



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 5 JUNE 2019**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), I Chilvers, R Packham, P Welch, Topping, K Ellis, D Mackay M Jordan and one Vacancy**

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. Minutes (Pages 1 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 24 April 2019.

5. **Planning Applications Received (Pages 13 - 14)**
- 5.1. **2019/0124/FUL - Paddock Lodge, Airfield Lane, Acaster Selby (Pages 15 - 34)**
- 5.2. **2018/1170/FUL - Rosegarth, York Road, Barlby (Pages 35 - 46)**
- 5.3. **2019/0147/OUT - Land Off Friars Meadow, Friars Meadow, Selby (Pages 47 - 64)**

Janet Waggott

Janet Waggott, Chief Executive

<p>Dates of next meetings (2.00pm) Wednesday, 10 July 2019</p>

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or 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 on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Agenda Item 4



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 24 April 2019
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors D Peart (Vice-Chair), I Chilvers, J Deans, R Musgrave, R Packham, P Welch and D White
Officers Present:	Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Bob Pritchard - Solicitor, Jenny Tyreman – Senior Planning Officer, Gary Bell – Principal Planning Officer, Simon Eades - Senior Planning Officer, Victoria Foreman - Democratic Services Officer
Press:	1
Public:	10

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Casling.

Councillor I Reynolds was in attendance as a reserve for Councillor Casling.

63 DISCLOSURES OF INTEREST

Councillor I Reynolds declared a non-pecuniary interest in relation to agenda items 5.1 - 2018/1346/FULM, 5.2 – 2018/1345/FUL, 5.3 – 2018/1347/OUT and 5.4 – 2018/1344/OUTM - Land At The Paddocks, York Road, North Duffield as he had been asked, by the then owner, to value land that was proposed for transfer to the Parish Council, as referenced in the Officer's report. Councillor Reynolds also stated that he had received representations in relation to the applications but had expressed no opinions on the schemes and would consider them with an open mind.

64 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed the Committee that an officer update note had been circulated.

The Committee noted that the order of business would be as set out in the agenda papers.

The Chair noted that the meeting was the last Planning Committee meeting of the current administration, and that for Councillors Reynolds, Deans, Casling, White and Peart it would be their last meeting as Selby District Councillors. The Committee thanked the Members for their service on the Planning Committee and as Members of Selby District Council.

The Committee also noted that the meeting was the last Planning Committee for Simon Eades, Senior Planning Officer, who was leaving Selby for a new role at Bradford Council. The Committee wished him well and thanked him for his contribution.

65 MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 20 March 2019 and 3 April 2019.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 20 March 2019 and 3 April 2019 for signing by the Chairman.

66 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications:

66.1 2018/1346/FULM - LAND AT THE PADDOCKS, YORK ROAD, NORTH DUFFIELD, SELBY

Application: 2018/1346/FULM

Location: Land At The Paddocks, York Road, North Duffield, Selby

Proposal: Proposed erection of 14 dwellings and creation of new access

The Principal Planning Officer presented the application which was one of four related applications that had been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared on the agenda. The application had been brought before Planning Committee as the application was contrary to the requirements of the Development

Plan. However, Officers considered that there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for the proposed erection of 14 dwellings and creation of new access.

In relation to the officer update note, the Committee acknowledged that since the report had been written, all pre-commencement conditions had been agreed with the applicant, that the applicant's offer to deliver 4 affordable homes was reasonable and acceptable, that the Section 106 to be completed before a decision was issued would make provision for the agreed affordable housing, the transfer of land to the Parish Council for use as allotments in lieu of on-site recreational open space and the provision for waste and recycling. Members also noted that Condition 02 should have referred to drawing number C-50 Rev D, as opposed to C-50, and that Condition 10e should have read 'Details of all proposed street lighting' with no repetition.

Councillor Nancy Gray, North Duffield Parish Council, spoke in support of the application.

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

Members considered the application in full and expressed their support; the Committee were pleased to see effective engagement and consultation between the applicant and the Parish Council.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to the completion of a s106 agreement, the conditions set out at paragraph 6 of the report and the officer update note.

66.2 2018/1345/FUL - LAND AT THE PADDOCKS, YORK ROAD, NORTH DUFFIELD, SELBY

Application: 2018/1345/FUL

Location: Land At The Paddocks, York Road, North Duffield, Selby

Proposal: Proposed erection of self-build dwelling and

construction of access road

The Principal Planning Officer presented the application which was one of four related applications that had been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared on the agenda. The application had been brought before Planning Committee as the application was contrary to the requirements of the Development Plan. However, Officers considered that there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for the proposed erection of self-build dwelling and construction of access road.

In relation to the officer update note, the Committee acknowledged that all pre-commencement conditions had been agreed with the applicant, that it was not necessary to require the completion of a Section 106 Agreement in relation to the application as the project was self-build, and that Condition 7 should have read 'Masterplan Landscape' as opposed to 'Masterplan Landscapek', and Condition 103 should have read 'Details of all proposed street lighting' with no repetition.

Members noted that the location site plan had been amended and had been submitted with the application, but felt that the scale of the plan should be larger to make it easier to view.

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

Members agreed that the application was an ambitious project and one that should be supported.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 6 of the report and in the officer update note.

66.3 2018/1347/OUT - LAND AT THE PADDOCKS, YORK ROAD, NORTH DUFFIELD, SELBY

Application: 2018/1347/OUT

Location: Land At The Paddocks, York Road, North Duffield, Selby

Proposal: Erection of up to 2 single storey custom built dwellings and construction of access road from York Road

The Principal Planning Officer presented the application which was one of four related applications that had been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared on the agenda. The application had been brought before Planning Committee as the application was contrary to the requirements of the Development Plan. However, Officers considered that there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for the erection of up to 2 single storey custom-build dwellings and construction of access from York Road.

In relation to the officer update note, the Committee acknowledged that since the report was written all pre-commencement conditions had been agreed with the applicant and that Condition 9e should read 'Details of all proposed street lighting' with no repetition.

The Committee queried the lines on one of the site plans and asked for confirmation whether the custom built dwellings would be single storey. The Principal Planning Officer stated that the intention was for the dwellings to be single storey, but that the outline permission was not prescriptive in this respect.

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

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 6 of the report and in the officer update note.

66.4 2018/1344/OUTM - LAND AT THE PADDOCKS, YORK ROAD, NORTH DUFFIELD, SELBY

Application: 2018/1344/OUTM

Location: Land At The Paddocks, York Road, North Duffield, Selby

Proposal: Outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road

The Principal Planning Officer presented the application which was one of four related applications that had been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared on the agenda. The application had been brought before Planning Committee as the application was contrary to the requirements of the Development Plan. However, Officers considered that there were material considerations which would support the recommendation for approval.

The Committee noted that the application was an outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road.

In relation to the officer update note, the Committee acknowledged that all pre-commencement conditions had been agreed with the applicant, and that Condition 11e should have read 'Details of all proposed street lighting' with no repetition.

Members were also informed that at paragraph 4.30 of the report, reference was made to the requirement for a policy compliant contribution in a Section 106 agreement in relation to education provision. This was incorrect as the provision for education to accommodate growth would be funded through the Council's Community Infrastructure Levy (CIL) receipts and not Section 106 Agreements. The Section 106 Agreement to be completed before a decision was issued for the application would make provision for a policy compliant scheme for affordable housing (to be submitted with any subsequent reserved matters application), the transfer of land to the Parish Council for use as allotments in lieu of on-site recreational open space and the provision for waste and recycling.

Members suggested that if a number of related applications were submitted for consideration together again, that a composite site plan of how the applications overlapped should be produced for the Committee.

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

Members enquired whether they were able to request that the possibility of a Tree Preservation Order (TPO) be investigated by Officers; it was confirmed that Officers would take this matter away to consider, and if appropriate, a consultation would be undertaken and the results reported back to the Committee.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to the completion of a s106 agreement, the conditions set out at paragraph 6 of the report and in the officer update note.

66.5 2018/1074/DOV - REQUEST FOR A DEED OF VARIATION TO SECTION 106 AGREEMENT DATED 27TH SEPTEMBER 2016 SEEKING A REDUCTION IN THE PROPORTION OF AFFORDABLE HOUSING TO BE PROVIDED WITHIN SCHEME FOR UP TO 34 RESIDENTIAL DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS APPROVED ON APPEAL UNDER REFERENCE 2016/0124/OUT ON LAND TO THE NORTH OF WEELAND ROAD, EGGBOROUGH

Application: 2018/1074/DOV

Location: Weeland Road, Eggborough

Proposal: Request for Deed of Variation to Section 106 agreement dated 27 September 2016 seeking a reduction in the proportion of affordable housing to be provided within a scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough

The Senior Planning Officer presented the application which had been brought to Planning Committee for consideration due to it being a proposal to reduce the percentage of on-site affordable housing from 40% required by the Planning Inspectorate in December 2016.

The Committee noted that the application was a Request for Deed of Variation to Section 106 agreement dated 27 September 2016 seeking a reduction in the proportion of affordable housing to be provided within a scheme for up to 34 residential dwellings with all matters reserved

except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough.

Members expressed their disappointment that no affordable housing was being offered in relation to the scheme, but acknowledged the District Valuer's assessment that that the scheme could not viably provide any affordable housing, but could contribute towards the required CIL and Section 106 contributions of £109,831.

However, the Committee were of the opinion that the application should be refused and the developer therefore given the opportunity to consider their offer further. Officers confirmed that the application could be looked at again and the level of affordable housing renegotiated with the applicant and the District Valuer.

It was proposed that the application be approved; there was no seconder for the motion and it fell.

It was proposed, seconded that the application be refused.

RESOLVED:

- i. **To refuse the application.**
- ii. **To ask Officers to reconsider the application with a view to the level of affordable housing being renegotiated with the applicant and the District Valuer.**

66.6 2018/1220/FUL - HAZEL GROVE FARM, WEELAND ROAD, HENSALL, SELBY

Application: 2018/1220/FUL

Location: Hazel Grove Farm, Weeland Road, Hensall, Selby

Proposal: Proposed construction of pitched roof and conversion of former showroom to create a dormer bungalow

The Senior Planning Officer presented the application which was to be determined by the Planning Committee as the application was a departure from the Development Plan and there were material considerations which would support the recommendation for approval.

The Committee noted that the application was for the proposed construction of pitched roof and conversion of

former showroom to create a dormer bungalow.

The Committee queried if the business associated with the site was still in operation as a coal yard; it was confirmed by Officers that the site was no longer being operated as a business and that the use of the site as a coal yard had been ceased.

Members felt that the proposed scheme amounted to a better use of the site as a residential unit and expressed their support for the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 6 of the report.

The meeting closed at 3.25 pm.

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Planning Committee

Guidance on the conduct of business for planning applications and other planning proposals

1. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be situated in the public gallery and published on the Council's website.
3. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 20 copies have been delivered to the Council by 12 noon on the last working day prior to the meeting. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website: <https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
4. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations and answering any queries raised by members of the committee on the content of the report.
5. The next part is the public speaking process at the committee. The following may address the committee for **not more than 5 minutes each**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with the Democratic Services Officer (contact details below) **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

6. Seating for speakers will be reserved on the front row. Anyone registered to speak (e.g. Ward Members and those speaking on behalf of objectors, parish councils, applicants/agents or any other person speaking at the discretion of

the Chairman) should sit on the reserved front row of the public seating area. This is for ease of communication between the committee and the speaker, should any issues need to be clarified later in the proceedings; it is not an opportunity to take part in the debate of the committee.

7. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
8. Following the public speaking part of the meeting, the members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
9. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning code of conduct.
10. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g. approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g. one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
11. This is a council committee meeting which is open to the public; however, there should be no disruption from the audience while the committee is in progress. Anyone disrupting the meeting will be asked to leave by the Chairman.
12. Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:
 - a. The recording being conducted with the full knowledge of the Chairman of the meeting; and
 - b. 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 below prior to the start of the meeting. Any recording must be conducted openly and not in secret.
13. The arrangements at the meeting may be varied at the discretion of the Chairman.

Contact

Vicky Foreman – Democratic Services Officer

Email: vforeman@selby.gov.uk

Telephone: 01757 292046

Agenda Item 5

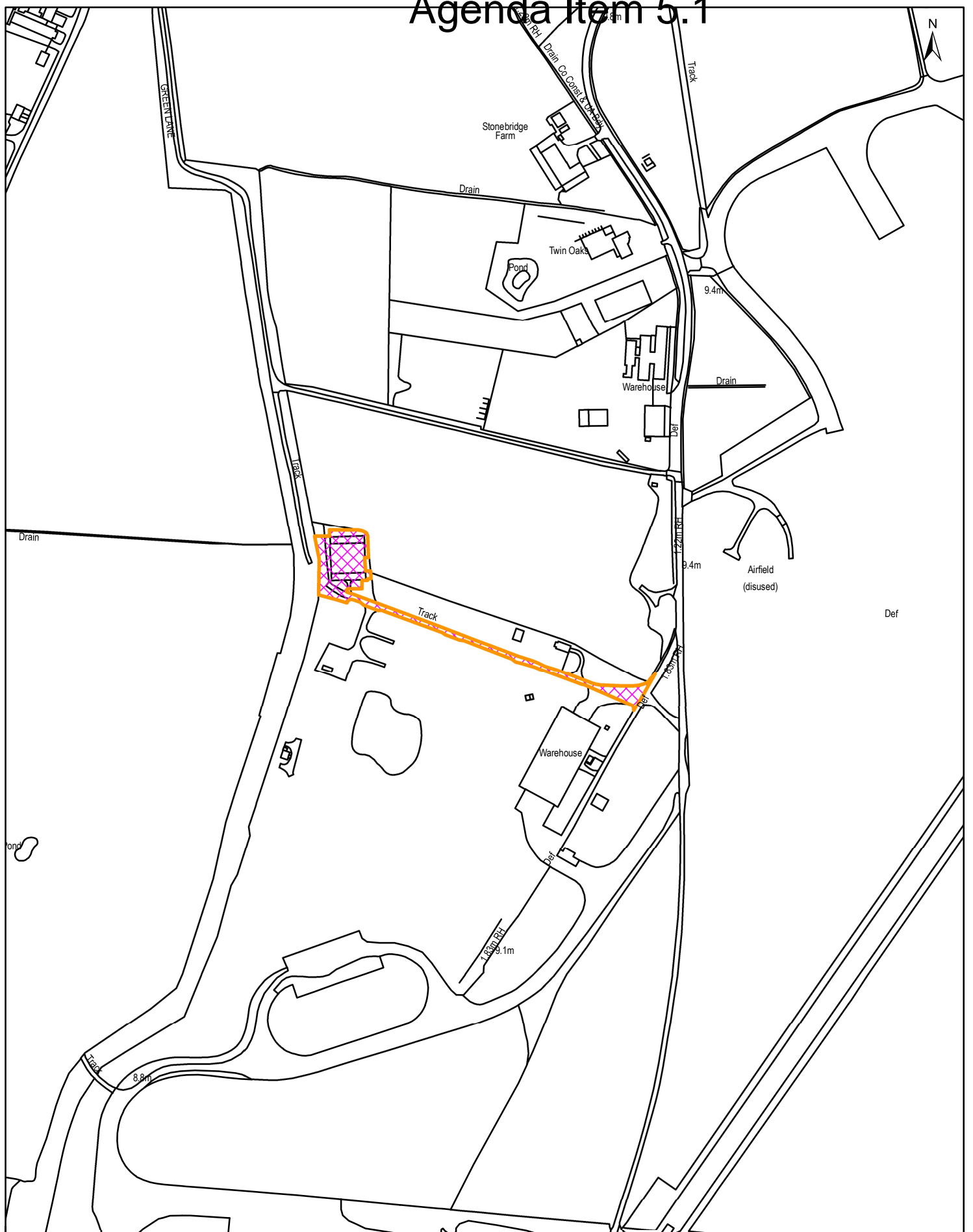
Items for Planning Committee

5 June 2019

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2019/0124/FUL	Paddock Lodge, Airfield Lane, Acaster Selby	The erection of two single storey residential dwellings and new car port (Retrospective)	FIEL	15-34
5.2	2018/1170/FUL	Rosegarth, York Road, Barlby	Proposed front and rear single storey extensions, raising of roof, changes to external fenestration and facade treatment	JACR	35-46
5.3	2019/0147/OUT	Land Off Friars Meadow, Friars Meadow, Selby	Outline application for the erection of up to two self-build plots with all matters reserved	LAHO	47-64

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Agenda Item 5.1



APPLICATION SITE

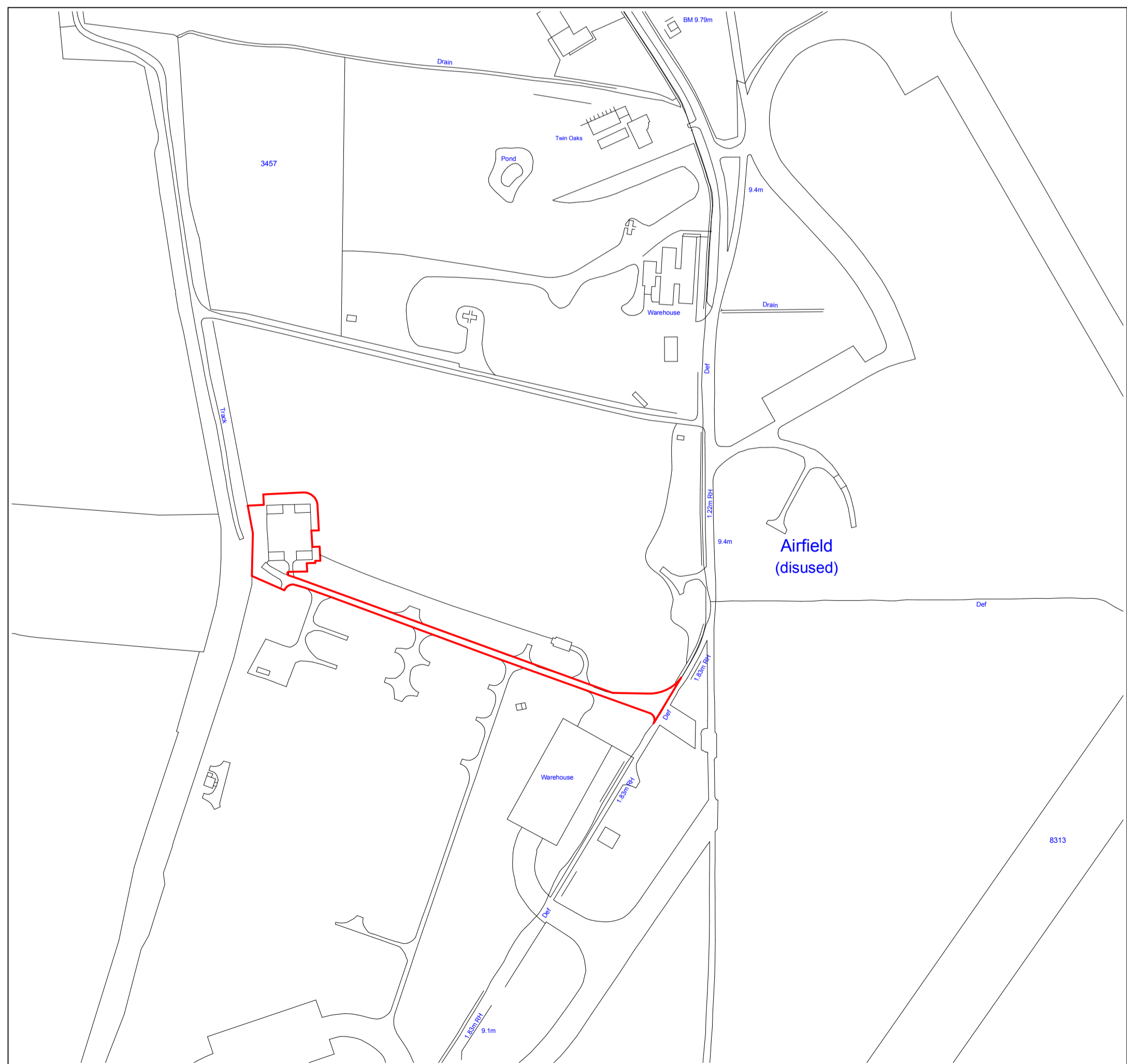
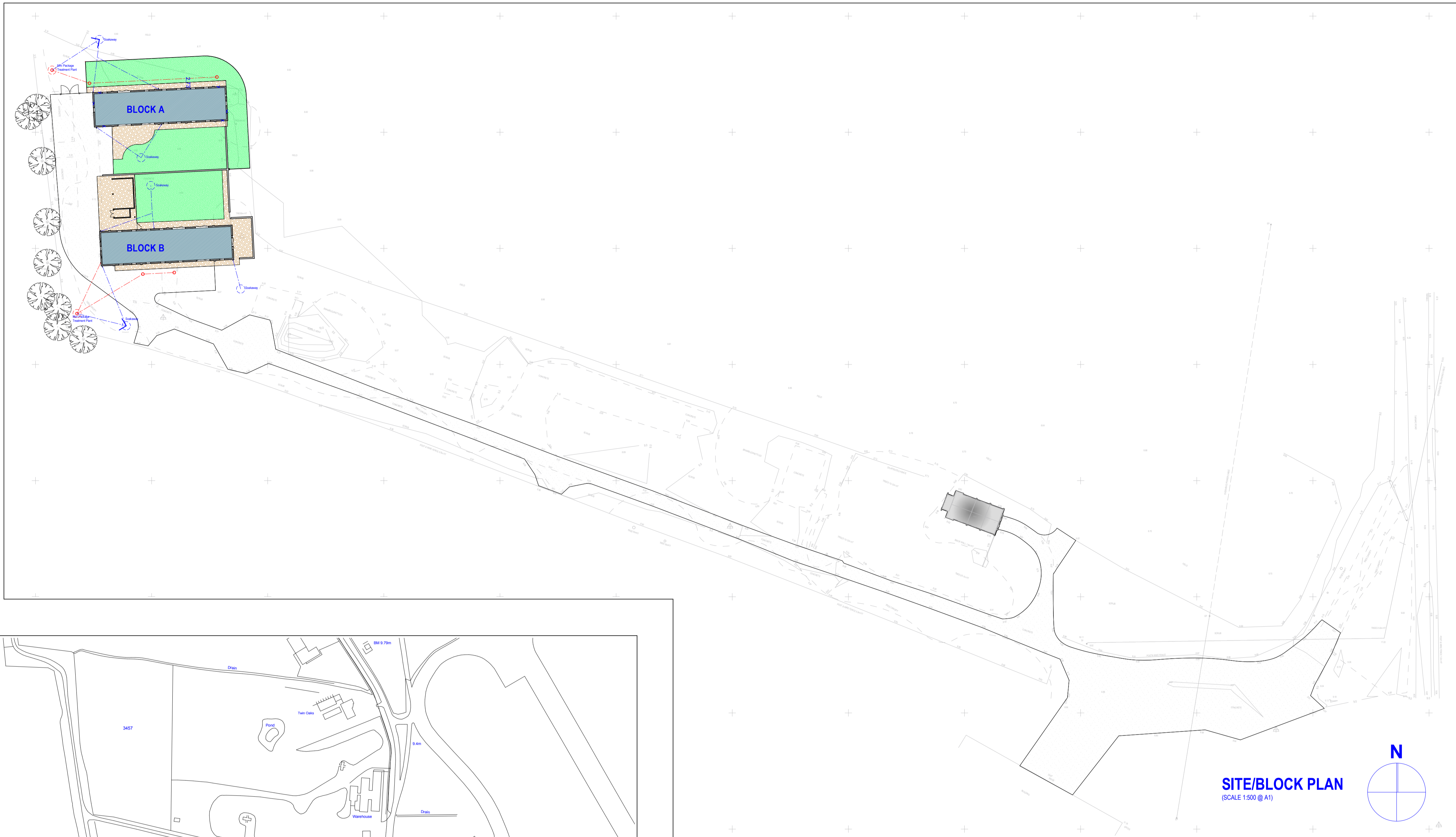
2019/0124/FUL

Laurel Lodge and Paddock Lodge, Airfield Lane, Acaster Selby

1:4,000



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THE PARTY WALL ACT 1996
The Party Wall Act does not affect any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not negate the requirements under the Party Wall Act. The Party Wall Act 1996 gives you rights and responsibilities whichever side of the wall you are on i.e. whether you are planning/doing work on a relevant structure or if your neighbour is.

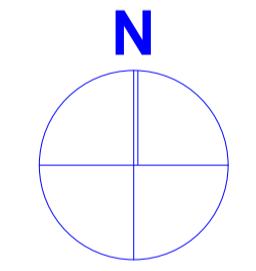
The Party Wall Act comes into effect if someone is planning to do work on a relevant structure, for the purposes of the Act 'party wall' does not just mean the wall between two semi-detached properties, it covers:

- * A wall forming part of only one building but which is on the boundary line between two (or more) properties.
- * A wall which is common to two (or more) properties, this includes where someone built a wall and a neighbour subsequently built something butting up to it.
- * A garden wall, where the wall is outside the boundary line (or butts up against it) and is used to separate the properties but is not part of any building.
- * Floors and ceilings of flats etc.
- * Excavation near to a neighbouring property.

As with all work affecting neighbours, it is always better to reach a friendly agreement rather than resort to any law. Even where the work requires a notice to be served, it is better to informally discuss the intended work, consider the neighbours comments, and amend your plans (if appropriate) before serving the notice. If there is any doubt please consult planning & design associates or a party wall surveyor.

KEY	
	FIRE HYDRANT
	BRITISH TELECOM MANHOLE
	ELECTRICITY INSPECTION COVER
	CABLE TV
	WATER STOP VALVE
	GAS VALVE
	ELECTRICITY POST/PYLON
	LIGHT
	TRAFFIC LIGHT
	ROAD SIGN
	TELEGRAPH POLE
	STAY WIRE
	ROAD GULLY
	KERB OUTLET
	DRAINAGE MANHOLE
	WASHOUT
	DRAIN/DIKE WATER LEVEL
	DRAIN/DIKE INVERT LEVEL
	TOP OF BANK
	BOTTOM OF BANK
	CONCRETE
	TRACK
	BUILDING
	ROAD CHANNEL
	HEDGEROW
	TREE CANOPY
	FENCE

SITE/BLOCK PLAN
(SCALE 1:500 @ A1)



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www.the-pdassociates.co.uk

Client
MR S. ARMSTRONG
MR J COX

Project
PROPOSED CHANGE OF USE
LAND OFF INTAKE LANE, ACASTER MALBIS, YORK

Drawing
EXISTING SITE/LOCATION PLANS

Date	FEB 19	Drawn	
Scale	1:500/2500 @ A1	Rev.	.
Status	PLANNING		
Dwg. No.	COR-349-001 01		



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Report Reference Number 2019/0124/FUL

To: Planning Committee
Date: 5 June 2019
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Development Management Team Leader)

APPLICATION NUMBER:	2019/0124/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Mr S Armstrong J Cox	VALID DATE: EXPIRY DATE:	20th February 2019 17th April 2019
PROPOSAL:	The erection of two single storey residential dwellings and new car port (Retrospective)		
LOCATION:	Paddock Lodge Airfield Lane Acaster Selby North Yorkshire YO23 2PW		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of Cllr Musgrave.

1.0 INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The site is located between the villages of Acaster Malbis and Acaster Selby to the west of the old airfield in the open countryside on land that is Green Belt. The application site originally comprised two single storey agricultural buildings positioned in parallel, set well back from Intake lane, accessed via a track and positioned close to a belt of trees running along the west boundary of the site.
- 1.2 Prior approval for the conversion from agricultural use to three residential dwellings was granted under 2015/0504/ATD (see details in planning history). This related to the two former buildings on this application site and a further larger brick single barn positioned further east nearer the road. The conversion report submitted with the Prior Notification described the two single storey buildings as single skin rendered brickwork with each building being split into two linking wings with a central open canopy link. The roofs were steel angle purlins and trusses with corrugate sheeting to the roofs.

The Proposal

- 1.3 The development which has occurred on site is the demolition of the agricultural buildings and the erection of two new buildings to form dwellings. In addition a new timber building to form a carport and garden store has been constructed.
- 1.4 The new buildings are two single storey dwellings and are similar in form, design and position to the previous approval but have increased in width, height, length and overall volume.

Relevant Planning History

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

2014/1184/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York, North Yorkshire, : **Refused** , 16-JAN-15

2015/0504/ATD: Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York. **Permitted**, 06-JUL-15

2017/1101/DOC, Discharge of conditions 3 (Noise), 6 (Contamination), 7 (Contamination), 8 (Contamination) and 9 (Contamination) of approval 2015/0504/ATD Prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm, Appleton Roebuck, York, Decision: **Discharged** 13-DEC-17

2018/1132/ATD,: Section 73 application for prior notification for the change of use of agricultural buildings to 3No. dwellings (C3) and associated operational development at Intake Farm without complying with condition 10 of approval 2015/0504/ATD Appleton Roebuck, York. **Withdrawn** 30-NOV-18

2019/0090/S73,AltRef: , Section 73 Latitude 53 The Airfield, Airfield Lane, Acaster Selby, York, YO23 2PW,,Decision: **Pending**

2.0 CONSULTATION AND PUBLICITY

2.1 NYCC Ecology

No comments if the application is retrospective.

2.2 NYCC Highways

No objections.

2.3 Yorkshire Water Services Ltd –

No comments received.

2.4 Ainsty (2008) Internal Drainage Board

The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. Comments made and condition/ Informatives suggested.

2.5 **Acaster Selby Parish Council – Objects**

- New development in Greenbelt, and there are no special circumstances to overturn the presumption that no such development should take place.
- Contrary to the NDP, consideration of which has not been addressed in the application.
- The application states that the site is not in a flood zone, whereas parts are in flood zone 2.
- The drainage to soakaways appears to terminate outside the site in ancient woodland, and no percolation tests have been provided.
- The noise assessment report was carried out at a time of year when it is most unlikely that potatoes were being stored and the associated machinery will not have been operating.

2.6 **Appleton Roebuck Parish Council**

Photographs and other documents forwarded by a Parishioner purported to be evidence of rebuilding.

2.7 **Publicity**

The application was advertised by site notice and neighbour notification and no response has been received other than the information provided directly to the Parish Council and forwarded.

3.0 **SITE CONSTRAINTS AND POLICY CONTEXT**

Constraints

- 3.1 The site lies outside the development limits of any settlement as defined in the Local Plan on land that is open countryside within the statutory Green Belt.
- 3.2 The site is located mainly within Flood Zone 1 and partly within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

Policy Context

- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"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"*.
- 3.4 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 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material

considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

- 3.6 Annex 1 of the NPPF is concerned with its implementation and includes the following guidance -

“213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).”

Selby District Core Strategy Local Plan

- 3.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP3 - Green Belt
SP10 - Rural Housing Exception Sites
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

- 3.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
T2 - Access to Roads

Appleton Roebuck and Acaster Selby Neighbourhood Plan

- 3.9 The relevant Neighbourhood Plan policies are:

DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH2	Conserving, Restoring and Enhancing Biodiversity
H1	New Housing Development Design and Scale,
H3	Car Parking

- 3.10 Supplementary Planning Documents

- Affordable Housing Supplementary Planning Document 2013
- Developer Contributions Supplementary Planning Document March 2007

4.0 APPRAISAL

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

- Whether the proposal would be inappropriate development in the Green Belt

- The effect on the openness of the Green Belt
- Character and appearance of the area
- Impact on Residential Amenity
- Highways
- Flood risk and drainage
- Nature conservation interests
- Affordable Housing
- Contaminated Land
- Building structures and reasons for demolition
- Other Matters
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- Conclusion

Principle of the development and whether the proposal would be inappropriate development in the Green Belt

- 4.2 Relevant development plan policies in respect of the principle of this proposal include Policies SP1 “Presumption in Favour of Sustainable Development”, SP2 “Spatial Development Strategy” and SP3 “Green Belts” of the Core Strategy (CS). Policy H12 of the Selby District Local Plan is also relevant.
- 4.3 In terms of the NP, the principle of the development is not inconsistent with the above mentioned policies . The design and impacts of the scheme are considered later in the report in relation to the above mentioned policies.
- 4.4 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework” and sets out how this will be undertaken.
- 4.5 The application site lies outside the development limits within countryside that is Green Belt. Policy SP2, criteria C states that, development in the countryside will be limited to certain exceptions which include the replacement of existing buildings. However, SP2 criteria requires development which is in the Green Belt to conform to Policy SP3 ‘Green Belts’ and National Green Belt Policies. SP3 aligns with the Green Belt policy in the NPPF. It can therefore in accordance with para 213 of Annex 1 of the NPPF be accorded significant weight. This sets out the fundamental aims of Green Belt land which are to prevent urban sprawl and keep land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- 4.6 The NPPF provides that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. It then goes on to set out a clear list of exceptions to this. It also makes clear that inappropriate development should not be approved unless ‘Very Special Circumstances’ (VSC) exist.
- 4.7 The limited exceptions are set out in paragraphs 145 and 146 of the NPPF. Paragraph 145 d) of the NPPF allows

“the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces”

- 4.8 This application seeks retrospective consent to replace two agricultural buildings with dwellings which are a different use. The buildings now present on the site are materially larger than the ones they replace as the overall volume of each unit has increased by approximately 39%. Moreover, an additional new building has been erected which brings the overall volume increase to 43%. This level of increase cannot be regarded as not being materially larger. As such the development does not fall within the exception of 145 d) of inappropriate development in the Green Belt set out in the NPPF.
- 4.9 The applicants suggest that the development does comply with Green Belt Policy as the completed development is the same use as the previous approval and they do not consider it to be materially larger than the buildings replaced. However, the previous approval was not implemented. The development for which permission is retrospectively now sought now is the demolition of agricultural buildings and replacement with two dwellings.
- 4.10 The applicants have also submitted a landscape assessment in which it is suggested that the development could be considered to fall within the exception in paragraph 145 g) which includes;
- “...limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would;*
- Not have a greater impact on the openness of the Green Belt than the existing development or*
 - Not cause substantial harm, to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing needs within the local planning authority area.”*
- 4.11 However, Annex 2 to the NPPF defines ‘Previously Developed Land’ and makes clear that it excludes land that is or was last occupied by agriculture or forestry buildings. The previous Prior Approval made clear the last use of the land and buildings was agricultural. As such the development does not fall within the exception of 145 g) of the NPPF.
- 4.12 The principle of demolition of the agricultural buildings and re-development for two dwellings in the Green Belt is contrary to Policies SP2D, SP3 and the NPPF as it includes development that does not fall within any of the exceptions listed in paragraphs 145 and 146 of the NPPF. The development is therefore clearly inappropriate development in the Green Belt.
- 4.13 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 144 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.

Impact on the openness of the Green Belt

- 4.14 The fundamental aim of the 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.
- 4.15 The application must be considered on the basis of the original agricultural buildings as the starting point with no weight being attributed to the development having already occurred.
- 4.16 The main differences between the size of the agricultural buildings which were to be converted and the new buildings which have been erected are set out in the tables below. The measurements taken are measurements scaled from the plans provided.

BARN A	Original	New	Difference
Footprint	5.65m x 28m (158sqm)	7.4m x 28.8m (213 sqm)	55 sqm 26% increase
Height to Eaves	2.05 – 2.45m	2.5m	0.05-0.45m
Height to Ridge	3.4- 3.45m	4.4m	0.95-1m
Volume (Total measured Externally)	451 sqm	735 sqm	284 39% increase

BARN B	Original	New	Difference
Footprint	5.65m x 28m (158.sqm)	7.4m x 28.6m (212 sqm)	53.44 sqm 25% increase
Height to Eaves	2.0 – 2.4m	2.5m	0.1-0.5m
Height to Ridge	3.4- 3.45m	4.4m	0.95-1m
Volume (Total Measured externally)	446 sqm	730 sqm	284 sqm 39% increase

- 4.17 Although the differences on each dimension of the buildings are not extensive, overall, there is a material difference between the completed volume of the original buildings and the development which now exists at the site. The main changes are the 1 metre increase in the roof height and the 1.75m increase in width which, over a 28m length, amount to a significant volume increase. Each agricultural building has been increased in volume by around 39%. The new timber carport/garden store has a footprint of approximately 37 sqm with a total volume of 113 cubic metres. The overall total increase of built form on site, combining the increase in size of the two blocks together with the new car port, amounts to a 43% increase in built volume.
- 4.18 The increased roof pitch height and building width does increase the building bulk and make the buildings more visually prominent. They are taller and wider and slightly longer. In addition the new carport store adds further built form on the site. Constructed of timber under a pantile roof, the garage building is set at right angles to the two dwellings and adds a further building in the gap between the two dwellings where no previous building existed. The increased amount of built form is not minimal and does impact on the visual and spatial aspects reducing the openness in this part of the Green Belt.

- 4.19 It is therefore concluded that the development does have a materially greater impact on the openness of the Green Belt than the conversion scheme as previously approved. It fails to accord with a Green Belt purpose, namely to assist in safeguarding the countryside from encroachment.

Character and appearance of the area

- 4.20 The site is in open countryside to the south west of Acaster Malbis and formed part of the disused airfield to the east which has been partially reclaimed for agricultural use and is interspersed with scrub woodland with occasional light industrial uses and warehousing. The landscape is generally flat. The site itself is screened and contained to the west and south by hedgerows and trees. From the lane to the east the buildings are clearly visible through gaps in the hedgerows albeit from some distance. A public bridleway passes through the woodland belt to the west and is the closest publically accessible point.
- 4.21 The applicants have submitted a landscape and visual assessment appraisal which assesses the impacts on the landscape itself and on the visual amenity experienced by people. The report describes that the pattern of hedgerows and woodland which in part enclose the site. Generally the surrounding visual and landscape quality is eroded due to the former land use and sporadic pockets of industrial use. The landscape sensitivity to change is assessed as being low sensitivity.
- 4.22 The report summarises all visual receptors which surround the site from publicly accessible areas as being of medium sensitivity, as they are from a road and a Bridleway with restricted views. The, *the magnitude of change* has been assessed as either 'Low or Negligible', both to visual amenity and landscape character due the development replacing buildings of a similar scale and layout, and also forming a minor component of the wider view, and a minor alteration to the landscape character which introduce elements typical of the receiving landscape. The impact is considered to be mainly 'Neutral'. However, it indicates that improvements to the quality of the site have been brought about by the replacement of dilapidated buildings and that the site is visually contained by a framework of mature trees and hedgerows and that generally, as new planting matures this framework will be strengthened which will have a 'Beneficial' residual effect.
- 4.23 Much of the report states that site boundaries will be strengthened with additional planting of indigenous tree and hedgerow species, mitigating the visual impact of the development and improving the landscape quality of the locality. However, no landscaping scheme has been submitted with this application nor was a landscaping scheme offered or a requirement of the previous permitted development Prior Approval submission.
- 4.24 The quality and characteristics of the landscape in the vicinity of the application site are acknowledged and accepted. However, the impact assessment needs to be on the basis of the current landscaping without the benefit of the future establishment of new planting as indicated in the Landscape Assessment. The impact of the new construction, roof form materials and design and the increased building bulk are considered by your officers to be more visibly prominent from surrounding public views. Although views of the site are to a degree filtered and screened by trees from the west, the building forms are clearly visible from the public bridleway and through hedgerow gaps from some distance to the east.

- 4.25 Notwithstanding the above, the building designs do replicate the general form, position and design of the original buildings being long low single storey structures. The previous buildings were white rendered brick with a shallow corrugate sheet roof. The resulting buildings are a similar form of two long low single storey simple units positioned in parallel and occupying the same position as the previous buildings. They also have rendered walls. Although the roof is higher, the pantile materials are an aesthetic enhancement over the previous low pitch corrugate sheeting. Moreover, the simple design and form and quality of materials are an improvement on the original buildings whilst retaining much of their simplicity. The new carport and store do add more built form but are located behind the buildings and are well screened from the wider landscape by the tree belt to the west. The buildings are not overly domestic with no porches conservatories or chimneys. The substantial lengths of fencing around the site are at present prominent and new but are rural in design and appropriate for the location. The resulting building group is a visual improvement over the dilapidated agricultural buildings which existed.
- 4.26 Overall it is considered there is a Neutral Impact due to the positive impacts of the development being an aesthetic enhancement but due to the negative impacts of the increased building bulk being more visually prominent from public view points.
- 4.27 Although the buildings are larger, the difference is not considered so significant as to result significant harm to the character and appearance of the locality. Moreover, the simple design and form and quality of materials are an improvement on the original buildings whilst retaining much of their simplicity. The site is generally well screened and further indigenous screen planting could mitigate harm in the longer term although this would take time to establish. Overall it is concluded that subject to a landscaping scheme being implemented the development would not have a materially harmful impact on the character and form of the locality.
- 4.28 As such, it is considered that the development is acceptable with respect to design and the impact on the character of the area would accord with Policies DBE 2, DBE 3, H1, ELH 1, and ELH 2 of the AR&AS Neighbourhood Plan, Policies ENV1 (1) and (4) of Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF in this respect.

Impact on Residential Amenity

- 4.29 The site is in a relatively isolated position and does not result in any loss of amenity in terms of overlooking, overshadowing or disturbance of the occupants of any existing nearby dwellings. The Parish Council refer to new fenestration and loss of privacy. However the nearest dwelling is the two storey barn nearer Broad Lane which is over 160 metres away.
- 4.30 In terms of amenity for the future occupants of the application site, there is adequate privacy between the two units due to the central boundary wall which has been erected. Each unit has its own private amenity area and adequate privacy and amenity can be achieved.
- 4.31 Potential noise and disturbance for future residents could occur from surrounding industrial uses. Condition 3 of the Prior Approval required (prior to development commencing) a noise survey to be undertaken and for noise levels within the garden areas of the dwellings not to exceed specified limits and for the buildings to be constructed to provide noise attenuation against external noise with specified

limits of internal noise levels to achieve. These approved works were to be retained for the lifetime of the development.

- 4.32 The applicant has submitted a Noise Assessment. It is considered that the main noise impacts at this site will be due to road traffic on Broad Lane to the East, other nearby industrial uses and from the potato store to the South. Therefore, the assessment of noise impact for this development has been undertaken by comparing predicted internal noise levels within properties against the criteria within BS8233:2014 (Sound Insulation and noise reduction for buildings) which suggests appropriate criteria and limits for different situations. It suggests suitable internal noise levels within residential, dwellings and also suggests noise limits for external areas such as gardens.
- 4.33 The assessment took daytime and night time noise measurements to establish typical external ambient and background noise levels at the site. Predominantly the noise was from road traffic on Broad Lane. However, although noise levels were taken on 3 occasions, the external plant items on the northern façade of the potato store were not operational and it is understood the stores use and the use of the plant items are seasonal for potato harvest. The Parish Council's concerns in this respect are noted however, in order to assess the impact, noise data was taken from another potato store and the values used in this assessment and corrected for the distance from the dwellings.
- 4.34 It concludes that the site is subject to medium risk from noise and advises that planning conditions are appropriate. It is advised the development should take account of the noise risk and reflect good acoustic design principles in the layout of dwellings and the use of space. In terms of the site layout and design, when setting internal floor plans consideration should be given to focusing non-habitable uses towards the main sources of noise and placing habitable rooms (e.g. living rooms and bedrooms) on façades facing away from the main sources of noise. It is not expected however, that noise should be a barrier to the development. It is also recommended that, when setting external amenity spaces consideration should be given to focusing these communal outdoor spaces away from the main sources of noise where possible.
- 4.35 Notwithstanding the above, the noise assessment report is written as if the development had not yet occurred. The report was submitted for the discharge of conditions prior to development under the Prior Approval permission. The applicants have been asked to provide an updated assessment to address whether the development that has occurred meets the required noise mitigation requirements. An update will be given at the meeting if further information has been received.
- 4.36 Subject to the above and the inclusion of any mitigation measures which may be needed to the design and layout, screening or landscaping the scheme is considered to provide an acceptable level of residential amenity for the future occupants.
- 4.37 It is therefore considered that the proposal would not result in any significant impact on neighbouring properties and provide an adequate standard of amenity for future occupants in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 (k) of the Core Strategy.

Highways

- 4.38 The proposal utilises an existing vehicular access from Broad Lane. This is the same access that was proposed in the prior approval and no highway objection was received. In this case, NYCC Highways have no objections to the proposal and no conditions recommended.
- 4.39 There is adequate space about the dwellings to park. There is also a car port provided. As such, it is considered that the scheme is acceptable and in accordance with policies H3 of the NP, ENV1(2) and T1 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.

Flood risk and drainage

- 4.40 The site is in Flood Zone 2. "The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required.
- 4.41 Only a small corner of the site is within Flood Zone 2 with the majority of the site and the two buildings sitting within Flood Zone 1. The Environment Agency was consulted on the Prior Approval application who indicated no objection to the proposed change of use. Standard mitigation measures were advised for any development within Zone 2.
- 4.42 A drainage system has been laid with foul water discharging to a mini package treatment works into a soakaway. Surface water also discharges into a soakaway. The applicants indicate that there is no additional demand placed on the local water course and no additional flooding will be created as a result of the development. Yorkshire Water makes no comments on the proposals. The IDB don't object and recommend conditions regarding discharge of surface water and discharge rates.
- 4.43 (Subject to no adverse comments from the above) It is considered the proposal would be acceptable in terms of flood risk and drainage and therefore accords with DBE4 of the NP, Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

Nature conservation interests

- 4.44 The work at the site has been done and the development is substantially complete. The County Ecologist advises a bat survey should be undertaken prior to determination if there is still work to do. As this is not the case and the original buildings re demolished a survey is not needed. This does not retrospectively remove the applicant's responsibilities for the protected species under the Wildlife and countryside act.
- 4.45 As such it is considered that the proposed would not now harm any acknowledged nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ELH2 of the NP, ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Affordable Housing

- 4.46 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

- 4.47 A phase 2 Ground Investigation report was submitted with this and the original application. The Councils contamination consultants were consulted on the original Prior Approval and conditions were imposed requiring, prior to development, an investigation and risk assessment (condition 6), a remediation scheme (condition 7 & 8) and safeguards in the event contamination was found (condition 9).
- 4.48 Further information was submitted under ref 2017/1101/DOC to discharge these conditions and was found to be acceptable. The conditions were discharged subject to seeing a verification report confirming that the agreed remedial works have been carried out following completion of the remedial works. Confirmation is also needed that no other contamination was found in order to discharge condition 9. As such there would only be a need to re-impose condition 8 and 9 on this application.
- 4.49 The proposal is therefore considered to be acceptable in regards to contamination subject to these conditions and is therefore in accordance with Policy ENV2 of the Local Plan.

Building Structures and reasons for demolition

- 4.50 A Conversion Report (Dudleys Structural and Civil Consultants- 05/11/2014) was submitted with the original Prior Approval. This report concluded the following main points;
- The roof of both blocks is in poor condition and will require complete replacement.
 - The main building walls are in reasonable structural condition and can be strengthened and repaired with partial rebuilding or insertion of steel stitching pins across the cracks in accordance with the sketch sheet attached. Wholesale demolition of the buildings is not required.
 - The buttresses will require repair and rebuilding to maintain their structural integrity.
 - The cross walls should not be removed without replacement strengthening as these provide lateral stability to the buildings. They should be tied to the main outside walls with steel straps.
 - A new ground floor slab will be required suitably reinforced and insulated to meet current building regulations.
- 4.51 The applicant has made the following summary points as explanation of the demolition;
- The walls to the building whilst initially appearing sturdy and true were found, on closer inspection, to be badly decayed, cracked, fragile and unstable – badly affected by the trees and their roots and the poor condition of the

underlying slab (weak, thin and with little cement). The bricks had badly blown due to frost attack and water damage resulting from the poor condition of the roof. The brick work was no longer cohesive and was unstable. As work commenced to carefully remove the tree roots/stumps several of the walls collapsed. Strengthening and repair of the original brickwork was not possible.

- The felt roof was in terrible condition and had been leaking badly. It needed to be replaced with a new tiled roof. The steel trusses were rotten, unrepairable and fell apart upon removal. The underlying slab was not strong enough to support a replacement tiled roof and associated structures.
- Upon removal of the original roof it was apparent that the brick buttresses were in poor condition and were totally rotten due to water damage. They became unstable, had no structural integrity and were not repairable or useable.
- Due to years of decay there was no option to strengthen the internal structures of the building by attachment to the main outside walls as these walls had collapsed – the building was unsafe.

Officer Comment

- 4.52 It is clear from the structural report that the building were capable of re-use but that care needed to be taken and that repair work was necessary to ensure its stability.
- 4.53 It is clear from the applicant's report that as works progressed the building destabilised and collapse became inevitable.
- 4.54 There is nothing to suggest that the building was intentionally demolished and rebuilt. However, it is not clear whether; given the advice in the structural survey, adequate care was taken in the clearance of the overgrown vegetation at site with the use of mechanical equipment, to prevent the building from collapsing.

Other Matters

- 4.55 The applicant has submitted a case to justify the demolition of the original structures which they consider amount to very special circumstances. These are set out below:
- It is stated that a number of years passed since the original approval before applicant implemented/completed the development during which time the building had fallen into further disrepair.
 - The redevelopment is very similar to the part Q Prior Approval with similar scale mass and form.
 - The use of more traditional materials gives a more aesthetic converted stable/barn type appearance softening their impact in the open countryside.
 - The connecting wall between the two completed units has been retained
 - The access road is improved in appearance with a loose gravel surface following a 'farm track' type appearance
 - The buildings will comply with current building regulations and are described as efficient, sustainable and minimise carbon footprint.

Balancing Whether Very Special Circumstances (VSC) exist sufficient to outweigh the harm to the Green Belt by inappropriateness

- 4.56 It is clear that what is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 4.57 What constitutes very special circumstances (VSC), will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors ordinary combine to create VSC.
- 4.58 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 4.59 Prior Approval was previously granted for the conversion of the buildings to dwellings. However, this is not a fall-back position as the buildings no longer exist.
- 4.60 The contribution of two dwellings to the housing market is of some benefit. However, the contribution arising from the provision of two dwellings is very limited in relation to the overall housing needs of the district and is not considered sufficient to constitute VSC. Moreover, there is no benefit over and above the previously approved conversion scheme which also would have provided two dwellings.
- 4.61 The appellant considers the design and materials of the proposal and the construction methods to be a visual improvement. However, the design of the resulting dwelling is only different to the conversion scheme in relation to size. The design is basically the same and there is little difference visually in design terms. The dwellings which have been constructed have the same appearance only larger. Therefore there is no benefit to the redevelopment scheme over the conversion. In terms of the impact on the character and appearance of the area, the overall impact has been concluded to be neutral.
- 4.62 The new dwellings are stated to be sustainable, with a low carbon footprint and to improve overall energy efficiency. However, there is nothing to suggest this would not have been achieved through the conversion of the agricultural buildings. The same benefits could have been achieved albeit in a smaller resulting dwelling. The Moreover, the stated improvements in energy efficiency have not been quantified. For example there is no detailed professional comparison in terms of energy demand and CO2 emissions on why the newly constructed dwellings would be more beneficial than conversions. As such there is no evidence to substantiate this claim.
- 4.63 For VSC to exist the harm by reason of inappropriateness needs to be "*clearly outweighed*". It is not enough simply to show that the harm and the countervailing considerations are in balance or marginally providing improvement to the site.
- 4.64 The above considerations and minor benefits are not considered either individually or collectively to '*clearly outweigh*' the harm, by reason of inappropriateness and the

harm to the openness of the Green Belt. As such they do not amount to very special circumstances that would outweigh the definitional harm to the Green Belt.

5.0 CONCLUSION

- 5.1 The proposed development of the site for a two new dwellings is considered to be inappropriate development in the Green Belt as it does not fall within any of the exceptions listed in paragraphs 145 and 146 of the NPPF. As such, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has not demonstrated any Very Special Circumstances' either collectively or individually sufficient to outweigh the definitional harm to the Green Belt. The proposal thereby fails to accord with Policy SP2 (d) and SP3 of Selby District Core Strategy and with the NPPF.

6.0 RECOMMENDATION

This application is recommended to be refused for the following reason:

- 01 The site lies within the designated Green Belt in the adopted Selby District Core Strategy wherein there is a presumption against development for purposes other than those categories specified in paragraphs 145 and 146 of the National Planning Policy Framework. The development involves the construction of a new building in the Green Belt, does not fall within any of the exceptions set out in paragraphs 145 and 146 of the NPPF and represents inappropriate development in the Green Belt and should not be permitted unless there are very special circumstances to justify the development. In addition to the harm associated with inappropriateness, the development would result in harm to the openness of the Green Belt.

Inappropriate development should not be approved in the absence of very special circumstances. Very special circumstances to clearly outweigh the resultant Green Belt harm have not been demonstrated. The proposal therefore fails to meet the requirements of policies SP2 (d) and SP3B of the Core Strategy, which require accordance with National Green Belt Policy within the NPPF.

Legal Issues

Planning Acts

This application has been determined 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

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

Conclusion

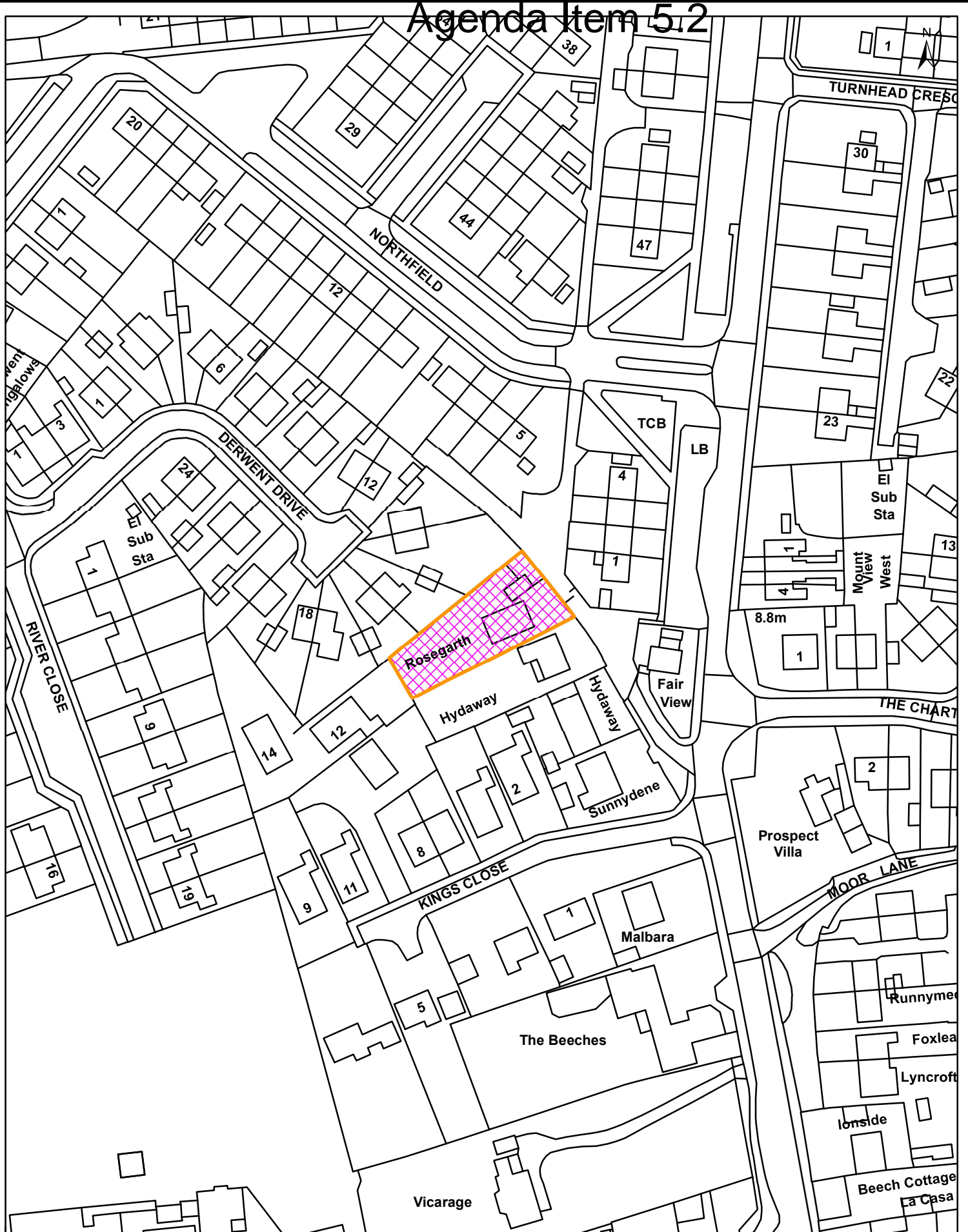
As stated in the main body of the report.

Background Documents

Planning Application file reference 2019/0124/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer

Appendices: None



APPLICATION SITE

Rosegarth, York Road, Barlby
2018/1170/FUL

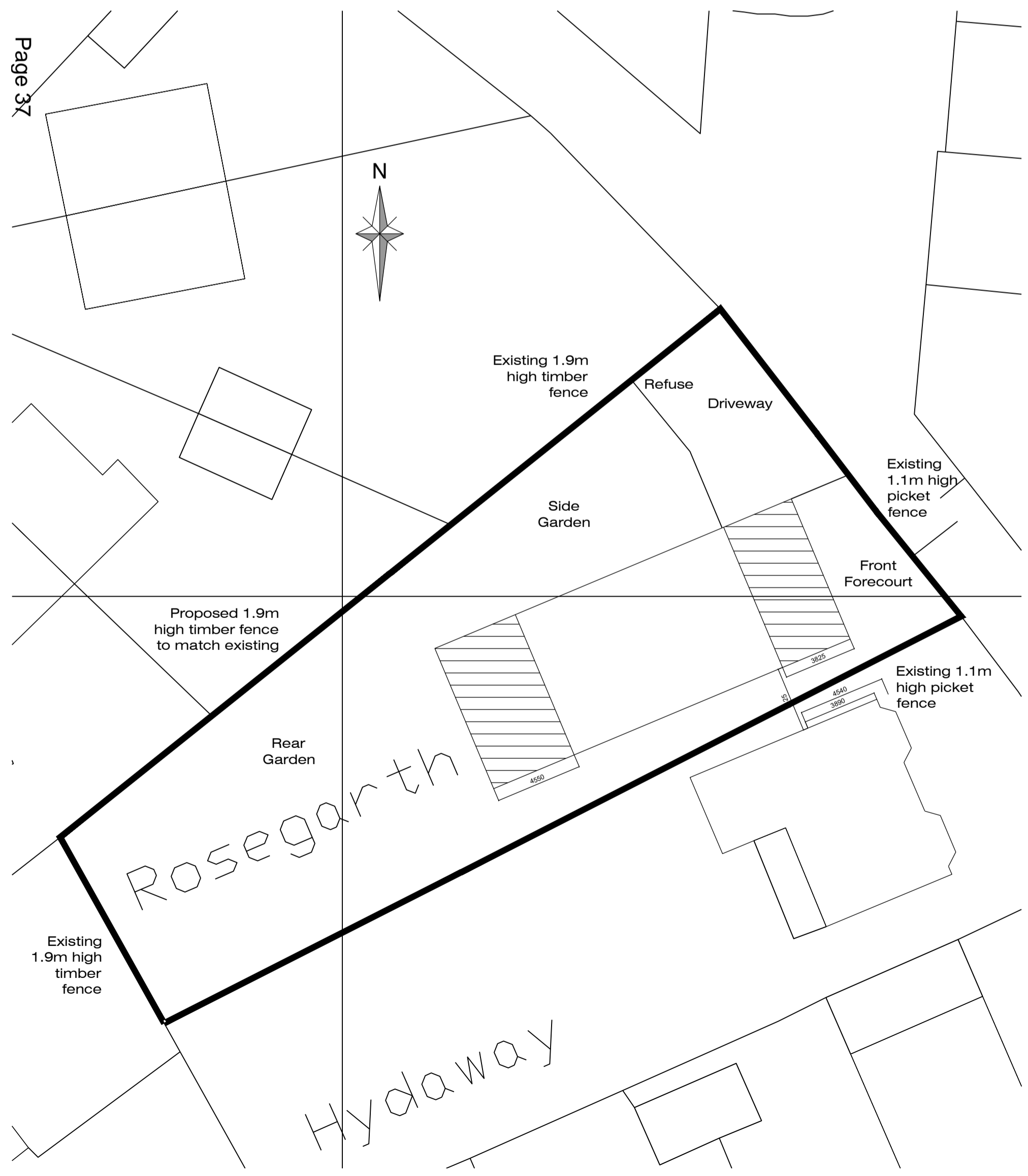
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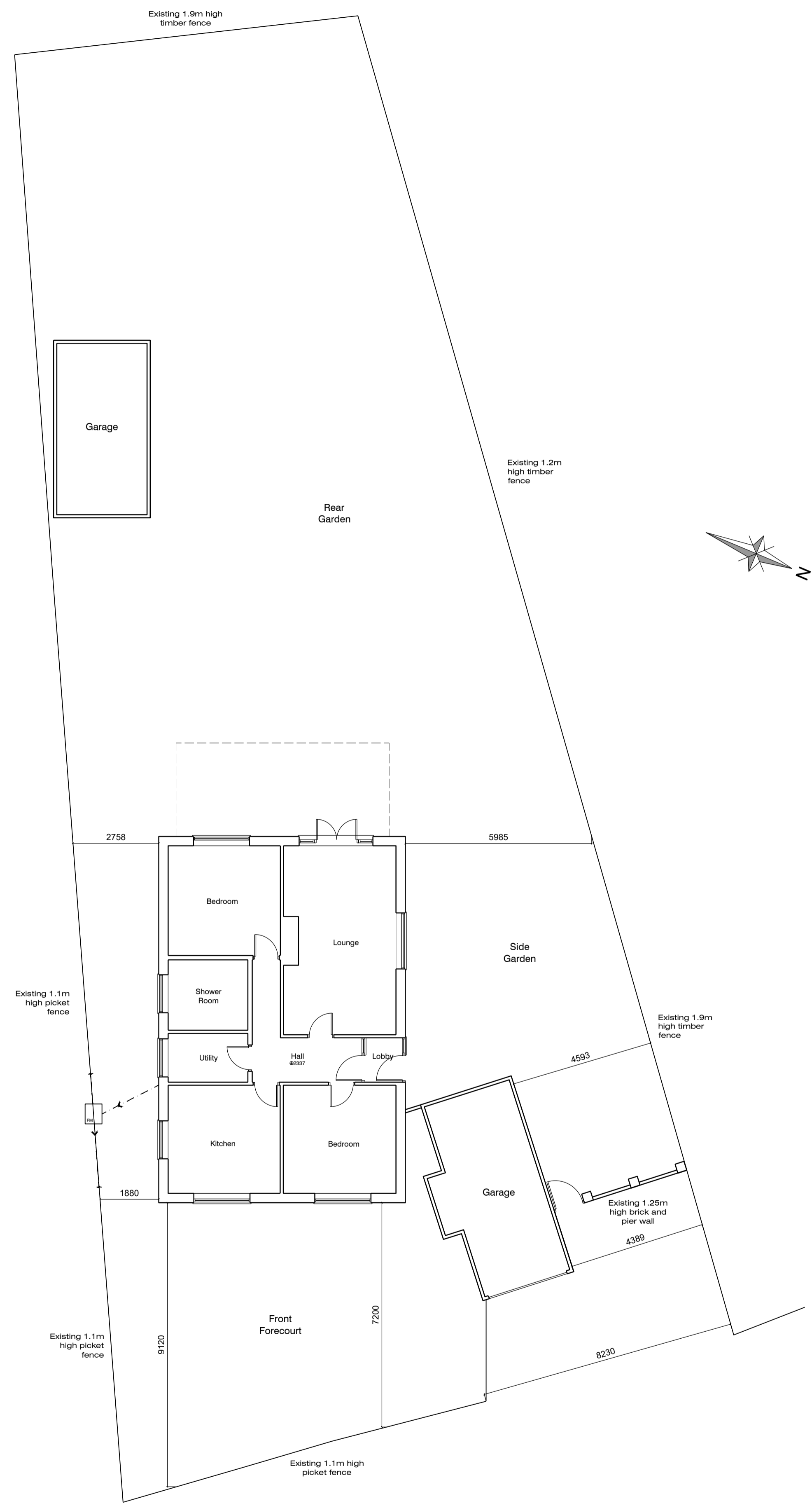


LOCATION PLAN 1/1250



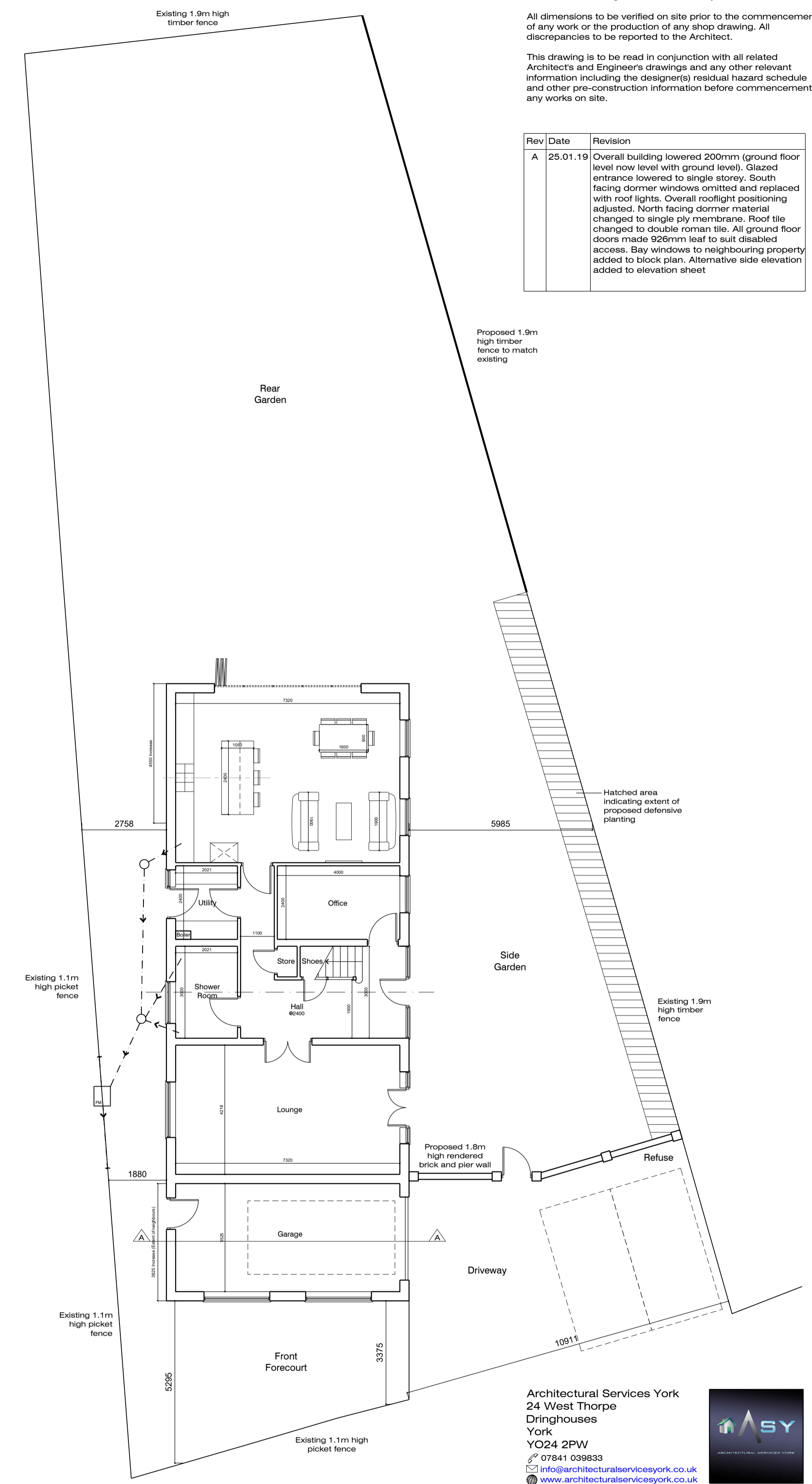
PROPOSED BLOCK PLAN 1/200

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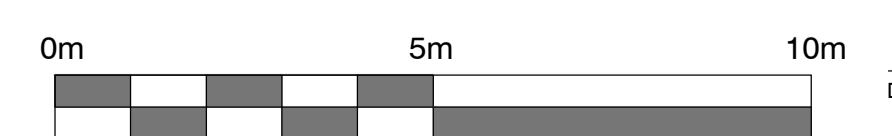


EXISTING SITE PLAN

AMENDED DRAWING



PROPOSED SITE PLAN



Notes
Do not scale, use figured dimensions only.
All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. All discrepancies to be reported to the Architect.
This drawing is to be read in conjunction with all related Architects and Engineers drawings and any other relevant information including the designer(s) residual hazard schedule and other pre-construction information before commencement of any works on site.

Rev	Date	Revision
A	25.01.19	Overall building lowered 200mm (ground floor level now level with ground level). Glazed entrance lowered to single storey. South facing dormer windows omitted and replaced with roof lights. Overall rooflight positioning adjusted. North facing dormer material changed to single ply membrane. Floor tile changed to double roman tile. All ground floor doors made 926mm leaf to suit disabled access. Bay windows to neighbouring property added to block plan. Alternative side elevation added to elevation sheet.

Proposed 1.8m high timber fence to match existing

Architectural Services York
24 West Thorpe
Dringhouses
York
YO24 2PW
07841 039833
info@architecturalservicesyork.co.uk
www.architecturalservicesyork.co.uk



Project
Proposed Development at Rose Garth, York Road, Barby YO8 5JP

Drawing Title
Existing & Proposed Site Plan & Block Plan

Scale 1: 100 @ A1 Date SEPT/ 2018

Drawing No. TR01/ 03 Rev. A

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Report Reference Number 2018/1170/FUL

To: Planning Committee
Date: 5 June 2019
Author: Jac Cruickshank (Planning Officer)
Lead Officer: Ruth Hardingham (Lead Officer – Planning)

APPLICATION NUMBER:	2018/1170/FUL	PARISH:	Barlby And Osgodby Town Council
APPLICANT:	Mr Tom Richardson	VALID DATE:	18th October 2018
		EXPIRY DATE:	13th December 2018
PROPOSAL:	Proposed front and rear single storey extensions, raising of roof, changes to external fenestration and facade treatment		
LOCATION:	Rosegarth York Road Barlby Selby North Yorkshire YO8 5JP		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee because the application has it has been called into Committee on the basis of (i) overdevelopment of the site. (ii) Public complaints and (iii) Loss of amenity to surrounding bungalows. Furthermore, at least 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. Introduction and background

1.1 The Site

The application site is located within the defined development limits of Barlby, which is a Designated Service Village as identified in the Core Strategy.

1.2 The proposal

The proposal is for the erection of a 2 storey extension to the front and rear of the existing dwelling, raising the roof height and alterations to the fenestration.

1.3 Planning History

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
- 1.5 A Householder application (reference: 2018/1048/HPA) for the erection of front and rear extension was withdrawn on 01 October 2018.
- 1.6 An outline application (reference CO/1976/04163) for the erection of a bungalow was approved on 30 June 1976.
- 1.7 A reserved matters application (CO/1977/04164) for details of detached bungalow was approved on 02 February 1977.

2 Consultations and Publicity

All immediate neighbours were informed by letter, a site notice has been erected and statutory consultees notified.

- 2.1 **Parish Council** – Objects to the proposal due to it being considered to be an over development of the site, being out of character with the area and has inadequate on-site parking
- 2.2 **NYCC Highways** – No objections
- 2.3 **The Ouse & Derwent Internal Drainage Board** – No objections
- 2.4 **Public Rights Of Way Officer** – No objections and Informative attached.
- 2.5 **Yorkshire Water Services Ltd** – No objections
- 2.6 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter and a site notice was erected. Ten letters of objection have been received as a result of this advertisement with concerns raised in respect of: (1) the proposal is out of character; (2) impact on overlooking and loss of privacy; (3) potential for loss of light; (4) increase in size and scale leading to over development of the site; (5) impact the proposal would have on parking; (6) impact the proposal would have on tree planting and boundary treatments,

3. Site constraints and Policy Context

Constraints

- 3.1 There are no relevant constraints for the site.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"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.

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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)."

Selby District Core Strategy Local Plan

- 3.4 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP15 - Sustainable Development and Climate Change
SP19 - Design Quality

Selby District Local Plan

- 3.5 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

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
- Other Issues

Principle of Development

- 4.2 The application site is located within the defined development limits of Barlby, which is a Designated Service Village as identified in the Core Strategy. The proposal is for the erection of a 2 storey extension to the front and rear of the existing dwelling, raising the roof height and alterations to the fenestration. There is nothing in the Development Plan or the NPPF to identify this type of development as being unsustainable, or preclude in principle development of this type in this location.

Design and Impact on the Character and Appearance of the Area

- 4.3 The application site comprises of a detached single-storey dwelling which has a garden area to the front and rear of the property. The dwelling is located on a track off York Road and Northfield. The local area is predominantly residential in nature and consists of a mix of single-storey and two-storey dwellings of various styles and design, many of which have benefitted from extensions.
- 4.4 The host dwelling measures approximately 11.7 metres in width and 7.9 metres in width. The dwelling has a pitched roof with eaves to a maximum height of 2.5 metres and ridge to a maximum height of 5.5 metres from ground level and includes a detached garage located to the north of the dwelling.
- 4.5 The proposal as submitted included 2no. extensions which would be attached to the front and rear elevations of the existing dwelling. This included raising the roof height with the eaves height measuring 3.3 metres and ridge height measuring 6.4 metres from ground level. The proposed extensions would increase the overall length of the dwelling to approximately 20 metres with the width remaining unchanged. The proposal includes the formation of a gabled entrance, which would measure approximately 5.5 metres to the ridge, and various alterations to the fenestration, including the installation of 4no. dormer windows and 2no. roof lights to the north elevation and 3no. dormer windows and 4no. roof lights to the south elevation. The dwelling would be finished in render.
- 4.6 After concerns raised by neighbours with regards to the size of the development and the potential for overlooking, amended plans were sought. The amended plans reduced the overall height of the dwelling to 6.2 metres with eaves measuring approximately 3 metres from ground level. The height of the gabled entrance would measure approximately 4.5 metres and the dormer windows to the south elevation have been replaced by 10no. roof lights, which would all be a minimum of 2 metres above first floor level.
- 4.7 The proposed extensions and alterations to the original dwelling would be clearly visible within the immediate vicinity though they would be obscured from the main highway of York Road and from Northfield. The proposals would increase the height of the existing dwelling by approximately 0.7 metres. However, it is noted that the adjacent dwellings to the application site are two-storey dwellings, bungalows or dormer bungalows. As such, it is considered that the scale of the dwelling in this context is acceptable. The proposed extensions would increase the length of the dwelling by approximately 8.3 metres. However the increased length will only be seen at an oblique angle, and from a limited viewpoint. As such, it is not considered that it will have a significant adverse impact on the existing character of the streetscene. With regards to the render finish, it is noted that the majority of dwellings in the local area are red brick. However, there are examples of dwellings benefitting from a render finish within the local area and as such it is considered that a rendered finish would be acceptable.
- 4.8 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.9 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 size, scale and massing of the development proposed.
- 4.10 With regards to overlooking, the initial plans showed the installation of dormers to both the north and south elevations. The inclusion of dormer windows to the south elevation would have had a detrimental impact on the residential amenity of the adjacent property. Amended plans were sought and the dormers to the south elevation were replaced with roof lights, which would all be a minimum of 2 metres above first floor level, and as such would not provide potential for overlooking. The dormers on the north elevation would increase the potential for overlooking compared to the existing dwelling. However, the separation distance of the dwelling from property to the north is approximately 22 metres. This is within normally accepted tolerances. The distance from the dwelling to the north-west is 16 metres; however the dormers are at an oblique angle and would therefore have limited potential for overlooking. It is not considered that the potential of overlooking would therefore be significant due to the orientation of the adjacent properties and the separation distances between the application dwelling and the neighbouring properties.
- 4.11 With regards to overshadowing, the height of the existing dwelling would be increased by approximately 0.7 metres. The application site benefits from a moderately sized plot, which is irregular in shape, measuring approximately 45 metres in length and a maximum of 20 metres in width. Due to the orientation of the dwelling in relation to the adjacent property, Norfolk House, it is not considered that the proposals would lead to overshadowing. It is also considered that due to the separation distance between the dwelling and the neighbouring dwellings to the north, and north west of the site, and the scale of the dwelling as extended the development would not have a significant adverse impact on their existing amenities by virtue of increased overshadowing or the feeling of oppression.
- 4.12 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.13 NYCC Highways have reviewed the application and have raised no objections to the application nor have they requested any conditions be added to the consent. Furthermore, the proposed development would include the provision of three parking spaces which accords with the Highway Authority's guidelines for parking spaces. As such, it is considered that the proposal would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord with Policies ENV1 (2) of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

Other matters

- 4.14 Objections were received with regards to the proposed boundary treatments, which includes the replacement of the existing 1.1 metre high picket fence along part of the north boundary with a 1.9 metre high timber fence, which would match the

existing 1.9 metre high timber fence. The timber fence would fall within Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 and as such the proposed boundary fence is considered to be acceptable and a condition would not be required for the approval of the fence.

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 would not have a significant detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

6.0 Recommendation

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

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

Drawing No. TRO01/1 Rev A	Existing and Proposed Floor Plans	Dated 28/01/19
Drawing No. TRO01/2 Rev A	Existing and Proposed Elevations	Dated 28/01/19
Drawing No. TRO01/3 Rev A	Existing and Proposed Layout	Dated 28/01/19

Reason:

For the avoidance of doubt.

02. No development above foundation level shall commence until details of the colour and texture of the render of the proposed development have been 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

7. Legal Issues

7.1 Planning Acts

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

7.2 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.

7.3 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.

8. Financial Issues

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

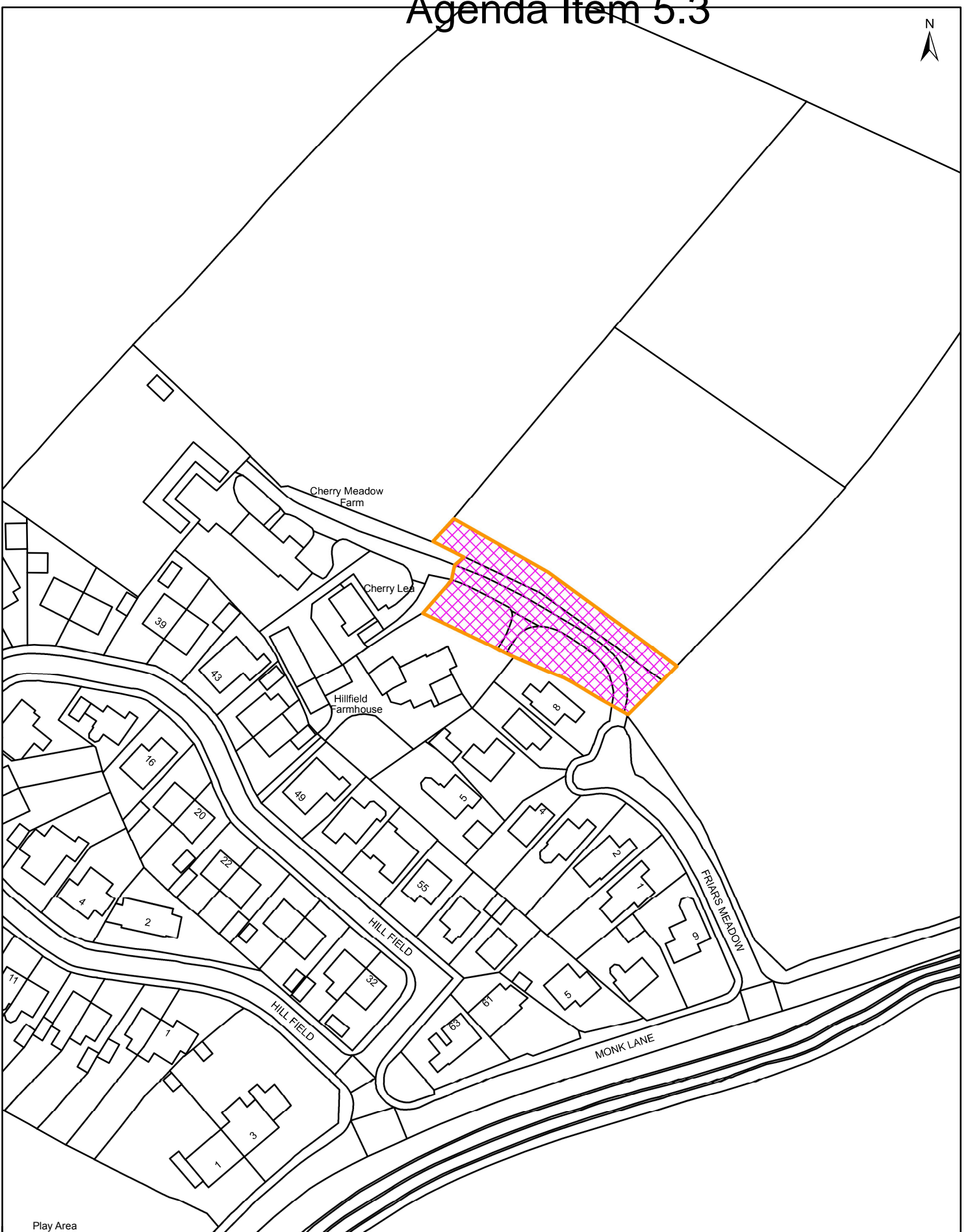
9. Background Documents

Planning Application file reference 2018/1170/FUL and associated documents.

Contact Officer: Jac Cruickshank, Planning Officer
jcruickshank@selby.gov.uk

Appendices: None

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APPLICATION SITE

Land off Friars Meadow, Selby
2019/0147/OUT

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Report Reference Number: 2019/0147/OUT

To: Planning Committee
Date: 5 June 2019
Author: Laura Holden (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0147/OUT	PARISH:	Selby Town Council
APPLICANT:	Mrs Donaldina Ryan	VALID DATE: EXPIRY DATE:	25 th February 2019 22 nd April 2019
PROPOSAL:	Outline application for the erection of up to two self-build plots with all matters reserved.		
LOCATION:	Land Off Friars Meadow, Friars Meadow, Selby		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of support have been received contrary to the Officer recommendations to refuse the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of a grassed areas and an access road. The site is located outside the development limits of Selby and is therefore located within the open countryside. To the north of the site are open fields and to the south and west of the site is a residential area.

The Proposal

- 1.2 The proposal is for an outline application for the erection of up to two self-build plots with all matters reserved.

Relevant Planning History

- 1.5 The following historical application is considered to be relevant to the determination of this application.
- 1.6 Application Number: 2018/0004/OUT, Description: Outline application for a proposed self-build plot for 1 detached dwelling house with all other matters reserved, Address: Land Off Friars Meadow, Friars Meadow, Selby, Decision: Refused, Decision Date: 24-APR-18

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** - Objects to this application as the proposal to be outside the development limits, no direct access and encroachment on the countryside.
- 2.2 **NYCC Highways Canal Rd** – Recommends a condition be attached regarding a Construction Management Plan
- 2.3 **Environment Agency** – Recommends a condition be attached regarding finished floor levels, no ground floor sleeping accommodation and that flood resilience mitigation are incorporated into the design.
- 2.4 **Selby Area Internal Drainage Board** – Advises the IDB's current guidelines for any increase in surface water discharge.
- 2.5 **Yorkshire Water** – Unclear on how the developer is proposing to dispose of surface water, and notes that the local public sewer network does not have capacity to accept an additional unrestricted discharge of surface water. Yorkshire Water also recommends two conditions are attached relating to ensuring separate systems of drainage for foul and surface water are utilised and details of surface water drainage are submitted.
- 2.6 **Contaminated Land** – No objections subject to recommendations
- 2.7 **Neighbour Comments** – Immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. 10 letters of objections and 12 letters of support have been received as a result of this advertisement.

The letters of objection raise concerns regarding:

- The principle of residential development on agricultural land outside the development limits of Selby
- Encroachment into the open countryside
- Impact on Green Belt
- Loss of openness/farmland
- Increased traffic and parking resulting from the proposed development
- Impact of the proposed development on flood risk and drainage
- The impacts of the construction process on the residential amenity of neighbouring properties in terms of traffic, noise, pollution and disturbance
- The loss of view from existing residential properties arising from the proposed development
- The impact of the proposals on the value of the existing residential properties

- Access and ownership issues
- Loss of trees
- Size of plot
- Loss of privacy
- Large cesspit under the proposed building area
- New access may not be suitable for agricultural vehicles
- The letters of support and the proximity of the addresses to the application site

12 letters of support have been received, 6 of which are from the same address, Faraway House and a further 2 letters have been received from the same address, 5 The Green.

The letters of support make the following comments:

- Site does not appear to be sited in open countryside
- Highly sustainable location/close to Selby Town
- Council has a legal obligation to provide self-build plots
- Valuable addition to the area
- Current planning policy aims growth to this sustainable location
- Will not encroach into countryside, maintaining the visual amenity of the current settlement limits
- Planning Inspectorate identified the site to be adjacent to the development limits
- NPPF in favour of sustainable development
- Development would add to the mix and supply of the housing in the area
- Site is located within Flood Zone 3a which is the same as the neighbouring properties and would pose no greater risk to this small area
- Will contribute to Government's commitment to double the number of self-build plots by 2020
- Selby does not have enough plots to match the local demand
- Will help to meet local demand by providing self-build plots.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located outside development limits, and is therefore within the open countryside.
- 3.2 The application is located within Flood Zone 3 and is within an area benefitting from flood defences.

Policy Considerations

- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"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"*.

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.

The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

Annex 1 of the NPPF is concerned with its implementation and includes the following guidance -

“213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).”

Selby District Core Strategy Local Plan

3.5 The relevant Core Strategy Policies are as follows:

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
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

3.7 The relevant Selby District Local Plan Policies are as follows:

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

4. 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 and Form of the Area
- Impact on Residential Amenity
- Impact on Highways
- Flood Risk and Drainage
- Other Issues

Principle of Development

- 4.2 The application site is located outside the defined development limits of Selby, which is the Principal Town as identified in the Core Strategy, and is therefore located within the open countryside.
- 4.3 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.”*
- 4.4 The proposal does not meet the requirements of Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances that have been identified to justify the proposal the application should therefore be refused unless material considerations indicate otherwise.
- 4.5 Policy SP2A is consistent with the NPPF and therefore is considered up-to-date. The proposal is situated within open countryside and no special circumstances have been identified and therefore the proposal does not comply with Policy SP2A(c) and is not acceptable in principle.

Sustainability of Development

- 4.6 In respect of sustainability, the site is located just outside the defined development limits of Selby, which is the Principal Town as identified in the Core Strategy, which is the focus for new housing, employment, retail, commercial and leisure facilities. Selby Town is at the top of the settlement hierarchy and is therefore considered to be the most sustainable settlement within the District having regard to the type and range of facilities, public transport accessibility and access to employment opportunities. It should be noted that the site is located just outside the defined development limits of Selby, and therefore would be served by the facilities within this sustainable settlement so would perform highly in terms of its sustainability credentials. However, this needs to be considered alongside the impact on the character and appearance of the settlement.

Design and Impact on the Character and Form of the Area

- 4.7 The application site is located outside the defined development limits of Selby, which is the Principal Town as identified in the Core Strategy, and is therefore located within the open countryside. The application seeks outline planning permission for the erection of two self-build detached dwelling with all matters reserved for subsequent approval.
- 4.8 The application site is located to the north of Friars Meadow, which is a cul-de-sac to the north side of Monk Lane towards the north of Selby Town. The application site comprises an access road off Friars Meadow serving residential properties including Hillfield Farmhouse, Cherry Lea and Cherry Meadow Farm and areas of

green space. To the north of the application site is grazing fields, and to the south of the application site is residential development.

- 4.9 The site as existing provides a landscape buffer between the urban, residential development and the open fields beyond. There is a clear boundary between the open fields and urban development. The proposed dwellings are shown indicatively as being located within the south proportion of the site, to allow for the positioning of the proposed dwellings in this location the existing access is to be moved further north.
- 4.10 The previous application 2018/0004/OUT, stated that *“To the immediate north west, north east and south east of the application site would be grazing fields, while to the immediate south west would be a row of tall trees, which appear as a hedgerow, providing a clear boundary between the access road and built form beyond leading from Friars Meadow.”* These trees have been removed, and therefore, there is no longer a boundary between the access road and the open fields beyond.
- 4.11 The removal of the trees has inevitably changed the character of the area, and moving the access road further into the field will further alter the character of the open countryside. The introduction of development onto this land would extend the urban development and encroach into the open countryside, and change the character and appearance of the area.
- 4.12 Given the location of the proposed development in relation to its surroundings, it is considered that the residential development of this site would result in the urbanisation of an existing area of open fields and lead to encroachment into the open countryside. The proposal would not result in a natural rounding off of the settlement or provide a new defensible boundary. While it is noted that matters of layout, scale, appearance and landscaping are reserved for future consideration, it is not considered that an appropriate scheme could be advanced at the reserved matters stage which would be acceptable in these respects, without having a harmful impact on the character, form and setting of the existing settlement and this part of the open countryside.
- 4.13 Having regard to the above, given the location of the proposed development in relation to its surroundings, it is not considered that an appropriate layout, appearance, scale and landscaping of the proposed development could be achieved at the reserved matters stage, without having a significant adverse impact on character, form and setting of the existing settlement and this part of the open countryside. The proposal is therefore contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the guidance contained within the NPPF.

Impact on Residential Amenity

- 4.14 The application seeks outline planning permission for the erection of one self-build detached dwelling with all matters reserved. The layout, scale, appearance and landscaping of the dwellings is reserved for subsequent approval at the reserved matters stage, however, given the relationship between the application site and the neighbouring residential properties, it is considered that an appropriate scheme could be achieved at the reserved matters stage to ensure no significant adverse

effects of overlooking, overshadowing or oppression between the proposed dwelling and for the existing dwellings to the south west of the application site.

- 4.15 Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage, which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.16 The comments of the neighbouring properties are noted regarding the impact of the proposals on highway safety.
- 4.17 The application seeks outline planning permission for the erection of two self-build detached dwellings with all matters reserved. The submitted location plan indicates that access could be taken from Friars Meadow, and moving the existing access road further north east into the field; however, as detailed above, the details of the access are reserved for subsequent approval at the reserved matters stage. NYCC Highways have been consulted on the proposals and have advised that there are no objections to the proposals in terms of highway safety, subject to a condition requiring a construction management plan. However, given the nature and scale of the proposal, for two dwellings it is considered unreasonable and unnecessary to attach such a condition.
- 4.18 Having regard to the above, it is not considered the impact of highway safety would be a reason for refusal at outline stage.

Flood Risk and Drainage

- 4.19 The comments of the neighbouring properties are noted regarding the impact of the proposals on flood risk and drainage.
- 4.20 The application site is located within Flood Zone 3a which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year.
- 4.21 Paragraph 155 of the NPPF states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be safe for its lifetime without increasing flood risk elsewhere.”*
- 4.22 Paragraph 158 of the NPPF states that *“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*

- 4.23 The application proposes the erection of two detached dwellings within Flood Zone 3a and therefore the sequential test would be required to determine whether there are any reasonably available sites at lower probability of flooding that could reasonably accommodate the proposed development. The application site is located outside the defined development limits of Selby, which is the Principal Town, as identified within the Core Strategy. As such, in accordance with the Selby District Council Guidance Note on the Sequential Test, published in March 2018 the geographical coverage area for the sequential test would be Selby Town. Furthermore, should the sequential test be passed, the exception test would be required as the proposed development is more vulnerable and within Flood Zone 3a. The exception test would need to show that the sustainability benefits of the development to the community outweigh the flood risk and that the development would be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere.
- 4.24 A Flood Risk Assessment has been submitted with the application in which the applicant has undertaken the sequential and exception test, following the publication of the updated Selby District Council Guidance Note on the Sequential Test published in March 2019 further information was submitted by the applicant.
- 4.25 In terms of the sequential test, the applicants, both in the sequential test included within the flood risk assessment undertaken by F R Fillingham of Planmaster Architectural Services and further information submitted by the applicant, consider that in line with the Selby District Council Guidance Note on the Sequential Test, published in March 2019, the geographical coverage area for the sequential test would be Selby Town only. The submitted information has assessed Selby Town and reviewed potential sites, and has discounted all the reviewed sites due to sites not being available, sites having already implemented the permissions, sites being too large and also sites within the same flood zones. The Sequential Test also reviewed online market sales for development land. The Sequential Test concludes that there are no sequentially preferable sites.
- 4.26 Officers have undertaken the sequential test and no other sites have been identified within the defined limits of Selby which are reasonably available and could accommodate the proposed development and which are located within a lower flood zone. As such, the scheme is considered to be acceptable in terms of passing the sequential test.
- 4.27 As a 'More Vulnerable' development of a dwelling house in Flood Zone 3a, the proposal is required to pass the Exception Test 4 once the Sequential Test has been met. The NPPF requires that for the Exception Test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that it will be safe for the lifetime of the development.
- 4.28 The Flood Risk Assessment submitted by the application has identifies that the site is situated within the principal development town of Selby and as defined by Policy SP2 is a sustainable settlement within the District, in addition the application site is within walking distance from the Town Centre and is well served by local services and transport links. Therefore, the Flood Risk Assessment states there are clear social and economic benefits to the proposal. The site specific FRA concludes it

has demonstrated the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

- 4.29 There is an appeal decision for the site (Appeal Reference: APP/N2739/W/18/3202126) and whilst there are differences in the two applications such as the number of dwellings, the appeal application was for 1 dwelling and the siting of the dwelling, the comments made by the Planning Inspector are still relevant:

“In relation to wider sustainability benefits, I have had regard to the benefits set out by the appellant within the FRA and other evidence. I acknowledge that the proposal would represent a self-build dwelling which would add to the mix and supply of housing in the area and would have sustainable access to services within Selby. Whilst these are factors which are encouraged by the Framework and other policies, the benefits arising from a single dwelling would be modest. Furthermore, the benefits would essentially be limited to the appellant and future residents of the dwelling, rather than wider sustainability benefits to the community. I am also mindful of the negative effects of the proposal on the community in respect of the detrimental effect on the character and appearance of the countryside setting of this area of Selby, and to which I give substantial weight for reasons stated previously. On balance, I do not consider that the proposal would provide wider sustainability benefits to the community that outweigh the identified flood risk and that it would therefore fail this element of the Exception Test.”

- 4.30 It is still considered the wider public benefits of the proposal would be modest and together with the harm caused to the character and appearance of the open countryside, it is considered the benefits to the community do not outweigh the flood risk and consequently the proposal would fail this element of the Exception Test.
- 4.31 The FRA specifies flood mitigation measures to make the development safe from flooding and which also concludes that it will not increase flood risk elsewhere. It should also be noted that the Environment Agency do not object to the proposal subject to conditions relating to mitigation measures. However, the NPPF is clear that both elements of the Exception Test will have to be passed for development to be acceptable.
- 4.32 The application forms submitted states that surface water will be disposed of via sustainable drainage systems, soakaways and main sewers. The Internal Drainage Board has been consulted and has provided details of their current guidelines. Yorkshire Water have also been consulted on the proposals and recommended a condition to clarify the method of surface water disposal.
- 4.33 Having regard to the above, it is not considered that drainage would be a reason for refusal at outline stage.

Affordable Housing

- 4.34 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. 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.

- 4.35 However, the NPPF is a material consideration and states at paragraph 63 - *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*. ‘Major development’ is defined in Annex 2: Glossary as *“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”*.
- 4.36 The application proposes the erection of two dwellings on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, therefore affordable housing would not be required for this proposal.

Land Contamination

- 4.37 The application is supported by a planning application form and a Phase 1 Contaminated Land Investigation Report. The planning application form sets out that the proposed use would be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be for residential purposes. The contaminated land screening assessment form sets out that the current use of the land is a vacant field and that the proposed use of the land is for domestic purposes. In terms of the past land use, the Phase 1 Contaminated Land Investigation Report sets out that the site has been used for agricultural purposes, while adjacent land has been used for both domestic and agricultural purposes. From a search of historic maps it is confirmed that the past land use of the application site has been for agricultural purposes and adjacent land has been used for both domestic and agricultural purposes.
- 4.38 Having regard to the above, it is considered that there is limited potential contamination to be present at the site. Having regard to the above, it is not considered the impact of land contamination would be a reason for refusal at outline stage.

Other Issues

- 4.39 It is noted that the proposal is for a self-build dwelling and the letters of support have made reference to the Self-build and Custom Housebuilding Act 2015 and the self-build register. The Self-Build and Custom Housebuilding Act 2015, places a duty on local authorities in England to keep and have regard to a register of people and groups interested in self-build and custom build housing. The NPPG, in paragraph 023 reference ID 57-023-201760728, states that Local Authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand on the self-build and custom housebuilding register in their area. The first base period begins on the day on which the register is established and ends 30 October each year. At the end of each base period, local authorities have 3 years in which to give permission for an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that

base period. The Local Authority currently has 41 people on the self-build register and 5 of these have mentioned Selby as their preferred location, and the Local Authority therefore supports applications for self-build and custom housebuilding, providing that the proposals accord with the development plan. Furthermore, the Local Authority is exploring options for the provision of self-build and custom housebuilding in its forthcoming Sites and Allocations Local Plan, which includes the potential to allocate land specifically for self and custom builders. This document is programmed to be adopted in 2019. In this instance, the Local Authority have identified that the proposal does not accord with the development plan and on balance the material considerations do not indicate otherwise and therefore cannot be supported, notwithstanding the fact that the proposal is for two self-build dwellings.

- 4.40 Concerns have been raised regarding the impact of the construction process on the residential amenity of neighbouring properties in terms of traffic, noise and disturbance and this can be controlled by an appropriate condition relating to construction management.
- 4.41 The loss of private views from existing residential properties arising from the proposed development and the impact of the proposals on the value of existing residential properties is not material planning considerations which can be taken into account in the determination of this application.
- 4.42 Concerns have been raised over land ownership and access to the application site over third party land. The applicants have indicated that the land within the red edge of the location plan is within their ownership by signing ownership certificate A on the submitted application form. The issue of the access and maintenance of the access is a separate civil matter.

5. 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 proposal is unacceptable in principle and contrary to Policy SP2A(c) of the Selby District Core Strategy. The proposal does not comprise any of the types of development that are acceptable in principle under Policy SP2A (c) of the Core Strategy. While the proposed development would perform highly with respect to its sustainability credentials, given its location marginally beyond the defined development limits of Selby, the location of the proposed development outside the defined developments limits is considered to have an unacceptable impact on the character and form of the settlement. Therefore, on balance, the proposal is unacceptable in principle and contrary to Policy SP2A(c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
- 5.2 The proposal would have a harmful impact on the character and appearance of the area contrary to Policy ENV1(1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the guidance contained within the NPPF. The residential development of this site would result in the urbanisation of an existing area of open fields and lead to encroachment into the open countryside. While it is noted that matters of layout, scale, appearance and landscaping are reserved for future consideration, it is not considered that an appropriate scheme could come

forward at the reserved matters stage which would be acceptable in these respects, without having a harmful impact on the character, form and setting of the existing settlement and this part of the open countryside.

- 5.3 The proposed residential development for two dwellings is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF. The application site is located within Flood Zone 3a. The NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken and the search area should be Selby Town. Whilst it is noted the proposal passes the Sequential Test, the proposal failed to pass the Exception Test and is therefore unacceptable in terms of flood risk.
- 5.4 Notwithstanding the above the following details would be supplied at reserved matters stage and so would not be reasons for refusal, the residential amenity of neighbouring properties or highway safety and it is considered the proposal is acceptable in respect of drainage, nature conservation and protected species, land contamination and affordable housing.

6. RECOMMENDATION

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

- 01 The proposal would result in the creation of two new dwellings within the open countryside, wherein accordance with the overall Spatial Development Strategy for the District, development will be restricted 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 communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposal does not comprise any of the types of development that are acceptable in principle under Policy SP2A (c) of the Core Strategy. While the proposed development would perform highly with respect to its sustainability credentials, given its location marginally beyond the defined development limits of Selby, which is the Principal Town as identified within the Core Strategy and would result in an acceptable level of growth for Selby as the Principal Town, the location of the proposed development outside the defined developments limits is considered to have an unacceptable impact on the character and form of the settlement. Therefore, on balance, the proposal is unacceptable in principle and contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
- 02 The residential development of this site would result in the urbanisation of an existing area of open fields and lead to encroachment into the open countryside. While it is noted that matters of layout, scale, appearance and landscaping are reserved for future consideration, it is not considered that an appropriate scheme could come forward at the reserved matters stage which would be acceptable in these respects, without having a harmful impact on the character, form and setting of the existing settlement and this part of the open countryside. Therefore, the proposal is unacceptable in terms of its impact on the character and appearance of

the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

03. The application site is located within Flood Zone 3a. The NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken with the search area of Selby Town. The application passes the Sequential Test and therefore is subject to the Exception Test. It is still considered the wider public benefits of the proposal would be modest and together with the harm caused to the character and appearance of the open countryside, it is considered the benefits to the community do not outweigh the flood risk and consequently the proposal would fail this element of the Exception Test. The proposed residential development for two dwellings is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.

7. Legal Issues

7.01 Planning Acts

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

7.02 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.

7.03 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.

8. Financial Issues

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

9. Background Documents

Planning Application File Reference 2019/0147/OUT and associated documents.

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Appendices: None

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Agenda Annex

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.



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