the main A63 which is a very busy road - visibility is at times almost zero with high crops, a blind bend in the direction of Selby; and a brow of a hill towards the A1; and a road directly opposite from Fairburn.

The additional traffic from this proposed 96 place day care facility will have a significant impact on the safety of roads in and around Lumby. The majority of this increased traffic will be vehicular; however parents and staff would be encouraged to consider other options, in particular on foot or bicycle. Any increase in pedestrian and cycle traffic would only heighten our concerns regarding highway safety, as all access to the site is via very narrow roads with no footpaths or lighting.

To clarify, the increased traffic connected with the proposed facility would come from:

- parents dropping off and picking up during commuting times (which would be in the hours of darkness for a significant part of the year, on roads with no street lighting);
- staff arriving and departing from the centre
- the shuttle buses taking children to and picking up from the local schools;
- the delivery vehicles bringing in supplies of food and equipment and
- the vehicles taking away the waste generated from this facility.

In addition to the highway safety concerns above, the property does not have access to main sewerage and the application contains no details of how the sewerage waste from the facility (which we expect would be significant) would be dealt with.

2.6 The application has been advertised on site by means of a site notice and adjacent neighbours have been notified by letter. The application has received 116 representations, of which 79 are objecting to the application and 36 are supporting the application.

2.7 Objectors raise the following concerns:

- Conflicts with Green Belt Policy
- There is no bus stop in Lumby and the bus stop on the A162 does not have a shelter. Walking on dark winter mornings or afternoons is not very safe as there is no lighting or pavements in Lumby itself.

- An approximate extra 500 vehicle movements per day along country lanes will not promote the health and wellbeing of the existing community. (A nursery of 94 children could mean 2 way journeys to drop off and a 2 way journeys to pick up each child = 94×4 plus movements of 17 proposed staff plus deliveries would easily equate to nearly 500 extra vehicle movements per day.
- The proposed site is only accessible by a single track road with no lighting or footpaths. Therefore walking is dangerous and cycling is not a viable option for parents dropping off and collecting young children.
- There are blind corners at both the junctions of Cass Lane and Butts Lane and also Old Quarry Lane and Butts Lane, both of which have been suggested as ways to get to the proposed site. Cars already have great difficulty passing each other on these single track lanes, as there are no proper passing places.
- Emergency services will be severely tested, due to the width of the roads, should there be a major incident at the nursery. This should be given due consideration when reviewing this application as the Council surely has a duty of care to residents.
- The proposal does not fit within the Selby District Local Plan, section 10 community services (CS3), proposals for the development or change of use to a children's nursery will be permitted provided : 1) the proposal would be situated within the defined development limit or within existing school or college sites, :2) the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenities. As there are no footpaths, passing places, street lighting, or bus stop in the local vicinity. This would place customers at risk and also the local community due to increased traffic and inadequate road safety.
- There is no access to main sewerage in the hamlet of Lumby and this includes the property in this planning application .The planning application is incorrect and misleading regarding sewerage disposal, and there are no details of how the sewerage waste from the business would be dealt with.
- With the current sewerage system in a Lumby a business catering for so many staff and children would have a serious impact on both village resident's health and safety and the residential amenity of residents.

2.8 Supporters raise the following comments:

- With a growing number of families locally, an early years provision and school aged wraparound is needed. Clearly the owners have done their research and are committed to ensuring residents are minimally impacted
- Much needed additional childcare facilities.
- There are so many developers building houses yet very little amenities for families. I would recommend any new business venture that offers a better future for children to be supported in our local area

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1 The application is located outside the defined development limits and is located within the Green Belt and is in a Locally Important Landscape Area. The site is bounded by mature hedgerows and is situated within Flood Zone 1.

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
SP3 – Green Belt
SP13 - Scale and Distribution of Economic Growth
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:

CS3 – Children’s Nurseries
ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
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:

1. Principle of the development and sustainability of the development
2. Principle of Development within the Green Belt
3. Harm to the Purposes of Including Land Within the Green Belt
4. Design and Impact on the Green Belt and Character of the Area
5. Flood risk and drainage
6. Impact on Amenity
7. Impact on Highways
8. Conservation Interests
9. Land Contamination

The principle of the development and sustainability of the development

4.2 The application site is located outside the defined development limits and is therefore located in the open countryside and is located within the Green Belt. The scheme is for the proposed change of use of an agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors. Policy SP2 states that in Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies.

4.3 The supporting statement proposes the following:

“Regarding numbers of staff and children at the nursery, it can be confirmed that Little Oaks Daycare will have 5 rooms with a total of 86 children (reduced from original figure now final internal designs are complete, see Fields Farm Draft Internals plan submitted), with 32 of these attending wrap around care, which is before and after school provision. There will be a maximum of 16 staff and the use of outdoor space for play will be staggered to reduce the number of children outdoors at any one time and thus the noise created. There will rarely be 86 children using the outdoor area due to session times and on the rare occasions there is, this would be for a maximum of 1 hour a day in afternoons. There are 30 allocated parking spaces for parents and staff on site to reduce the impact on the roads outside the nursery which as has been confirmed by an experienced property developer (which includes nursery builds) and resident of Lumby, is more than ample for the number of attendees at the nursery.”

4.4 The applicant has submitted emails that the proposal should be assessed under Local Plan Policy CS2 rather Policy CS3 for the following reasons:

(Officer Note: The first sentence of Policy CS2 Education reads ‘Proposals for the development of new schools and other educational establishments, and the extension of existing premises, will be permitted, provided,....

The first sentence of Policy CS3 Children’s Nurseries reads ‘Proposals for the development of or change of use to a children’s nursery will be permitted provided:...”)

1. Research from Ofsted, the government websites, out of school alliance and from the Head of North Yorkshire Early Years Education and Skills supports the application to be re-considered under CS2 not CS3.
2. As a Teach First Ambassador our vision is ‘to close the gap on educational disadvantage’ which as confirmed by for both Ofsted and North Yorkshire Early Years Education and Skills department, is on the rise in the UK due to a lack of funded places for 2-4-years in nursery schools. With this field being the applicant’s expertise and the number of funded places the application is proposing to offer to assist with.
3. The Ofsted report reads, ‘The government, local authorities and providers must plan further to ensure that enough funded places are available. They need to make sure the children of parents who cannot afford to supplement the funding do not miss out. This extended provision has the potential to further narrow the gap for disadvantaged children, providing there is capacity in the system to deliver it.’
4. For clarity regarding Selby council’s legal responsibilities to support provisions offering funded places for 2-4-year olds as can be seen on the Early Education and Childcare Statutory Guidance.
5. ‘Two-year-olds: A child will be entitled to the free hours from the term after if both of the following conditions are satisfied: (1) the child has attained the age of two (2) the child or parent meets the eligibility criteria. The eligibility criteria are set out in the legal annex (see page 39/40). Local authorities are required by legislation to: A1.1 Secure free places offering 570 hours a year over no fewer than 38 weeks of the year¹ and up to 52 weeks of the year for every eligible child in their area from the relevant date, as set out in paragraph A1.2 below. The eligibility criteria are set out in the legal annex (see page 39/40).
6. Local authorities are required by legislation to: A1.1 Secure free places offering 570 hours a year over no fewer than 38 weeks of the year¹ and up to 52 weeks of the year for every eligible child in their area from the relevant date, as set out in paragraph A1.2 below. The eligibility criteria are set out in the legal annex (see page 39/40).
7. All three- and four-year-olds (universal entitlement): Local authorities are required by legislation to: A1.6 Secure free places offering 570 hours a year over no fewer than 38 weeks of the year^{3, 4} and up to 52 weeks of the year, for every eligible child in their area from the relevant date, as set out in paragraph A1.7 below, until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

8. As confirmed by North Yorkshires Head of Early Years, Education and Skills, Andrea Sedgewick, there are many families in both the Brotherton and South Milford area that have not been placed in an Early Years Education Establishment to gain their 2 years to 4 years entitled 15-30 hours free childcare. Therefore, the council are not meeting their responsibility required by legislation to meet the needs of the 2-4-year children or their parents in the Selby district area.
9. As stated in the Oxford dictionary 'a person who is taught by another, especially a schoolchild or student in relation to a teacher'. This again supports that the setting is indeed an educational establishment.
10. 'The report for 'nursery schools' concluded that many local authorities and health professionals were not clear about who is accountable for improving the rate of development of children in deprived areas in order to close the gap between them and their more affluent peers...The government has put measures in place to try to address the impact of disadvantage. One of these is funded provision for certain groups of two-year-olds. 40 Until recently, the take-up of such provision has been slow.
11. It is clearly considered an educational establishment by Ofsted, and as previously stated by your own Early Years Education Department. And as there is nowhere in CS2 stating otherwise for an Early Years Establishment, or stating to refer to CS3, Little Oaks is not excluded from consideration under the CS2 policy.
12. That is not to say that all schools have to provide out of school care themselves, some do, but others out-source the provision. If schools can demonstrate that there is little or no demand for extended services, they can satisfy the Government requirements merely by signposting to other local provision, such as childminders or nearby out of school clubs. However, if there is a definite need, schools are required to implement out of school care, but again this does not have to be provided by the school itself. Some schools opt to fulfil the requirements themselves; others invite individuals, playgroups, or other private childcare providers to meet the requirements on their behalf.
13. To support Little Oaks Daycare offering this service, as can be seen amongst the supporting statements on the application, one such school needing to utilise a nearby facility for their extended school provision is Barkston Ash Primary, which has many children in need of provision and as their existing school based care is full hence long waiting lists. They are relying upon Little Oaks to fulfil the need of parents on the waiting lists which the LA should be making every effort as previously mentioned, to support for them to be able to meet the government's requirements.
14. Other information to support wrap around facility in terms of being deemed as an educational establishment is what will be offered to pupils attending. The provision will provide children with study support through the homework club which will be daily, ecology lessons due to sites countryside setting, PE lessons delivered by a fully qualified PE teacher and science lessons delivered by a fully qualified science teacher. It is also worth noting that I

currently run Little Oaks Science Club in 2 local schools (This can be verified with both Tadcaster Primary School and Barkston Ash Primary) as can be seen on our face book page. This provides science lessons to 4-11-year olds to enhance their learning of the primary science curriculum and prepare children for their transition into secondary school. The science lessons at Little Oaks Daycare will be very similar to that offered in Little Oaks Science Club sessions which are again educational.

4.5 Having had regard to the application form, supporting statement and corresponding emails, the proposed scheme is considered to be a proposed change of use of agricultural building to child daycare (D1 Use Class) for reasons outlined below:

1. The application form proposed change of use of agricultural building to child daycare (D1 Use Class). The application has not applied for change of use to an educational institution.
2. The intended use of the building is for childcare nursery for parents for children aged 0-4 and then after school childcare cover.
3. The childcare can and could include educational activities at their relevant ages group but this does not necessary indicate that the use of the building is for educational institution.
4. The use of the building includes childcare cover all day long from 7.30 am to 6pm.
5. The submitted information states that it provides wrap around care for 32 children before and after school provision. This indicates that its intended use is not an educational institution it provides childcare nursery before and after they have already been to an educational institution.
6. The submitted supporting statement states that scheme is comparable to the other childcare nurseries in the district which have waiting lists and this proposal will help alleviate these waiting lists as this proposal would provide childcare nursery provision.

4.6 It is considered that Policy CS3 is the relevant principal policy for the proposed scheme as a proposed change of use of agricultural building to child daycare (D1 Use Class). In light of this the scheme will therefore be assessed against Policy CS3 (1) of the Selby District Local Plan.

4.7 Policy CS3 (1) of the Selby District Local Plan states that proposals for the development of or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within the existing school or college sites:" The proposed scheme is not located within the development limits of village nor is it located on an existing school or village site and therefore fails to accord with Policy CS3 (1) of the Selby District Local Plan.

4.8 There are no specific policies in relation to changes of use to day nurseries in the Core Strategy and the NPPF. The policy of relevance for this kind of development within the Core Strategy is Policy SP13 (c) which allows for sustainable economic growth through the re-use of existing buildings and infrastructure and the

development of well-designed new buildings. Under Policy SP13 (c), the proposed development does involve the re-use of an existing building however, for the reason given below, the application does not accord with SP13 (c) given that this proposal would not lead to sustainable economic growth.

- 4.9 Policy CS3 of the Selby District Local Plan is specific to the change of use to a children's nursery and in this instance there is no support from Policy SP13 C. The proposed scheme is not located within development limits nor is it located within an existing school. It is considered that the scheme is unacceptable in principle given it fails to accord with Policy CS3 (1) of the Selby District Local Plan.
- 4.10 Objectors raise concerns that that proposal is contrary to Policy CS3 as the development is located outside the defined developments. Objectors raise concerns that the application is not sustainable development, requires the use of motor vehicles, is not easily accessible and there are no facilities or bus service in the village. The report above concludes that the development is contrary to Policy CS3 of the Selby District Local Plan.

Sustainability of the development

- 4.11 In respect of sustainability, the application site lies outside but adjacent to the defined development limits of the village of Lumby which is secondary village.
- 4.12 The application site is located away from the following facilities:
- There is no bus service running though the village
 - No footpath or street lighting linking the development to the village of Lumby
 - No school, village hall, post office and general store
- 4.13 The applicant has submitted a Transport Statement and Travel Plan and an email to provide evidence that the proposal should be considered as located in a sustainable location and is sustainable development for the following reasons:
- a) The scheme sits with the Parish of South Milford and benefits the area as a whole.
 - b) The site benefits the local economy and employment due to providing parent with childcare needs and providing 16 new jobs in the area.
 - c) The site is located directly off the A162 and will be easily accessible for local residents for drop off and pick up when commuting to and from work to areas such as York, Selby, Castleford, Wakefield and Leeds.
 - d) The site is bounded by other agricultural land and is situated within a quarter of a mile away walking distance from Lumby village.
 - e) In terms of the visual aspects of the site location, there will be little demonstrable impact on either local visual amenity or landscape character in view of its isolated location away from the built up residential area of Lumby and the building.

- f) Vehicular and pedestrian access is from a number of feeder roads surrounding the site which are Butts Lane linking the A63 to South Milford village and Quarry Lane fed from the A612.
- g) The proposed extended hours of use are likely to encourage parents to leave their cars at home and walk to the site which will help to dilute the transport impacts by avoiding a concentration of parents arriving at the same time and the location. Due to the site being isolated and close enough to the residential area of Lumby there are a number of families in the village, who are expected to use the facility, there is easy access to the site which will again encourage parents to walk to the site.
- h) 1.2miles away from Sand Lane Stores Newsagent's in South Milford which is a 18 to 23 minute walk away.
- i) 1mile away from South T Post Tea Room in South Milford this is an 18 minute walk away.
- j) Monk Fryston Store and Post Office is 1.6miles away which is a 30minute walk away.
- k) BP Petrol Station and Marks and Spencer Simply Food Store which is 1.2miles away which is a 22minute walk away.
- l) Queen O T'Owd Thatch Public House and Restaurant – South Milford which is 0.9 miles away which is a 17minute walk away.
- m) The closest bus stop is some 1448m from the main entrance on Butts Lane and is an enclosed bus shelter with seating which is 19 minute walk to the nearest bus stop on Battersby Roundabout.

4.14 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows:

Economic

The proposal would create 16 new jobs.

Social

The proposal would provide day nurse facilities to the village and surrounding villages. No footpath or street lighting linking the development to the village of Lumby; therefore a day nursery would not be accessible.

Environmental

Re-use of a vacant building. No footpath or street lighting linking the development to the village of Lumby; therefore day nursery would not be accessible. These facilities cannot be accessed easily and safely and will therefore increase the need for the use of the motor car. The application site is considered not to be located in a sustainable location as it will require the use of a motor vehicle to provide for the day to day needs of the occupants.

- 4.15 The applicant has identified that the proposal is within walking distance of the above aforementioned facilities and the nearest bus stop on Battersby Roundabout. However, none of these facilities are easily accessible and safely accessible as there is no footpath or street lighting on the single track road in both directions from the proposed development and they would require the use of a motor vehicle to access them.
- 4.16 The application site is thus not considered to be sustainable development nor is it in a sustainable location. The scheme therefore fails to accord with Policy SP1, SP13 and CS3 of the SDLP.

Principle of development within the Green Belt

- 4.17 National guidance contained within the NPPF and Policies SP2 (d) and SP3 of the Core Strategy are relevant.
- 4.18 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 4.19 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.20 Paragraph 90 of the NPPF states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction."
- 4.21 Objectors raise concerns that the development will conflict with Green Belt Policy. The proposed scheme involves the re-use of a building of permanent and substantial construction; in this respect it accords with Green Belt policy. The section below demonstrates that the proposal will not cause a detrimental impact on the openness of the Green Belt and that the proposed development will not conflict with the purposes of including land within the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and therefore

accords with Policy SP3 of the Core Strategy and the advice contained within the NPPF.

Harm to the Purposes of Including Land within the Green Belt

- 4.22 Having had regard to each of the purposes of including land in the Green Belt it is considered that the proposals do not result in the sprawl of large built up areas due to the site being within an existing settlement in the context of other residential properties. Furthermore it is not considered that the proposals would result in neighbouring towns merging into one another, it would not encroach into the countryside and the site is not derelict and would therefore not assist in urban regeneration.

Design and Impact on the Green Belt and Character of the Area

- 4.23 Objectors raise concerns that development conflict with Green Belt Policy and the character of the area. The paragraph below assesses that the development does not have a detrimental impact on the character and form of the area, the visual amenities and the openness of the Green Belt.
- 4.24 In terms of the impact on the open character and visual amenity of the Green Belt, when looking at this issue it is worth considering what is meant by the term 'openness'. In this context openness is considered to be the absence of built structure. Hence, any new built structure would have the potential to detract from openness. However, the degree to which the dwellings would detract from openness depends not only on its size, scale and mass but also its relationship to existing built form.
- 4.25 The scheme is for the proposed change of use of agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors. The conversion includes internal partitioned walls for the functionality of the childcare nursery and various external changes (para 1.2 above).
- 4.26 The scheme utilises the existing access from Butts Lane which joins onto a large area of rough stone hardstanding which surrounds the existing building. The rough stone hardstanding is to be used for car parking. The site is surrounded by high mature tree screening from all boundaries of the application site. Due to size, scale, location, siting, orientation and screening from the high mature landscaping the proposed scheme is considered not to adversely affect the openness of the Green Belt. In addition the proposal is of appropriate design and materials and therefore accords with policies ENV1 and ENV15 of the Selby District Local Plan, Policies SP3, SP18 and SP19 of the Core Strategy and the advice contained within NPPF.

Flood risk and drainage

- 4.27 The proposal would be on land that is in Flood Zone 1 and therefore is considered to be at low risk from flooding.
- 4.28 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building

Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.

- 4.29 Objectors raise concerns that the development will have a detrimental impact on drainage. The application form states the disposal foul sewerage and surface water will be via the main sewer. The Independent Drainage Board and Yorkshire Water were consulted on the application and they have not objections. The proposal is in accordance with Policies SP15 and SP19 of the Core Strategy Local Plan, and the NPPF.

Impact on Amenity

- 4.30 Objectors raise concerns that development will have a detrimental impact on noise and residential amenity. The application is approximately 60m away from the nearest residential property of Mulberry Farm. Due to the combination of the orientation of the site, the size, scale and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects of on the amenity of the adjacent residents. The proposed scheme therefore accords with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF

Impact on Highways

- 4.31 The scheme utilises the existing access from Butts Lane onto the rough stone hardstanding to be used for car parking for the day care nursery. The scheme proposes 30 formalised car parking spaces.
- 4.32 NYCC Highways would like to see passing places on Cass Lane, Old Quarry Lane and Butts Lane to allow safe passage. The Highways Officer is aware that the applicant states that some will walk, but due to the width of these roads, the highway authority would not encourage this so by improving the existing road network (passing places) all journeys made by vehicle could be safer. Therefore, the Local Highway Authority recommends a condition in relation to passing places and improvement to the highway.
- 4.33 Although conditions for works in the highway may sometimes be difficult for an applicant to comply with – since the extent of highway land for passing places may not have been defined, in this instance it appears that any approval could include a condition which agrees the location of the passing places and that the proposals would not then result in a significant detrimental impact on the existing highway network and would accord with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Core Strategy Policy SP19 and the NPPF.

Conservation Interests

- 4.34 The application submitted a Bat Scoping Survey, August 2017 which stated that “There was no evidence to suggest the presence of bats in its current condition; it is extremely unlikely that the barn supports a bat roost. It is considered that that the proposed development will have none / negligible impacts on bat species”. As such it is considered that the proposed development would not harm any acknowledged

nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Land Contamination

- 4.35 The scheme proposes no disturbance to the existing ground works; therefore there would be no pathway to any potential receptors if there were any potential land contaminants. In light of this and the intended use of the site, any approval may include a condition.
- 4.36 The proposal is therefore considered to be acceptable with regards to contamination on the site subject to an appropriate condition and is therefore in accordance with Policy ENV2 of the Local Plan.

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.

5.1 CONCLUSION

- 5.2 Policy CS3 (1) of the Selby District Local Plan states that proposals for the development of or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within the existing school or college sites:" The proposed scheme is not located within the development limits of village nor is it located on an existing school or village site and therefore fails to accord with Policy CS3 (1) of the Plan.
- 5.3 The application site is not considered to be in a sustainable location as it is not easily and safely accessible. The application site will generally require the use of a motor vehicle to provide for the day to day needs of the occupants. The scheme therefore fails to accord with Policy SP1 and SP13 of the Core Strategy.
- 5.4 The proposed development is appropriate development within the Green Belt and is in accordance with those relevant policies of the Core Strategy and the advice contained within the NPPF in this respect. The proposed development would not have a detrimental effect on the visual amenity or the openness of the Green Belt, nature conservation, contaminated land, form and character of the area, or the residential amenity of the occupants of neighbouring properties.

RECOMMENDATION

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

1. Policy CS3 (1) of the Selby District Local Plan states that proposals for the development of or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within the existing school or college sites:" The proposed scheme is not located within the development limits of village nor is it located on an existing school or village site and therefore fails to accord with Policy CS3 (1) of the Selby District Local Plan since it would lead to a scale of development in an isolated and unsustainable location.
2. The application site is not considered to be a sustainable location as it is not easily and safely accessible; it is remote from the nearest footpath and distant from any local nearby village facilities. The application site will require the use of a motor vehicle to provide for the day to day needs of the occupants. The scheme therefore fails to accord with Policies SP1, SP13 of the Core Strategy.

Contact/Case Officer: Simon Eades Senior - Planning Officer

Appendices: None



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Planning Committee 2017-18



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Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out 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.