



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 23 SEPTEMBER 2020**
Time: **2.00 PM**
Venue: **MICROSOFT TEAMS - REMOTE**
[\(Click here\)](#)
To: **Councillors J Cattanach (Chair), I Chilvers, R Packham, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)**

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 - 18)**

To confirm as a correct record the minutes of the Planning Committee meetings held on 5 August 2020, 26 August 2020 and 2 September 2020.

5. **Planning Applications Received (Pages 23 - 24)**
- 5.1. **2019/0110/COU - Far Farm, Mill Lane, Ryther (Pages 25 - 54)**
 - 5.2. **2020/0264/FUL - St Marks Square, New Lane, Selby (Pages 55 - 72)**
 - 5.3. **2020/0442/S73 - Post Office Store, 2 High Street, Cawood (Pages 73 - 88)**
 - 5.4. **2020/0828/S73 - Quarry Drop, Westfield Lane, South Milford (Pages 89 - 106)**

Janet Waggott

Janet Waggott, Chief Executive

<p style="text-align: center;">Dates of next meeting (2.00pm) Wednesday, 7 October 2020</p>
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Live Streaming

This meeting will be streamed live online. To watch the meeting when it takes place, [click here](#).

Recording at Council Meetings

Selby District Council advocates openness and transparency as part of its democratic process. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting by emailing democraticservices@selby.gov.uk

Agenda Item 4



Minutes

Planning Committee

Venue: Microsoft Teams Live Event - Remote
Date: Wednesday, 5 August 2020
Time: 2.00 pm

Present remotely via
Teams Live Events: Councillor J Cattanach in the Chair

Councillors I Chilvers, R Packham, M Topping, K Ellis,
D Mackay, M Jordan and J Mackman (Vice-Chair)

Officers Present
remotely via Teams
Live Events: Martin Grainger – Head of Planning, Ruth Hardingham –
Planning Development Manager, Glenn Sharpe – Solicitor,
Gary Bell – Principal Planning Officer, Rebecca Leggott –
Senior Planning Officer, Chris Fairchild – Senior Planning
Officer and Victoria Foreman – Democratic Services Officer

7 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Welch. Councillor S Duckett was in attendance as a substitute for Councillor Welch.

8 DISCLOSURES OF INTEREST

Councillors J Cattanach, I Chilvers, R Packham, D Mackay, M Jordan and J Mackman declared a non-pecuniary interest in agenda item 5.3 – Market Garden, Hull Road, Hemingbrough, as they had all received email representations on the application from the Ward Member, Councillor K Arthur.

Councillor M Topping declared a non-pecuniary interest in agenda item 5.3 – Market Garden, Hull Road, Hemingbrough as he had received email representations on the application from the Ward Member, Councillor K Arthur, and had also visited the application site a number of times before he became an elected Member.

9 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed Members that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

The Committee noted that details of any further representations received on

the applications would be given by the Officers in their presentations.

10 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 8 July 2020.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 8 July 2020 for signing by the Chairman.

11 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications.

11.1 2020/0191/FUL - JUBILEE COTTAGE, 13 MAIN STREET, THORGANBY

Application: 2020/0191/FUL

Location: Jubilee Cottage, 13 Main Street, Thorganby

Proposal: Construction of 1 No. dwelling on land to the rear of Jubilee Cottage

The Principal Planning Officer presented the application which had been brought before Members of the Planning Committee at the discretion of the Head of Planning.

The Committee noted that the application was for the construction of 1 No. dwelling on land to the rear of Jubilee Cottage.

An Officer Update Note had been circulated to Members and made available on the Council's website that set out additional information and representations that had been made available since the publication of the report.

Section 1.6 of the report provided details of the relevant planning history and included application number 2018/1139/FUL, which was refused by the Planning Committee in November 2019 and subsequently appealed by the applicant. Since the report was written, the appeal decision had been received from the Planning Inspectorate. Details of the appeal decision were set out in the Officer Update Note.

The Inspector had concluded that the development "...*would not be in a suitable location having regard to the sustainable development aims of Policies SP2 and SP4 of the CS and the Framework...*", upholding the first

reason for refusal. The Inspector also considered that *“...the proposal would have a harmful effect on levels of privacy for occupants of the existing and proposed dwellings and on the quality of outlook for occupiers of Jubilee Cottage...”*, thereby also upholding the third reason for refusal. However, the Inspector stated that *“...whilst the dwelling would not reinforce the prevailing linear alignment of dwellings, I find that its design and specific position in this instance would not result in material harm to the significance of the CA...”*, so did not agree with the second reason for refusal.

The appeal decision represented a material consideration in the determination of the current application and, consequently, Officers were of the view that the second reason for refusal in the recommendation should be deleted. The remaining reasons for refusal would be consistent with the Inspector’s recent decision in which it was concluded that those matters attracted *“...significant weight...”* and were *“...firmly against the proposal”*. The Officer Update Note therefore also included details of the revised recommendation for refusal of the application.

Councillor S Duckett joined the meeting at this point and as such was unable to take part in the debate or decision on this item, as she had missed part of the Officer’s presentation.

Members asked questions of the Officer about the application, relating to impact on the character of the conservation area and village, and the visibility of the proposed dwelling. Officers confirmed that it was their view that the proposed development would have a detrimental impact on the linear nature and character of the village.

The Committee discussed the application and acknowledged a previous application on the same site, almost identical to the one under consideration, apart from the siting of the dwelling, had already been considered and refused in November 2019.

Members noted the decision of the Planning Inspectorate and that the Parish Council was still strongly opposed to the application. Members agreed that the Officer’s report was comprehensive and concluded that the application was unsuitable.

At this point Councillor J Mackman left the remote

meeting due to technical difficulties and did not return.

It was proposed and seconded that the application be refused; a vote was taken on the proposal and was carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 1. The site lies within the development limits of a secondary village which is a less sustainable location. The proposed development would result in backland development to the rear of other properties, and would not constitute the 'filling of a small linear gap in an otherwise built up frontage', or any of the other categories of development identified as acceptable in Secondary Villages in Policy SP4(a). The development is therefore contrary to Policy SP4(a) and consequently Policy SP2A(b), of the Core Strategy.**
- 2. The poor juxtaposition between the proposed dwelling and Jubilee Cottage would result in harm to the amenities of future and existing occupiers by reason of overlooking, loss of privacy and overbearing. As such the development is contrary to Policy ENV1 of the Selby District Local Plan and chapter 12 of the NPPF.**

11.2 2020/0242/FUL - MANOR HOUSE, HULL ROAD, CLIFFE

Application: 2020/0242/FUL

Location: Manor House, Hull Road, Cliffe

Proposal: Proposed conversion of domestic garage/store and stables to dwelling

The Senior Planning Officer presented the application which had been brought before brought before Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered there were material considerations which would justify approval of the application.

The Committee noted that the application was for the proposed conversion of domestic garage/store and stables to dwelling.

An Officer Update Note had been circulated to Members and made available on the Council's website which set out an amendment made to paragraph 6.1 of the report for clarification. The Update Note explained that the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but that this type of conversion of an existing rural building to residential was acceptable in principle in the NPPF and the overall spatial strategy for the District. Wording had also been added to paragraph 7.1 of the report which should read:

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

Officers confirmed that the additional information in the Update Note did not alter the assessment made.

The Committee expressed the opinion that the application before them was appropriate and that they had no concerns with the proposal.

It was proposed and seconded that the application be approved; a vote was taken on the proposal and was carried.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report.

11.3 2020/0376/FUL - MARKET GARDEN, HULL ROAD, HEMINGBROUGH

Application: 2020/0376/FUL

Location: Market Garden, Hull Road, Hemingbrough

Proposal: Conversion of redundant building to form residential dwelling

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the proposal was contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it was considered that there were material considerations which would justify

approval of the application.

The Committee noted that the application was for the conversion of a redundant building to form a residential dwelling.

An Officer Update Note had been circulated to Members and made available on the Council's website that set out additional representations received from the Ward Member for Derwent, Councillor K Arthur. Officers advised that the representations should be read in conjunction with those found at paragraph 2.18 of the report.

Members asked questions relating to several matters, including flooding, flood zones and the permitted timescales for the conversion of buildings from agricultural to residential uses. The Senior Planning Officer confirmed he was satisfied that the agricultural building to be converted had been in situ for a number of years.

The Committee expressed their support for the application and it was subsequently proposed and seconded that permission be granted; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT permission for the application, subject to the conditions set out at paragraph 7 of the report.

The meeting closed at 3.08 pm.

Planning Committee

Venue: Microsoft Teams - Remote
Date: Wednesday, 26 August 2020
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach Councillor J in the Chair
Councillors P Welch, K Ellis, T Grogan, R Musgrave

Officers Present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Fiona Ellwood – Principal Planning Officer, Gareth Stent – Principal Planning Officer, Jac Cruickshank – Planning Officer, Glenn Sharpe – Solicitor, Victoria Foreman – Democratic Services Officer

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Mackman, I Chilvers, M Topping, M Jordan and R Packham.

Councillor R Musgrave was in attendance as a substitute for Councillor Mackman and Councillor T Grogan as a substitute for Councillor Chilvers.

17 DISCLOSURES OF INTEREST

Councillors Cattanach, Grogan and Musgrave declared non-pecuniary interests in agenda items 5.1 – Laurel Lodge, Airfield Lane, Acaster Selby and 5.3 – 4 The Crescent, Kelfield, York as they had received additional representations on the applications by email.

Councillor R Musgrave also declared an additional non-pecuniary interest in agenda item 5.1 – Laurel Lodge, Airfield Lane, Acaster Selby as the application was in his Ward and as such he had been involved in discussions relating to the application with the applicants, local residents and the Parish Council. However, Councillor Musgrave confirmed that he had come to the meeting with an open mind and without predetermination of the application.

The Solicitor confirmed that Councillor Musgrave was entitled to take part in discussions relating to agenda item 5.1 – Laurel Lodge, Airfield Lane, Acaster Selby as long as he was not predetermined.

18 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair informed Members that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

The Committee noted that details of any further representations received on the applications would be given by the Officers in their presentations.

19 MINUTES

Members considered the minutes of the Planning Committee meeting held on 5 August 2020 but were unable to approve them as only those who were present at the meeting on 5 August 2020 were able to do so.

RESOLVED:

That the minutes of the meeting of the Planning Committee held on 5 August 2020 be included in the agenda of a subsequent meeting of the Committee for approval.

20 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications.

20.1 2019/1173/FUL - LAUREL LODGE, AIRFIELD LANE, ACASTER SELBY

Application: 2019/1173/FUL

Location: Laurel Lodge, Airfield Lane, Acaster Selby

Proposal: Retention of one dwelling and car port/garden store and removal of the second dwelling

The Principal Planning Officer presented the application which had been brought before brought before Planning Committee as it constituted inappropriate development within the Green Belt. The matter for consideration was whether the case put forward by the applicants amounted to the 'Very Special Circumstances' necessary to 'clearly outweigh' the harm by reason of inappropriateness and any other harm identified.

The Committee noted that the application was for the retention of one dwelling and car port/garden store and removal of the second dwelling

An Officer Update Note had been circulated to Members and made available on the Council's website which stated that a letter from the applicants had been sent to all Members in advance of the meeting. Officers had also seen the letter and were aware of its contents.

Members asked questions of the Officer regarding the application before them, on matters such as the size of the proposed development compared to what had been on site previously and any possible enforcement action that may be required.

Officers explained that to build on the Green Belt required very special circumstances. Members noted that the granting of permission for a scheme such as the application before them could set a dangerous precedent for development in the Green Belt. It was not considered that the current application amounted to very special circumstances and as such the application should be refused, as recommended in the report.

The Committee acknowledged the regrettable situation that the applicants found themselves in but agreed that proper regulation and protection of the Green Belt was crucial; as such it would not be appropriate to grant permission on the site.

It was proposed and seconded that the application be refused; a vote was taken on the proposal and was carried.

RESOLVED:

To REFUSE the application for the reasons set out at paragraph 7 of the report.

20.2 2020/0073/COU - NORTH NEWLANDS FARM, SELBY ROAD, RICCALL

Application: 2020/0073/COU

Location: North Newlands Farm, Selby Road, Riccall

Proposal: Change of use of land for siting of a caravan for use as granny flat/annexe to the existing property (Retrospective)

The Principal Planning Officer presented the application which had been brought before brought before Planning Committee as the proposal was contrary to the requirements of the Development Plan (namely SP1 and SP2 of the Core Strategy) but it was considered there were material considerations which would justify approval of the application.

The Committee noted that the application was for the change of use of land for siting of a caravan for use as granny flat/annexe to the existing property

(Retrospective).

Officers confirmed the situation of the applicants and the reasons why the caravan was required.

The Committee expressed the opinion that the application before them was appropriate and that they had no concerns with the proposal.

It was proposed and seconded that the application be approved; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT the application subject to the condition set out at paragraph 7 of the report.

20.3 2020/0510/HPA - 4 THE CRESCENT, KELFIELD, YORK

Application: 2020/0510/HPA

Location: 4 The Crescent, Kelfield, York

Proposal: Erection of two-storey side extension

The Planning Officer presented the application which had been brought before Planning Committee at the discretion of the Head of Planning as 11 letters of representation had been received.

The Committee noted that the application was for the erection of a two-storey side extension.

An Officer Update Note had been circulated to Members and made available on the Council's website which stated that additional information had been received in support of the application from the applicant; the additional information had been circulated to Members in advance of the meeting.

Members asked questions of the Officer about both the previous and current designs of the extension and its size compared to the original footprint of the existing dwelling. Officers explained that letters of support for the scheme had been received but these had not been from immediate neighbours to the application site, or the local Parish Council.

The Committee considered the application in full and felt strongly that the design of the proposal was not appropriate and did not sit well with the surrounding area;

as such, it was proposed and seconded that the application should be refused.

A vote was taken on the proposal and was carried.

RESOLVED:

To REFUSE the application for the reason set out at paragraph 7 of the report.

The meeting closed at 3.04 pm.

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Planning Committee

Venue:	Microsoft Teams - Remote
Date:	Wednesday, 2 September 2020
Time:	2.00 pm
Present remotely via Teams:	Councillor J Cattanach in the Chair Councillors I Chilvers, P Welch, K Ellis, D Mackay, M Jordan and J Mackman (Vice-Chair)
Officers Present remotely via Teams:	Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent – Principal Planning Officer, Ashley Pratt – Highways Officer (North Yorkshire County Council) and Victoria Foreman – Democratic Services Officer

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Topping and R Packham. Councillor T Grogan was in attendance as a substitute for Councillor Topping, and Councillor S Shaw-Wright was in attendance as a substitute for Councillor Packham.

22 DISCLOSURES OF INTEREST

Councillors J Cattanach, J Mackman, I Chilvers, P Welch, D Mackay and M Jordan declared non-pecuniary interests in agenda items 5.1 and 5.2 – 2019/1343/EIA and 2019/1344/FULM Eggborough Power Station, Selby Road, Eggborough as they had received additional representations from the applicants via email.

23 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

The Committee were also informed that representations had been received from a Member requesting that the consideration of the applications be deferred until public speaking at meetings of the Planning Committee was available again.

Lastly, it was noted that details of any further representations received on the applications would be given by the Officers in their presentations.

24 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 12 August 2020.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 12 August 2020 for signing by the Chairman.

25 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications.

25.1 2019/1343/EIA - EGGBOROUGH POWER STATION, SELBY ROAD, EGGBOROUGH

Application: 2019/1343/EIA

Location: Eggborough Power Station, Selby Road, Eggborough

Proposal: Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping

The Principal Planning Officer presented the application which had been brought before brought before Planning Committee as the proposal represented a departure from the Development Plan as it proposed new industrial development within the open countryside. However, Officers considered that there were material considerations which would support the recommendation for approval.

The Committee noted that the application was a hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres

and 24.5 metres, car parking, drainage infrastructure and strategic landscaping.

An Officer Update Note had been circulated to Members and made available on the Council's website which set out extra information for consideration by the Committee, including an additional Member representation requesting deferral until public speaking was available again at Planning Committee meetings, deletion of a policy reference from the report, details of additional consultation responses and a representation received since report publication, corrections to the recommendation and two additional informatives relating to the model railway and public footpaths.

Following a detailed presentation from Officers, Members asked a number of questions on varying aspects of the application, including highways matters such as roundabouts and traffic impact and assessments, which the Highways Officer from North Yorkshire County Council confirmed were acceptable.

In response to a question about how the amounts included in the estimated local economic benefits of the scheme were arrived at, Officers explained that the applicants, who had experience with similar sites around the country, had undertaken a detailed analysis, the results of which had been submitted with the application.

The Committee also discussed alternative access points to the site, including the provision of roundabouts, traffic speed and congestion, structure heights and massing and the permanent retention of the National Grid substation. Officers also confirmed that no response to the consultation on the scheme had been received from the Bat Group.

Following a lengthy debate, it was the overall opinion of the Committee that the application before them amounted to special circumstances for such a development on the site, and amounted to a detailed and well-presented scheme.

It was proposed and seconded that Members were minded to approve the application; a vote was taken on the proposal and was carried.

RESOLVED: That

- a) the Planning Committee were MINDED TO APPROVE the application subject to the**

schedule of conditions set out in the report and the conditions and additional informatives in the Officer Update Note;

- b) authority be confirmed to Officers to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 with the Planning Committee's resolution to support it;**
- c) in the event that the application was not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application, subject to the imposition of the attached schedule of conditions. That delegation would include the alteration, addition or removal of conditions from that schedule if amendment became necessary as a result of continuing negotiations and advice, and provided such condition(s) met the six tests for the imposition of conditions and satisfactorily reflect the wishes of the Planning Committee; and**
- d) in the event that the application was called in for the Secretary of State's own determination, a further report would come to the Planning Committee.**

25.2 2019/1344/FULM - EGGBOROUGH POWER STATION, SELBY ROAD, EGGBOROUGH

Application: 2019/1344/FULM

Location: Eggborough Power Station, Selby Road, Eggborough

Proposal: Proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane

The Principal Planning Officer presented the application which had been brought before brought before Planning Committee as the proposal was to be considered alongside the full hybrid application 2019/1343/EIA which required determination by Committee.

The Committee noted that the application was for the proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with

car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane.

An Officer Update Note had been circulated to Members and made available on the Council's website which explained that an additional letter of representation had been received, which stated that a number of traffic counters were placed on Hazel Old Lane in lockdown, but that if this was put forward as a claimed for low usage of the Lane, it should not be considered. Officers explained that less traffic within the lockdown period was known to increase vehicle speeds. The traffic counters were placed there to assess speed, not general flow. North Yorkshire County Council Highways had raised no objections to either access.

Members asked if any issues relating to the public right of way would need to be brought back to the Committee for consideration; Officers confirmed that they would not and would be dealt with by the County Council. The applicants were mindful of this fact.

Officers confirmed that should additional car parking spaces be needed for the two football pitches in the future, a grassed area adjacent to the existing car park could be used for this purpose. The scheme had been designed with such fluidity and the use of one pitch at a time in mind.

Overall, the Committee were supportive of the scheme and the facilities it would provide for the community. It was proposed and seconded that the application be granted; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 7 of the report.

The meeting closed at 3.54 pm.

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Planning Committee – Remote Meetings

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. 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 published on the Council's website alongside the agenda.
3. 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, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
5. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
6. 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.
7. 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.
8. This is a council committee meeting which is viewable online as a remote meeting to the public.

9. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
10. The arrangements at the meeting may be varied at the discretion of the Chairman.
11. For the time being, the Code of Practice for Dealing with Planning Matters is modified so that the public speaking scheme will not apply to Remote Meetings. This is due to the need to manage the duration and security of the meetings. Instead, written representations on planning applications can be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
12. The Remote Meetings Regulations provide flexibility in light of the Covid-19 pandemic, and allow meetings to be moved, called or cancelled without further notice. For this reason, the public are encouraged to check the Council's website in case changes have had to be made at short notice. If in doubt, please contact either the Planning Department on planningcomments@selby.gov.uk or Democratic Services on democraticservices@selby.gov.uk for clarification.
13. A provisional Calendar of Meetings is operating, with Planning Committees usually sitting on a Wednesday every 4 weeks. However, this may change depending upon the volume of business as we emerge from lockdown. Please check the meetings calendar using this link for the most up to date meeting details:
<https://democracy.selby.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>
14. To view the meeting online, find the relevant meeting from the list of forthcoming Remote Planning Committee meetings. The list of forthcoming meetings is here:
<https://democracy.selby.gov.uk/ieListMeetings.aspx?Committeeld=135>

Find the meeting date you want and click on it. This will take you to the specific meeting page. Under the section on the page called 'Media' is the link to view the online meeting – click on this link.
15. Please note that the Meetings are streamed live to meet with the legal requirement to be "public" but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded the Chair will inform viewers.
16. These procedures are being regularly reviewed as we start to operate in this way and will include reviewing the feasibility of introducing public speaking at the Remote Meetings in the future.

Contact:

Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

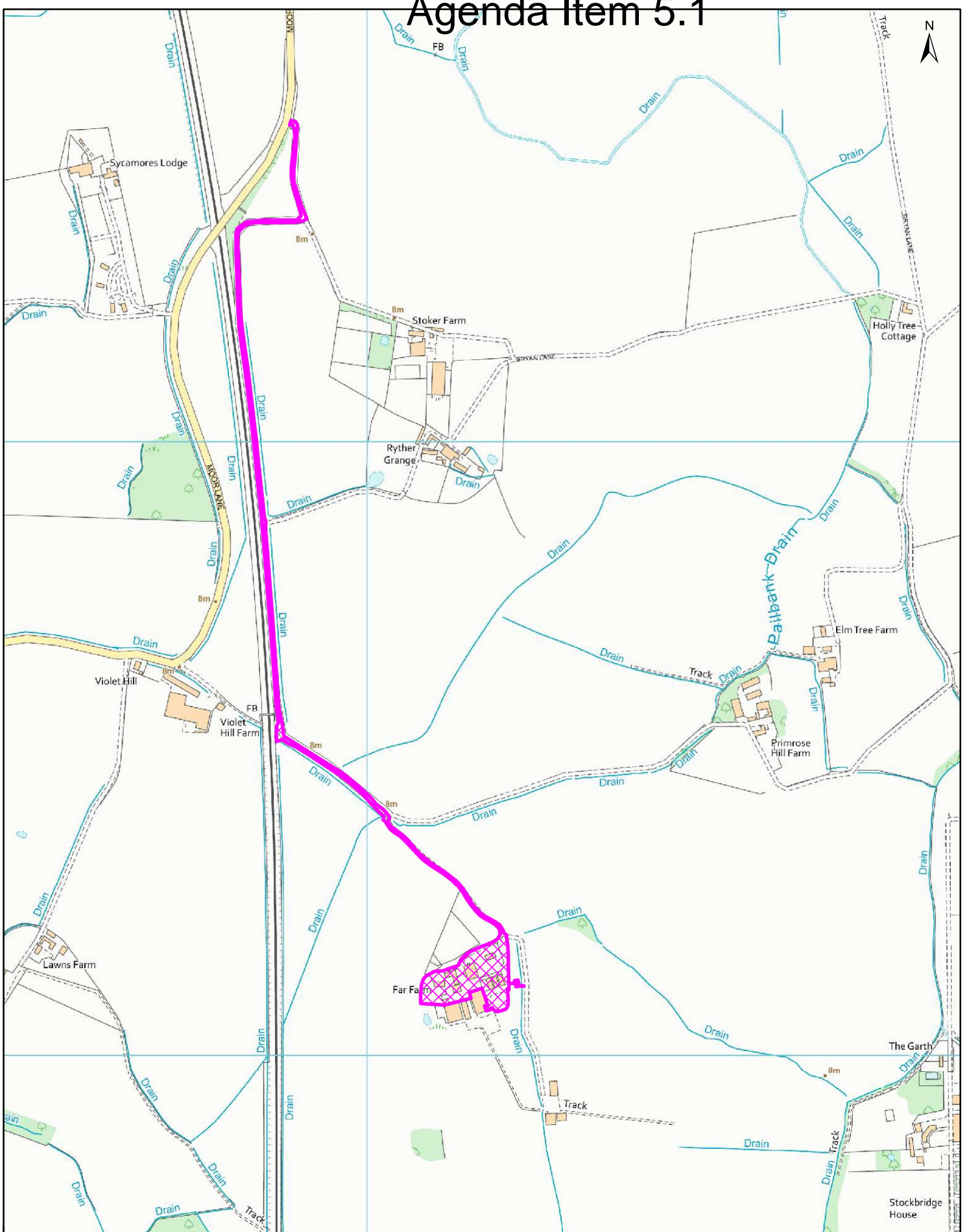
Items for Planning Committee

23 September 2020

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2019/0110/COU	Far Farm, Mill Lane, Ryther	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn.	RELE	25 - 54
5.2	2020/0264/FUL	St Marks Square, New Lane, Selby	Change of use of land into a community garden.	RELE	55 - 72
5.3	2020/0442/S73	Post Office Store, 2 High Street, Cawood	Section 73 to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses.	RELE	73 - 88
5.4	2020/0828/S73	Quarry Drop, Westfield Lane, South Milford	Section 73 application to vary condition 04 (approved plans) of planning permission 2010/0507/FUL for construction of a five bedroom, three storey detached house.	JETY	89 - 106

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Agenda Item 5.1



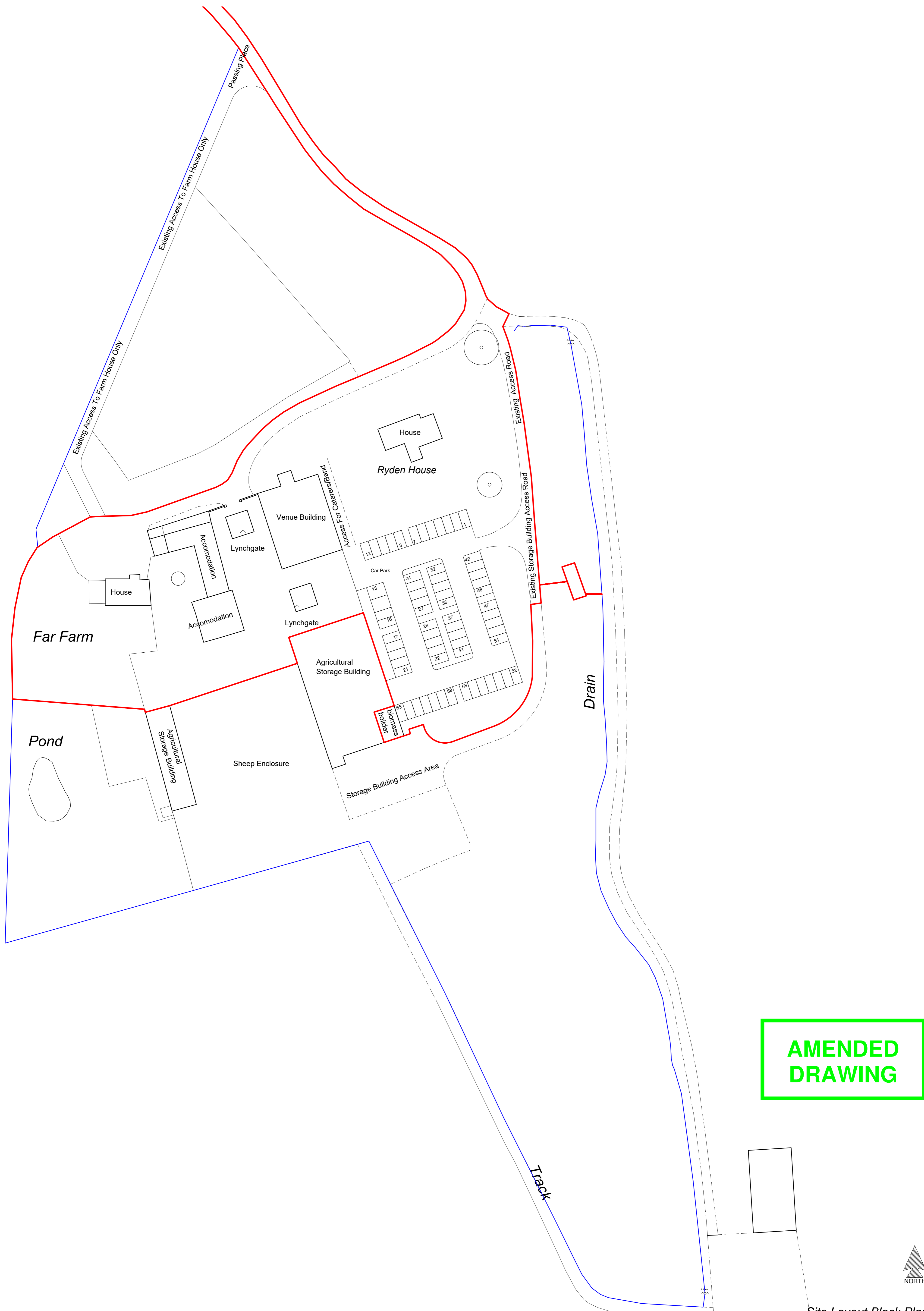
APPLICATION SITE

Far Farm, Mill Lane, Ryther
2019/0110/COU

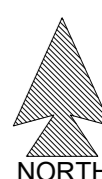
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**AMENDED
DRAWING**



Site Layout Block Plan

red line site area 12,385sqm

Spinko Ltd

Far Farm Ryther Tadcaster LS24 9EL

Proposed Block Plan scale 1:500 17/07/2019 drwg. no. 2738-06-01D

Chris Finn Architect

BOWLING GREEN HOUSE
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Report Reference Number: 2019/0110/COU

To: Planning Committee
Date: 23rd September 2020
Author: Rebecca Leggott (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Cum Ossendyke Parish Council
APPLICANT:	Spinko Ltd	VALID DATE:	15th February 2019
		EXPIRY DATE:	12th April 2019
PROPOSAL:	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn		
LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
RECOMMENDATION:	Approve subject to conditions		

1. Introduction

- 1.1. Members will recall the above application which was considered by the Planning Committee meeting of the 4th December 2019. Officers recommended approval subject to a completion of a Unilateral Undertaking and subject to conditions attached to any consent granted. The report to that meeting is included as Appendix 1.
- 1.2. Following this meeting, the applicants informed Officers that they were no longer able to enter into a legal agreement. Therefore, Officers have been working with Officers in the Environmental Health team and the Council's Planning Solicitor to resolve the outstanding issue of residential amenity.
- 1.3. In conclusion, Officers have agreed to replace Condition 5 requiring the two dwellings within the redline boundary not to be sold off separately to the Planning Unit (Wedding Venue) with a planning condition relating to noise levels. This is in order to resolve

issues relating to impacts on residential amenity and in order to remove the requirement for a Unilateral Undertaking.

1.4. This condition will now state the following:

05. In relation to noise from amplified music, the LAeq (EN) shall not exceed LA90 (WEN), and the L10 (EN) shall not exceed L90 (WEN) in any 1/3 octave band between 40 and 160Hz. NB entertainment noise level (EN) and representative background noise level without the entertainment noise (WEN), both representative of 1m from the façade of the noise-sensitive premises

Reason:

In order to protect residential amenity of neighbouring dwellings and future occupiers of Royden House and Far Farm.

1.5. Therefore, the recommendation has been updated to state, "This application is recommended to be APPROVED subject to the following conditions:"

2. Legal Issues

2.1. Planning Acts

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

2.2. 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.

2.3. 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.

2.4. Financial Issues

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

2.5. Conclusion

As stated in the main body of the report.

2.6. Background Documents

Planning Application file reference 2019/0110/COU and associated documents.

Contact Officer: Rebecca Leggott, Senior Planning Officer

Appendices:

Appendix 1 – Site Photos

Appendix 2 – December 2019 Planning Committee Report (2019/0110/COU)

Appendix 1 - Site Images

APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Cum Ossendyke Parish Council
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LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
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Aerial view of the site



View of the access on to Moor Lane



Image of part of the access track



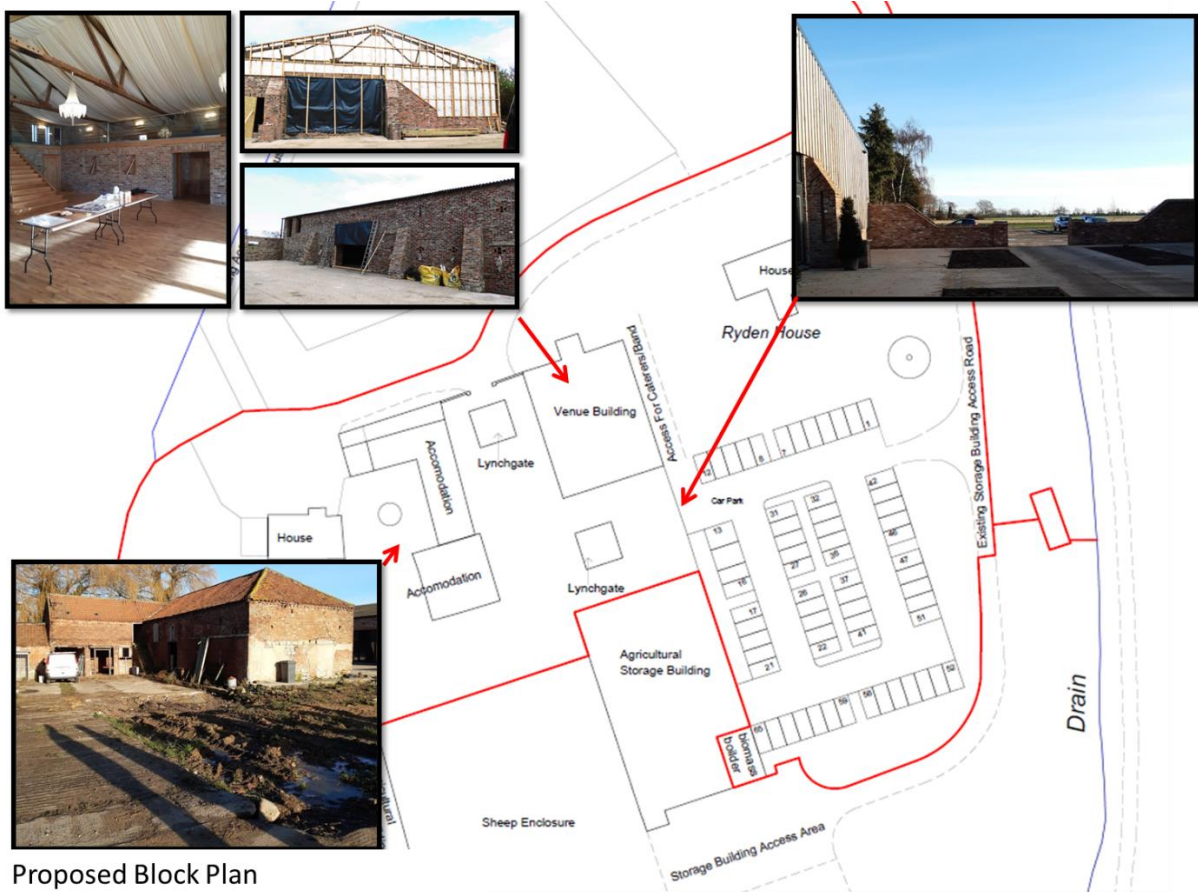
South Elevation of the Venue Building



View of the existing building to be used as the accommodation block



View looking East over the location of the proposed car park



Proposed Block Plan



Report Reference Number: 2019/0110/COU

To: Planning Committee
 Date: 4th December 2019
 Author: Rebecca Leggott (Senior Planning Officer)
 Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Cum Ossendyke Parish Council
APPLICANT:	Spinko Ltd	VALID DATE: EXPIRY DATE:	15th February 2019 12th April 2019
PROPOSAL:	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn		
LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
RECOMMENDATION:	Approve subject to a Unilateral Undertaking		

This application has been brought back to Planning Committee following further discussions with the applicant to address concerns raised in terms of residential amenity.

This application is to be determined by the Planning Committee since it does not strictly accord with Policy EMP8 (1) and (2) of the Selby District Local Plan as identified in the report below. However, since the proposal would comply with all other relevant criteria, it is considered that there are material considerations which support the application and the recommendation is for approval subject to a Unilateral Undertaking.

Furthermore, the July Planning Committee report and October Planning Committee report are appended to this Planning Committee report

1. Introduction and background

The Site

- 1.1. The proposal is as described above and as shown in the accompanying plans and drawings.
- 1.2. The application site is located outside any defined development limits and is therefore located within the open countryside. The application site is located within an agricultural setting with a number of dwellings within proximity. Furthermore, the majority of the application site is located within Flood Zone 1 with part of the access lying within Flood Zone 2. However, it is noted that the application site would be accessed from an existing access point and road.
- 1.3. Further to this, the application site includes agricultural land and a farmstead, which was previously associated with a piggery. It is also noted that there are two residential properties within the red line boundary of the application which confirms that they are also owned by the applicant. Further to this, the application site is located within proximity to other part residential and part agricultural properties which are surrounded by open fields.

The Proposal

- 1.4. The application is for a proposed change of use of land and buildings previously in use as a piggery to that of a wedding venue. The proposal includes the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 1.5. It is noted from a site visit that the application is part retrospective, which includes key changes such as the demolition of a number of buildings, the creation of a new access and the significant re build of the venue building.
- 1.6. Further to this, it is evident from a review of the plans and drawings and a site visit that the proposed scheme involves significant rebuilding works to an existing portal frame barn, due to the retrospective insertion of new structural beams. The retrospective rebuilding and alterations have taken place inside and outside the fabric of the existing building and the works have removed some of the fabric and character of the existing building. In addition, works include site clearance for the car parking area and alterations to the road into the farmstead. It should be noted that there is no new access to the site from the adopted highway proposed.
- 1.7. From a review of the plans and drawings and from a site visit the proposed scheme would involve signification external changes to existing buildings.

Planning History

- The following historical applications are considered to be relevant to the determination of this application:
- 2007/0975/FUL, Resubmission of withdrawn application 8/65/4D/PA (2007/0549/FUL) single storey extension to side following demolition of existing garage Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: PER, Decision Date: 16-OCT-07

- 2007/0549/FUL, Single storey extension to the north elevation and 1st floor extension above existing garage, Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: WDN, Decision Date: 07-JUN-07
- CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80
- CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80
- CO/1991/1172, Outline application for the erection of an agricultural workers dwelling on land adjacent to Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, LS24 9EG, Decision: PER, Decision Date: 25-APR-91

2. Consultations and Publicity

- 2.1. The application has been advertised by site notices and adjoining neighbours have been notified directly, in order to comply with the Council's commitment with regard to publicity for planning applications.
- 2.2. **Parish Council** – The Ryther Parish Council have raised no objections to the proposed development however have commented that they *“wish to highlight the need for careful consideration of planning regulations to provide for appropriate drainage from the site. Schemes that provide some water storage at times of high rainfall may be helpful to slow flows into water courses.”*
- 2.3. **NYCC Highways Canal Rd** – NYCC Highways most up to date comments have raised no objections subject to a condition relating to the access and verge crossing construction requirements. Further to this, an informative has been suggested which relates to a separate license being required from the Highway Authority in order to allow any works in the adopted highway.
- 2.4. **Selby Area Internal Drainage Board** – The IDB have raised no objections to the proposed development subject to a condition relating to the any surface water discharge into any watercourse in, on, under or near the site requires consent from the IDB.
- 2.5. **Land Use Planning Yorkshire Water Services Ltd** – No comments have been received from Yorkshire Water within the statutory consultation period.
- 2.6. **SuDS And Development Control Officer** – The LLFA have raised no objections to the proposed development in principle. However, have stated that, “No details of the existing or proposed drainage network, the proposed permeable area that will replace hard standing or the current and proposed rates of discharge have been submitted.”

SuDs have stated that, “only very basic drainage information has been submitted” and have requested that existing and proposed drainage rates be submitted. Further to this, it is advised that a “greenfield” rate should be achieved.

The LLFA has recommended that the applicant provides further information before any planning permission is granted by the LPA. The following should be submitted and approved by the Local Planning Authority;

- Infiltration testing to BRE 365 standard to confirm infiltration rates and suitability for permeable surfacing.
- Details of the permeable surfacing to replace hard standing areas.
- Confirmation of proposed drainage network, including pipe sizes, gullies, outfalls etc.
- Confirmation of existing and proposed drainage rates.

2.7. **Environmental Health** – Environmental Health’s original comments from the 11th March 2019 raised objections to the proposed development. The concerns raised related to “unacceptable disturbance, most notably from noise pollution”. However, the Environmental Health Officer advised that they would be able to remove their objection should the mixed residential and commercial uses within the application boundary be formally linked to the properties within the blue line.

Further to this, the following informatives were suggested by the EHO:

- 1) The applicant has indicated the use of a package treatment plant for the disposal of foul sewage. It is advised that the installation of a new foul drainage system would require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency. The applicant may wish to consult the Environment Agency to ensure that the necessary consent will be granted.
- 2) The aggregated net rated thermal input of the biomass boiler is not specified and, therefore, may be subject to an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.

Following discussions with the applicant and advice from legal services the LPA were unable to link the occupancy of the two dwellings within the blue line to the use of the wedding venue. However, the applicant provided a Preliminary Noise Report which the Environmental Health Officer provided comments on the 8th August which stated that their objections still remained.

The applicant also submitted a full Acoustic Report of which Environmental Health provided comments on the 16th September 2019. In summary these confirmed Environmental Health’s objections to the proposed development without a formal link with the properties within the applicant’s ownership. Further to this, it is noted that the Environmental Health Officer and the applicant’s Acoustic Consultant had a discussion to which it was agreed that a 2 year temporary permission on the use of the venue building as a wedding venue may be acceptable.

Further discussions have taken place between the applicant and the Environmental Health Officer and the Environmental Health Officer’s most up to date position reflects that of their original comments. Overall, the Environmental Health Officer advises that they would be able to remove their objection should the mixed residential and commercial uses within the application boundary be formally linked to the properties within the redline boundary. Subject to this link, no conditions are requested. However, two informatives are advised to be attached relating to the use of a package treatment plant and the biomass boiler.

2.8. **North Yorkshire Bat Group** – No comments have been received from the North Yorkshire Bat Group within the statutory consultation period.

- 2.9. **Yorkshire Wildlife Trust** - No comments have been received from Yorkshire Wildlife Trust within the statutory consultation period.
- 2.10. **County Ecologist** – NYCC Ecology have raised no objections to the proposed development subject to the following conditions: (1) compliance with recommendations set out in the Bat Emergence Survey and (2) Invasive Weed Management Plan to be submitted prior to commencement. Further to this, an informative is suggested relating to works taking place outside bird nesting season (March to August) or after a competent person has confirmed that no active nests are present.
- 2.11. **Public Rights Of Way Officer** – The public rights of way officer has raised no objections subject to an informative relating to, no works being undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.
- 2.12. **Network Rail** – Network rail have raise no objection to the proposed development.
- 2.13. **Ainsty (2008) Internal Drainage Board** - The IDB have raised concerns for the proposed development and have advised that the following information would be required prior to any permissions being granted:
- This includes details of surface water drainage which would not adversely affect the surface water drainage of the area and amenity of adjacent properties.
 - Appropriate testing to consider the usage of soakaways (existing or newly constructed).
 - Confirmation of permissions to discharge into an existing water course.
 - Details of the existing capacity of the water course intended to be used and whether it can be demonstrated that there is currently positive drainage and a proven connection to the water course or sewer.

If the above can be satisfied the IDB would advise that the rate of discharge should be constrained at green field rates, as detailed within the planning comments submitted.

- 2.14. **Neighbour Summary** – All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. It is noted that 32 letters of support were received in relation to the original proposals relating to the design and sustainability of the proposal. However, following re consultation on the amended scheme no comments were received.

It should be noted that none of the letters of support received were from residents within the vicinity of the application site. Further to this, four letters of support were received from the applicant's Architect and his family members and a number of letters were received from residents outside the Selby District. Therefore, limited weight has been applied to these.

- 2.15. **Contaminated Land Consultant** – The contaminated land consultant has raised no objections to the proposed development. It is confirmed that the contaminated land reports are acceptable. However, a condition is advised relating to unexpected contamination.

- 2.16. **Environment Agency** – The EA have raised no objections to the proposed development.

3. Site Constraints and Policy Context

Constraints

- 3.1. The site is in the open countryside without allocation.

Policy Context

- 3.2. 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.
- 3.3. 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.
- 3.4. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 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 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)."

- 3.7. The principal Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 - Scale and Distribution of Economic Growth

- SP15 – Sustainable Development and Climate Change Enhancing the Environment
 - SP16 – Improving Resource Efficiency
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality
- 3.8. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF in relation to the presumption in favour of sustainable development and decision taking.
- 3.9. Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy.
- 3.10. Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

Selby District Local Plan

3.11. The relevant Selby District Local Plan Policies are as follows:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- EMP2 – Location of Economic Development
- EMP8 – Conversion to Employment Use in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT10 – Tourism Related Development
- RT11- Tourist Accommodation

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

3.12. The National Planning Policy Framework (July 2018) replaces the first NPPF 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 (para 12). This application has been considered against the 2018 NPPF.

4. Appraisal

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

- The Principle of the Development
- Conversion/ not require substantial rebuilding or extensive alteration
- Impact on Residential Amenity
- Flood Risk and Drainage
- Nature Conservation and Protected Species

- Land Contamination
- Rural Economy
- Waste and Recycling
- Rural Economy

The Principle of the Development

- 4.2. Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 4.3. The application site is located outside any defined development limits and is therefore located within the open countryside
- 4.4. Policy SP2A (a) of the Core Strategy states, *"The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints"*. Further to this, the Policy SP2A (b) states, 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.
- 4.5. Policy EMP8 of the Selby District Local Plan states the following:
- "Proposals for the conversion of rural buildings for commercial, industrial or recreational uses, including appropriate farm diversification activities, will be permitted provided:*
- 1) The building is structurally sound and capable of re-use without substantial re-building;*
 - 2) The proposed re-use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re-building and/or extension;*
 - 3) Conversion would not damage the fabric and character of a building of architectural or historical interest, or a traditional building which makes a positive contribution to the character of the countryside;*
 - 4) The form, bulk and general design of the building is in keeping with its surroundings;*
 - 5) The conversion of the building and ancillary works, such as the creation of incidental outside areas, and the provision of satisfactory access and parking arrangements, would not have a significant effect on the character and appearance of the area, or encroach into open countryside; and*
 - 6) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity."*
- 4.6. Policy RT11 of the Selby District Local Plan relates to proposed for serviced or non- serviced tourist accommodation. Although this proposal is for a Wedding Venue it is considered that this policy would hold some weight in terms of providing a form of accommodation. Policy RT11 outlines the following:

“Proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises, will be permitted provided:

1) The proposal would be located within defined development limits or, if located outside these limits, the proposal would represent the use of either;

- i. A building of either architectural or historic interest, or;*
- ii. An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or;*
- iii. An extension to an existing hotel or other form of accommodation;*
and

2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;

3) In meeting car parking and access requirements, there would not be a significant adverse effect on the setting of the building or the character of the area; and

4) The size and scale of the proposal would be appropriate to the locality.

In granting permission for self-catering accommodation, the local planning authority will ensure that a condition restricting the maximum period of occupation of the premises is applied.

- 4.7. The proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 4.8. The application site is located outside any defined development limits and therefore within the open countryside and the proposals would involve the conversion of two existing buildings for employment use. The proposals would be acceptable in principle in terms of Policy SP2A (b). However, proposals that are acceptable in principle are still required to meet the policy tests set out within this policy. This includes whether the proposed development would contribute towards or maintain the vitality of rural communities, in accordance with policy SP13.
- 4.9. Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in in Local Plan Policy EMP8 (1), (2), (3), (4), (5), (6) and Policy RT11 (1), (2), (3) and (4) and all other relevant local and national policy tests.
- 4.10. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

Conversion/ not require substantial rebuilding or extensive alteration

- 4.11. The principal tests in Policy EMP8 of the Selby District Local Plan of relevance are summarised below together with officer comments:

1) *Structurally sound and capable of re-use without substantial rebuilding*

In respect of the proposed accommodation building, it is noted from a site visit that the building in question is a brick built agricultural building of substantial construction. This building is proposed to be converted and extended. Overall, it is considered that this building is of a substantial construction and capable of re-use without substantial rebuilding.

In respect of the proposed venue building, having carried out a site visit it is evident that the building on site was a portal frame building and not of substantial construction. It appears from the photographic evidence that substantial works would have been required. However, this work has already been carried out on site.

It is noted that the application is accompanied by a brief Structural Survey Report prepared by Finn and Finn Architects that identifies that the existing Venue buildings structural frame has been designed to support "all or part of" the cladding. Further to this, the report concludes that the timber frames were in good condition and no repair or replacement works were necessary. Overall, the report concludes that, the existing buildings are structurally sound.

In considering the building proposed to be used as the venue building this was a portal frame building and was not of a substantial construction. Further to this, from a site visit the works to this building are retrospective and it is evident that the works involve rebuilding and the inclusion of additional structural elements resulting in this building now being structurally sound. Overall, it is not considered that the venue building was of substantial construction and is evidently not capable of re-use without substantial rebuilding.

Therefore, it is not considered that the proposals on a whole comply with EMP8 (1).

2) *The proposed re-use or adaptation would generally take place within the fabric of the building and will not require extensive alteration/ rebuilding or extension.*

The scheme is considered to be the conversion of two existing rural buildings to employment use as a wedding venue. The works to the building proposed to be used for accommodation involved the demolition of a single storey portal frame projection and a two storey extension and the insertion of a numerous window and door openings. The works to the building proposed to be used for the venue building involve the demolition and rebuilding of part of the block work in brick around the outside and the re cladding of the external surfaces.

Overall it is considered that both buildings to be converted involve works which take place outside the fabric of the existing buildings and therefore the part retrospective development does not comply with Policy EMP8(2).

3) *Conversion would not damage the fabric and character of a building of architectural or historic interest or a traditional building which makes a positive contribution to the character of the countryside*

In respect of the building proposed to be used as accommodation this is considered to be a traditional brick built barn building of interest. The proposed

development would reasonably conserve this building and would be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment.

In respect of the building proposed to be used as the venue building the original portal frame barn was not considered to be a building of architectural or historical interest.

Overall, the scheme is considered to be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment. The scheme is therefore in accordance with Policies EMP8 (3) and ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

- 4) *The form, bulk and general design of the building is in keeping with its surroundings.*

The overall scheme including the improved design to the existing buildings on site, the proposed landscaping and the overall improved design and appearance of the site from the previous use as a piggery.

The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this, the proposed development would be in keeping with the surroundings of the open countryside.

- 5) *The conversion of the building and ancillary works, would not have a significant effect on the character and appearance of the area, or encroach into the open countryside.*

The proposed development would include the creation of a large car park with a capacity for 67 cars. It is noted that this it would be in the location of previously demolished structures. Further to this, where the parking area may have some impacts on the open countryside this has been designed in such a way that the landscaping limits the impacts and would appear in character with the surrounding area by way of high quality landscaping.

- 6) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.*

NYCC Highways have provided comments on the proposed development of which the latest comments following a site visit confirm that highways have no objections to the proposed development subject to a condition regarding, Private Access/ Verge Crossings: Construction Requirements. Further to this, an informative has been suggested regarding, a separate license being required from the Highway Authority to allow for works in any adopted highway.

From a site visit it is noted that the unadopted access road is very narrow with limited room for passing. However, following discussions with the applicant details have been provided, drawing reference, 18038.GA.01, and can be secured by way of condition.

Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Overall, in respect of Policy EMP8 of the Selby District Local Plan on balance the proposed development would be comply with criteria (2) of the policy and would be acceptable in respect of Local Plan Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF.

Design

- 4.12. Relevant policies in respect of design and impact on the character of the area include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to the Local Plan Policies ENV1 and EMP8 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 124, 127, 128, 130 and 131.
- 4.13. The application is for the proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 4.14. In respect of the proposed accommodation block this relates to the conversion and extension of an existing traditional brick built agricultural building. The proposal would involve the retention of all brick elements of the existing building. However, would involve the demolition of the pole barn and the erection of a metal clad extension with a pantile gable roof.
- 4.15. In respect of the proposed venue building this relates to the conversion of a portal frame barn building with a metal clad roof and part breeze block and part wooden clad walls. The works to this building are part retrospective and involve the demolition of some of the breeze block walls and the erection of traditional brick walls, new wooden cladding and metal sheet roofing.
- 4.16. The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this the proposed development would be in keeping with the surroundings of the open countryside.
- 4.17. In respect of the lynch gates these would be simple in form and small in scale. These would be simple structures and would be of a brick and timber construction.
- 4.18. In respect of the car park with capacity for 67 cars, this would be located in the place of a number of buildings which have now been demolished. It is noted that a car park of this size would not be typical of this location, within the open countryside. However, a detailed landscaping plan has been submitted which shows boundary treatments involving native species and a wide variety of different planting throughout the site. It is considered that the scheme of landscaping submitted would provide sufficient screening to the car park and the site as a whole in order to ensure the proposed development would be in keeping with the

character and appearance of the area and would not appear to visually encroach into the open countryside in compared the proposed scheme to the previous structures and use of the site.

- 4.19. In terms of the proposed alterations although these would be extensive in terms of extensions, re cladding and new openings, it is considered that these would result in an overall improved design.
- 4.20. Having regard to the above, it is considered that the proposed scheme would have an acceptable siting, design and appearance and would not have any significant adverse impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and EMP8 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.

Impact on Residential Amenity

- 4.21. The neighbours have made no comments in relation to the current proposals. However, a number of letters of support have been submitted though none of which are from any of the neighbouring properties or from within the vicinity of the application site.
- 4.22. It is noted that amendments have been made to the plans and drawings to include the two residential dwellings within the ownership of the applicant within the redline boundary of the site.
- 4.23. Environmental Health were consulted on the application and have raised no objections to the proposed development subject to the linking both of the residential properties within the red line boundary to the proposed development and new business use. This is so as to prevent concerns for unacceptable disturbance and noise pollution for any future users.
- 4.24. The applicant and agent have confirmed that they are agreeable to entering into a legal agreement to ensure that the occupancy of the two residential dwellings are connected to the wedding venue and are not to be sold separately in order to protect the residential amenity of the dwellings. This would create a link between the two residential dwellings on site and the proposed development.
- 4.25. It is noted that a Management Plan has been submitted regarding the restrictions intended to be applied to the proposed Wedding Venue in terms of noise management. In summary, this includes the link between the two residential dwellings on site and the proposed development, no fireworks will be allowed on site and no amplified music will be allowed outside the venue building.
- 4.26. In considering all of the above and the proposed legal agreement to link the two dwellings on site to the wedding venue and sufficient separation distance between the proposal and other surrounding properties and businesses the proposal is considered acceptable subject to a number of conditions as follows: (1) The use as a wedding venue and associated facilities only and (2) the two residential properties are not to be sold off separately.
- 4.27. The neighbours outside of the redline site have made no comments and given the separation and the alignment between properties and the controls to be imposed by the management plan it is considered that the proposal would not have

significant adverse effect upon adjoining residents in accordance with Policy ENV1 and ENV2 of the Selby District Local Plan and EMP8 of the Core Strategy.

Flood Risk and Drainage

- 4.28. Firstly addressing the issues of flood risk, the application site is within Flood Zone 1 and part of the access road is within Flood Zone 2. In considering this the Environment Agency advice that there standing advice is followed for more vulnerable developments within Flood Zone 2. This includes: (1) surface water management, (2) access and evacuation for any parts of a building below estimated floor levels and (3) Ground floor levels. In considering the standing advice details of a surface water management plan could be secured by way of condition.
- 4.29. In terms of drainage, the submitted application form sets out that surface water would be disposed of via existing water course and the foul sewage would be disposed of via a package treatment plant.
- 4.30. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals and neither have raised objections to the proposed development
- 4.31. The Selby Area IDB have raised no objections to the proposed development. It is also noted that the Selby Area IDB welcome the approach to reduce surface water run- off.
- 4.32. The Ainsty IDB have raised no objections to the proposed development. It is noted that the IDB have raised concerns that there would be an increase in impermeable surfaces on site. However, it should be noted that proposed development demonstrates a reduction in hard surface area.
- 4.33. Further to this, Environmental Health have advised that two informatives be attached to any permissions granted: (1) Package treatment plant shown outside of the red line boundary requiring approval and consent from the Environment Agency; and (2) Biomass boiler Environmental Permit.
- 4.34. It is also noted that the Environment Agency have raised no objections to the proposed development.
- 4.35. Foul water is going to a new package treatment plant which is shown on the drawings so does not need conditioning since it will be on any approved drawings. It is noted that, limited information has been provided in terms of the scheme for surface water drainage. However, it is considered that an acceptable scheme of drainage can be achieved therefore notwithstanding the information submitted further information can be requested and subsequent measures secured by way of condition.
- 4.36. On the basis of the above the proposals are considered to be acceptable in terms of drainage, and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and paragraph 163 of the NPPF.

Nature Conservation and Protected Species

- 4.37. The application site is not a protected site for nature conservation nor is it known to be in close proximity to any site supporting protected species or any other species of conservation interest.
- 4.38. It is noted that a number of ecology surveys were submitted with this application including a Preliminary Ecological Appraisal Report and Bat Emergence Survey Report.
- 4.39. NYCC Ecology have been consulted and have commented that, the site is of low ecological value and there are no objections to the proposed development subject to the following conditions: (1) Compliance with the recommendations contained within the Bat Emergence Survey Report and (2) Submission of an Invasive Weed Management Plan. Further to this, an informative has been suggested regarding taking place outside of bird nesting season.
- 4.40. It should be noted that an Invasive Weed Management Plan has been submitted and comments have been sought from NYCC Ecology. In summary NYCC Ecology have no objections to this.
- 4.41. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and paragraphs 170, 172 and 175 the NPPF.

Land Contamination

- 4.42. Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 4.43. The application is supported by the following: (1) Phase 1 Geoenvironmental Appraisal, (2) Remediation Strategy and (3) Verification Report.
- 4.44. Having sought comments from the Contaminated Land consultant, they have confirmed that the information provided is sufficient. However, it has been advised that a condition be attached relating to unexpected contamination.
- 4.45. Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 118, 170, 178 and 179 of the NPPF.

Waste and Recycling Facilities

- 4.46. With respect to Waste and Recycling, a contribution for such provision would not be required for a scheme of this scale. However there are areas where bin storage could be provided in the application site.

Rural Economy

- 4.47. The proposal is for the change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection

of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn.

- 4.48. Relevant policies within the NPPF, which relate to employment uses within rural areas, include paragraphs, 83 and 84.
- 4.49. In considering this, the applicant has submitted a number of supporting documents including a, Design and Access Statement, Planning Statement and brochures from an existing wedding venue run by the applicants regarding the benefits of the proposed development in relation to the rural economy. In summary this demonstrates the extensive rural economic benefits which would be associated with this type of proposed development. The proposed scheme will provide further employment, support local rural businesses i.e. florists, caterers, makeup artists, hairdressers, taxi firms and other small service businesses. Further to this, the proposed scheme would create numerous additional job opportunities.
- 4.50. It is noted that the applicant states that the proposed scheme would have environmental and sustainability benefits and further to this would involve farm diversification opportunities.
- 4.51. It is considered that the proposals will result in a number of employment opportunities associated with the operation of the wedding venue which will benefit the local economy. As such are acceptable in terms of impacts on the rural economy in accordance with Policy SP13C of the Selby District Core Strategy and paragraphs 83 and 84 of the NPPF.
- 4.52. It is noted that a wide range of support letters have been received in relation to the proposed development.

5. Conclusion

- 5.1. This type of conversion of existing rural buildings to business use is acceptable in principle in the NPPF and in development plan policy. Though it is noted that the proposal would conflict with criteria 1 and 2 of Policy EMP8 of the Core Strategy. It is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the further reuse of the building and the diversification of agricultural business and the recognition of business and community needs in rural areas would be acceptable.
- 5.2. The works are appropriate to the agricultural buildings in terms of improved design, new openings and all other alterations.
- 5.3. Furthermore, the proposed development is considered to propose a wide variety of economic benefits associated with the proposed wedding venue, as set out in the evidence submitted within this application. Therefore, in considering the proposals, the improved design and economic benefits to the rural community and economy are considered to be material considerations which outweigh any conflicts with criteria 1 and 2 of Policy EMP8.
- 5.4. Thus, subject to the recommended conditions set out below, this application complies with the up to date Framework and principally with SDLP Policy EMP8

and compliance with the conditions would create a scheme in compliance with the development plan.

6.0 Recommendation

This application is recommended to be APPROVED subject to a Unilateral Undertaking and the following conditions:

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

Reason:

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

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

- Topographical Survey – 10500 – 01
- Existing Elevations – 10500 – 02
- Existing Ground Floor Plan 10500 – 03
- Existing First Floor Plan – 10500 - 04
- Location and Block Plans - 2738-05-02B
- Existing Block Plan- 2738-05-01C
- Proposed Lynchgate - 2738-08-01
- Proposed Venue Building, Plans and Elevations – 2738-03-01F
- Proposed Guest Accommodation Building, Plans and Elevations - 2738-07-01A DIMS
- Proposed Site Layout Block Plan - 2738-06-01D
- Proposed Scheme of Landscaping - 2738-06-04C
- Proposed Surface Water Drainage Plan - 2738-06-02C
- Proposed Foul Drainage Plan - 2738-06-03C
- Foul Drainage Assessment Form (FDA1)
- Flood Risk Assessment
- SUDs Statement
- Remediation Strategy
- Indicative Management Plan, Proposed Wedding Venue

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall be as stated on the drawing No. 2738-03-01F – Proposed Plans and Elevations, the application form and the Design and Access Statement submitted and only the approved materials shall be utilised unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

04. The development hereby approved shall be used for a Wedding Venue and associated facilities only. The accommodation shall only be occupied in connection with the wedding venue hereby approved and not sold off separately.

Reason:

To avoid the establishment of permanent residential accommodation outside the development limits of Ryther; to comply with the terms of the application as submitted; and to comply with Policy EMP8 of the Selby District Core Strategy

05. The development hereby approved shall not be sold off separately to the two residential dwellings, Far Farm and Ryden house, within the redline boundary of the site, shall not be sold off separately to the planning unit.

Reason:

To avoid the establishment of permanent residential accommodation outside the development limits of Ryther; to comply with the terms of the application as submitted; and to comply with Policy EMP8 of the Selby District Core Strategy..

06. The development shall not be brought into use until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a) The existing access adjoining the highway shall be improved (constructed) and that part of the access road extending 6 metres into the site details and/or Standard Detail number A1.
- b) Provision to prevent surface water from the site/plot discharging onto the existing proposed highway and shall be maintained thereafter to prevent such discharges

Reason:

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

07. Prior to first use a Scheme for the provision of surface water and foul water drainage works shall be submitted to and approved by the Local Planning Authority. This should include details of, discharge rates, evidence of existing surface water and foul water discharge and details of soakaways. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

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

08. The development must be carried out in full accordance with the mitigation and compensation section contained within the following documents submitted:

- Bat Emergence Survey Report
- Preliminary Ecological Appraisal Report
- Himalayan Balsam Management Plan

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Selby District Local

Plan, Policy SP18 of the Core Strategy, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

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

Reason:

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

INFORMATIVES:

01. INFORMATIVE:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

02. HIGHWAYS:

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

03. COAL:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

04. BIRD NESTING:

All nesting birds receive general protection under the Wildlife & Countryside Act 1981. It is advisable to undertake demolition of buildings, tree removal or clearance of dense vegetation outside the bird nesting season (March to August inclusive for most species), or after a competent person has confirmed that no active nests are present.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 Human Rights Act 1998

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

3.1.3 Equality Act 2010

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

3.2 Financial Issues

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

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

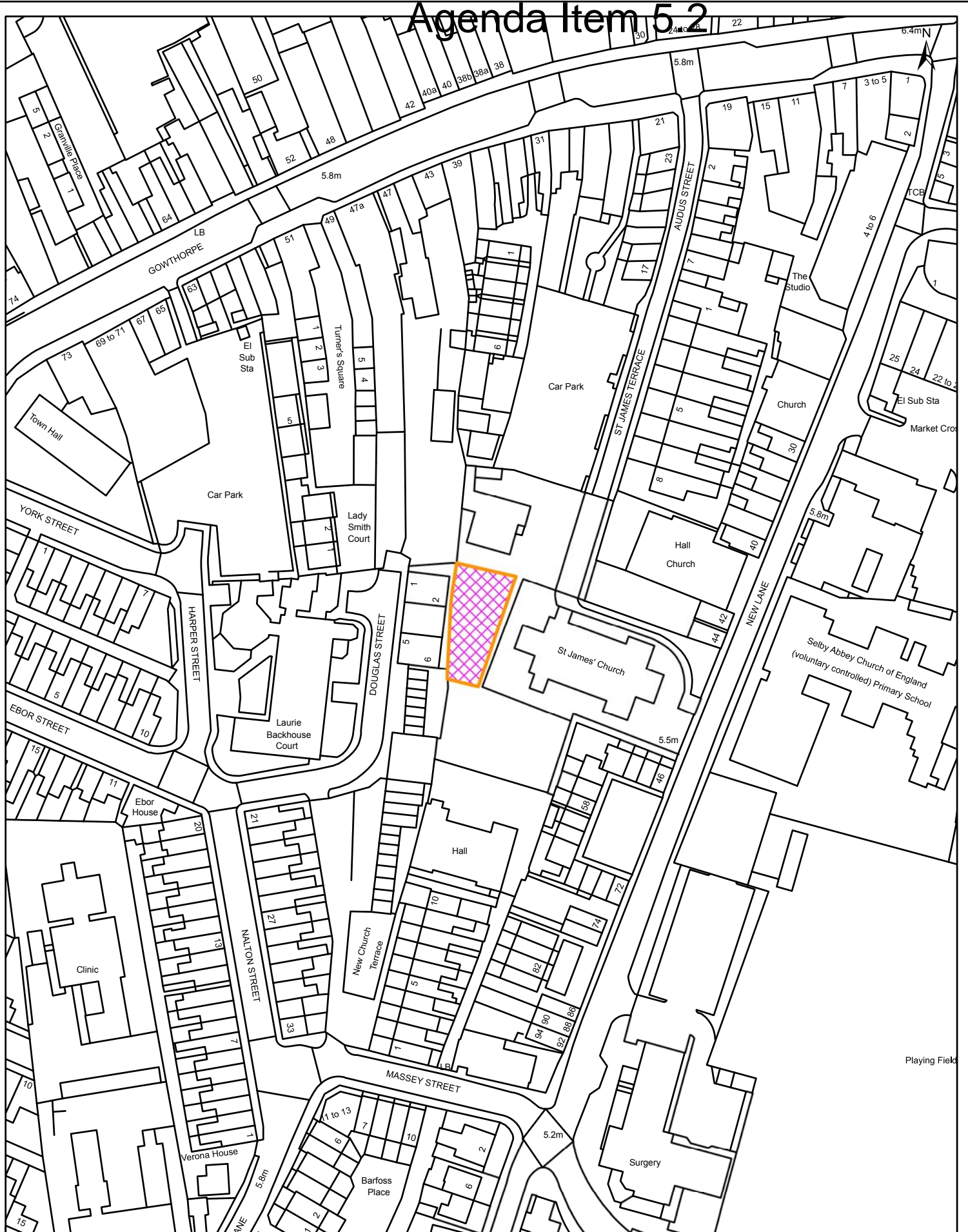
5.1 Planning Application file reference 2019/0110/COU and associated documents.

Contact Officer: Mr M Grainger, Head of Planning,

Appendices:

Appendix 1 – July Planning Committee Report (2019/0110/COU)

Appendix 2 – October Planning Committee Report (2019/0110/COU)



APPLICATION SITE

St Marks Square, New Lane, Selby
2020/0264/FUL

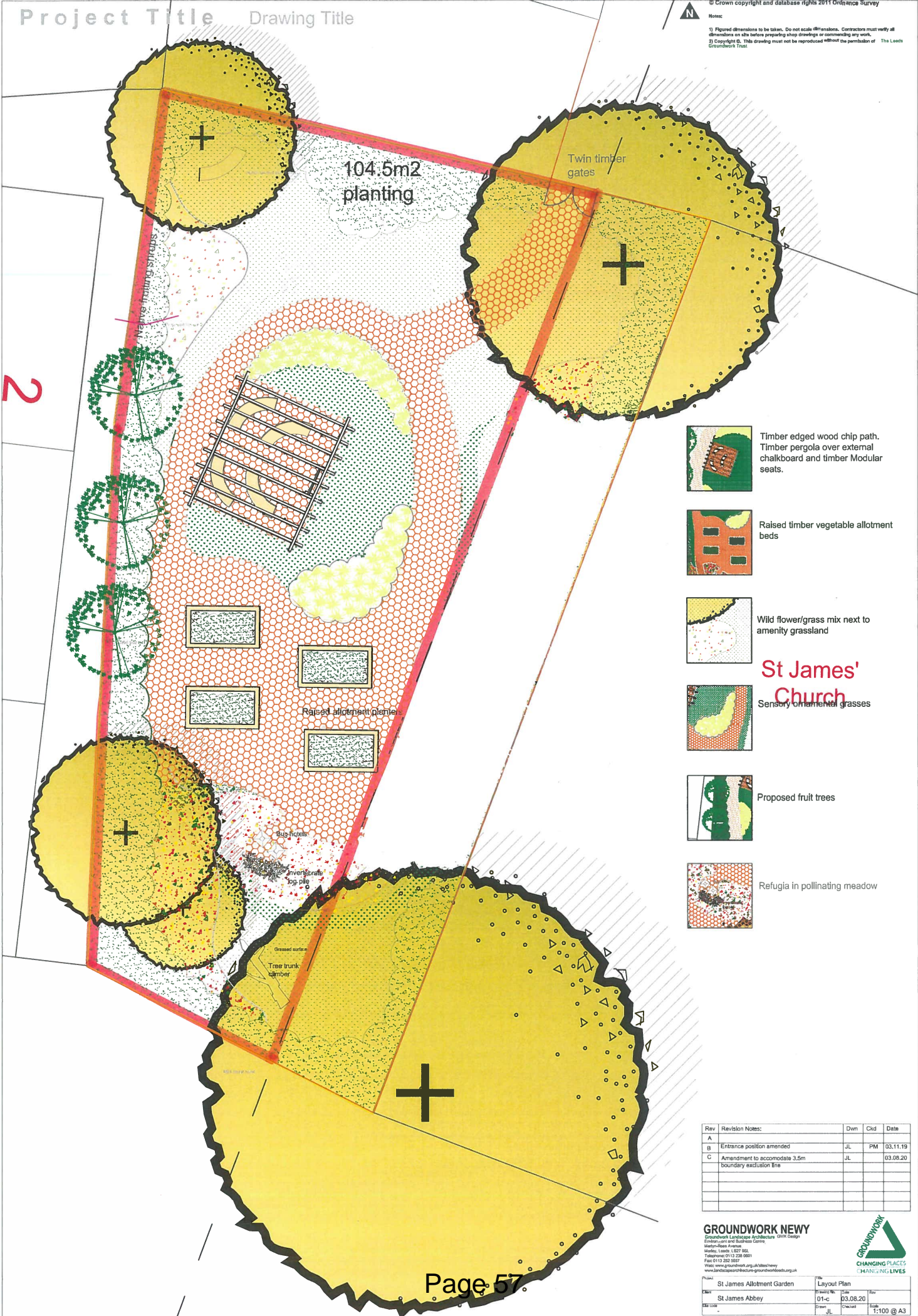
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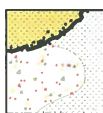





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 Notes:
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 2) Copyright ©. This drawing must not be reproduced without the permission of The Leeds Groundwork Trust

2



-  Timber edged wood chip path. Timber pergola over external chalkboard and timber Modular seats.
-  Raised timber vegetable allotment beds
-  Wild flower/grass mix next to amenity grassland
-  Sensory ornamental grasses
-  Proposed fruit trees
-  Refugia in pollinating meadow

St James' Church

Rev	Revision Notes	Drawn	Chkd	Date
A		JL	PM	03.11.19
B	Entrance position amended	JL	PM	03.11.19
C	Amendment to accommodate 3.5m boundary exclusion line	JL		03.08.20

GROUNDWORK NEW
 Specialist Landscape Architects, Urban Design, Environment and Business Centre, Mariner Road, Wakefield, Leeds LS2 7SL, Telephone: 0113 258 0001, Fax: 0113 258 0007, www.leedsgroundworktrust.org.uk/files/newey



Project	St James Allotment Garden	File	Layout Plan
Drawn	St James Abbey	Drawn No	01-c
Drawn		Date	03.08.20
Drawn	JL	Drawn	JL
Scale		Scale	1:100 @ A3

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Report Reference Number 2020/0264/FUL

To: Planning Committee
Date: 23rd September 2020
Author: Rebecca Leggott (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0264/FUL	PARISH:	Selby Town Council
APPLICANT:	Selby Big Local	VALID DATE:	30th March 2020
		EXPIRY DATE:	25th May 2020
PROPOSAL:	Change of use of land into a community garden		
LOCATION:	St Mark's Square New Lane Selby YO8 4QD		
RECOMMENDATION:	APPROVE		

This application has been brought before the Planning Committee Selby District Council is the landowner.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of Selby which is a Principle Town as defined within the Core Strategy.
- 1.2 The application site is also located within, the Selby Town Conservation Area, Archaeological Consultation Zone and Flood Zone 2. Furthermore, the application site is located within close proximity to the Grade II Listed Building to the east of the site, St James's Church. The application site abuts the boundary of the curtilage of St James's Church, which is also allocated as a local amenity space.

The Proposal

- 1.3 The proposals are for the change of use of land into a community garden, on an existing parcel of land currently left unmaintained for many years. The community garden would create a new publicly available space, which will provide a community asset and a place where the community can come together and creating benefits such as better overall wellbeing by way of socialising, relaxing and working in an outdoor environment.

Relevant Planning History

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

- 2019/0626/TPO, Application to fell 1 No Horse Chestnut tree covered by TPO 13/1986 in the conservation area, St James' Church Standerling Hall, New Lane, Selby, YO8 4QB, Decision: PER, Decision Date: 16-JUL-19
- 2019/1270/TCA, Application for consent to fell 5 no Ash trees (1, 2, 3, 4 & 8), 1 no Cherry tree (5), 1 no Holly tree (9), 3 no Willow tree (10, 11 & 12) to crown thin by 15% to 1 no Ash (6) and to crown lift by 3.2m to 1 no Ash (7) within the conservation area, Address: St James Church, St James Terrace, Selby, YO8 4HL, Decision: PER, Decision Date: 31-JAN-20
- 2010/0398/TCO, Works to Ash tree in conservation area on land to rear of, Address: 54 St Marks Square, New Lane, Selby, YO8 4QD, Decision: PER, Decision Date: 12-MAY-10
- 2013/0997/TCO, Crown lift ash tree on land to the rear of, Address: 54 St Marks Square, New Lane, Selby, YO8 4QD, Decision: PER, Decision Date: 25-OCT-13
- 2015/0647/TCO, Proposed removal of self-seeded willow tree within the conservation area on land between Douglas Street and St James Church, Address: Street Record, Douglas Street, Selby, Decision: PER, Decision Date: 24-JUN-15
- CO/1986/0560, Outline application for the erection of a private dwelling house and garage on 0.064 ha of land at garden south of church at, The Vicarage, St James Terrace, Selby, Decision: PER, Decision Date: 12-MAR-86

2. CONSULTATION AND PUBLICITY

2.1. **Selby Civic Society** – The Selby Civic Society supports the proposed development. The Selby Civic Society has commented that the proposals will, improve the provisions for wildlife and biodiversity within the town, utilising land which is currently neglected and overgrown. The Selby Civic Society supports the creation of new publicly accessible green space for the wellbeing of residents and visitors. It will also greatly benefit the local schoolchildren, where outdoor education and access to nature will foster a stronger connection to the local environment.

2.2. **Town Council** – Selby Town Council have raised no objections to the proposed development.

2.3. **Selby Area Internal Drainage Board** – The IDB have raised no objections subject to a number of standard conditions as follows: (1) Soakaways, (2) Mains sewer system, (3) ordinary watercourse, (4) obstructions within 7 meters of a water course and (5) works adjacent to a Main River.

2.4. **Land Use Planning Yorkshire Water Services Ltd** – No response received.

- 2.5. **Environmental Health** – The Environmental Health Officer has raised no objections to the proposed development.
- 2.6. **Conservation Officer** – The Conservation Officer has raised no objections to the proposals in principle given the public benefits associated with the proposed development. However, the Conservation Officer has raised concerns for the proposed close boarded fencing boundary treatments to the north, east and southern boundaries of the site and suggested that alternative methods of fencing should be sought.
- 2.7. **NYCC Ecology** – NYCC Ecology have raised no objections have been raised by subject to a condition regarding works to be undertaken outside of the bird breeding season, March to August. Further comments have been provided stating that should the community garden be surrounded by close boarded timber fencing on three sides and a wall on the other, then the fencing should be designed to allow access for hedgehogs and other small wildlife.
- 2.8. **Neighbour Summary** – The application has been advertised by site notice and neighbour notification letter resulting in no letters of representation being received.

3. SITE CONSTRAINTS

Constraints

- 3.1. The application site is located within the defined development limits of Selby, which is a Principle Town as identified in the Core Strategy.
- 3.2. The application site is located within the Selby Town Conservation Area and within the setting of a number of listed buildings including, St James Church, (Grade II Listed) and 46- 72 New Lane (Grade II Listed).

4. POLICY CONSIDERATIONS

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2. 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.
- 4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. 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.

4.5. 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

4.6. The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP14 – Town Centres and Local Services
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

4.7. The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV 22 – Protection of Listed Buildings
- ENV25 – Control of Development in Conservation Areas
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- SEL/13 – Townscape

5. APPRAISAL

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

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

The Principle of the Development

5.2. Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy

Framework", to secure development that improves the economic, social and environmental conditions in the area, and sets out how this will be undertaken.

- 5.3. Policy SP2A(c) of the Core Strategy states that "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints" and that "Selby as the Principal Town will be the focus for new housing, employment, retail, commercial, and leisure facilities".
- 5.4. Policy SP14 of the Core Strategy states that the health and wellbeing of town centres, and local shopping facilities and services will be maintained and enhanced by, in Selby Town Centre, "focusing town centre uses on Selby including retail, commercial, leisure, entertainment, food and drink, offices, hotels, indoor sports, recreation, and arts and cultural uses" and by "promoting the continued renaissance of the town centre through environmental improvements, floor space increases, and by diversifying the range of activities present".
- 5.5. The proposals seek to provide a community garden on an existing parcel of land currently left unmaintained for many years. The community garden would create a new publicly available space, which will provide a community asset and a place where the community can come together and creating benefits, such as better overall well-being by way of socialising, relaxing and working in an outdoor environment.
- 5.6. Furthermore, the development would contribute to helping to improve biodiversity given its nature and would therefore contribute to protecting and enhancing the natural environment. Paragraph 175 (d) states that development whose primary objective is to conserve or enhance biodiversity should be supported.
- 5.7. In this context, it is therefore considered that the proposed development would provide enhancement to the wider community and sustainability benefits, which are material planning considerations and would comply with Policies SP1 and SP2 of the Core Strategy and the NPPF.

Impact on the Character and Appearance of the Area and surrounding Heritage Assets

- 5.8. The application site is located within the Selby Town Conservation Area and application site is within close proximity to the Grade II Listed Building St James Church.
- 5.9. The Planning, Listed Buildings and Conservation Act 1990 includes a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.10. Planning (Listed Building and Conservation Areas) Act 1990, Section 66 (1) when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.11. Section 72 (1) of the Act states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.12. Relevant policies within the NPPF, which relate to development within a Conservation Area and listed buildings, include paragraphs 189, 190, 191, 192, 193 and 194. Relevant policies within the NPPF, which relate to general design principles, include paragraphs 53, 124, 127, 128, 130 and 131.
- 5.13. The proposals seek to change the use of existing scrub land to create a community garden. The proposals include the erection of a pergola, paving, access to the garden and other works such as flower beds and planting.
- 5.14. Given the nature and scale of the alterations, it is considered that the proposals would preserve the character and appearance of the Conservation Area and would not have any adverse impact on the setting of the surrounding listed buildings. From a site visit, officers consider that the proposed development would improve the setting of the Grade II Listed Building St James Church. Therefore, these improvements along with the likely increased footfall will have a positive impact on the vitality of the area and help protect and maintain the surrounding heritage assets.
- 5.15. The Conservation Officer has raised no objections to the proposals in principle given the public benefits associated with the proposed development. However, concerns were raised for the proposed close boarded fencing boundary treatments to the north, east and southern boundaries of the site and suggested that alternative methods of fencing should be sought. Officers consider that this could be reasonably controlled by condition, which require details of the boundary treatments to be submitted prior to the development being brought into use.
- 5.16. The proposals are therefore in compliance with Policies SP18 and SP19 of the Core Strategy, Policies ENV1 and ENV25 of the Selby District Local Plan and the policies contained within Section 16 of the NPPF.

Impact on Residential Amenity

- 5.17. Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.18. The key considerations in respect of residential amenity are 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.
- 5.19. The surrounding area consists of mainly residential development and St James Church directly to the east. Due to the combination of the orientation of the site and siting of the proposed scheme and distance away from the neighboring properties, the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents. In addition, having consulted with Environmental Health, no objections have been raised in respect of noise, odour or waste.

5.20. The proposal is therefore in accordance with Policies ENV1 (1) and SEL/13 of the Selby District Local Plan.

Archaeology

5.21. The application site is located within the historic medieval settlement of Selby. Given this application is for a change of use with little actual operational development, the overall nature of the development it is unlikely to have any impacts on archaeological remains as no further excavation of below ground building is necessary. This therefore complies with Policy ENV28 of the Selby District Local Plan.

Flood Risk and Drainage

5.22. The application site is located within Flood Zone 2, which has a medium probability of flooding. As the proposals constitute water compatible development, a sequential and exception test is therefore not required in this instance.

5.23. In terms of drainage, the proposals would have no new impacts on the foul and surface water arrangements. Whilst it is noted that the IDB and Yorkshire Water have been consulted. Officers consider that given there are no changes to these arrangements the proposals are acceptable in these respects.

5.24. It is considered that the proposed scheme is considered to be acceptable in terms of flood risk, drainage and climate change and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

Impact on Highway Safety

5.25. Policy in respect of highway safety is provided by Policies ENV1 (2) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The policies of the Local Plan referred to above should be afforded significant weight as they do not conflict with the NPPF.

5.26. It is noted that the proposed scheme would not alter any existing highway arrangements. Comments have been sought from NYCC Highways which state that, there are no objections to the proposed development. Therefore, the proposals are acceptable in terms of highway safety in accordance with Policies ENV1 (2) and T1 of the Local Plan and the policies contained within the NPPF.

Nature Conservation and Protected Species

5.27. Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.

5.28. The site is not a protected site for nature conservation, but currently contains scrubland and protected trees. Having sought comments from NYCC Ecology no objections have been raised, subject to a condition regarding works to be undertaken outside of the bird breeding season, March to August. Further comments have been provided stating that should the community garden be surrounded by close boarded timber fencing on three sides and a wall on the other then the fencing should be designed to allow access for hedgehogs and other small wildlife.

5.29. It is also noted that a tree survey has been provided. However, any works to trees within the Conservation Area would need to gain separate consent via notification of proposed works to trees in a conservation area.

5.30. The above measures are considered to satisfy the nature conservation interests and therefore accord with the requirements of the Habitats Regulations 2010, and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

6. CONCLUSION

6.1. 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 will be an enhancement to the town, providing a pocket social space that can be enjoyed by the community. The proposed development would not have a detrimental effect on heritage assets, the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, archaeology, flood risk and drainage or highway safety or nature conservation and protected species.

6.2. The application is therefore considered to be in compliance with Policies ENV1, ENV25, ENV28, and T1 of the Selby District Local Plan, Policies SP1, SP2, SP14, SP15, SP18 and SP19 of the Core Strategy, S66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the policies contained within the NPPF.

7. RECOMMENDATION

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

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

Reason:

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

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

- Community garden boundary in red (Location Plan) – received 6th August 2020
- 01-C, St James Allotment Garden (Layout Plan) – received 6th August 2020
- 02 03.20, Pergola Detail
- MBHQ 101001, Minibeast HQ

Reason:

For the avoidance of doubt

3. Prior to the development hereby approved being brought into use details of the boundary treatments shall have been submitted to and approved by the Local Planning Authority.

Reason:

In order to protect the character and appearance of the area and surrounding heritage assets.

INFORMATIVE(S):

01. TREES:

Given the site is located within the Selby Town Conservation Area any works to trees on site would be required to gain separate permissions for works to trees within the conservation area.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0264/FUL and associated documents.

Contact Officer: Rebecca Leggott (Senior Planning Officer)

Appendices:

- Appendix 1 – 2020/0264/FUL, Site Photo's

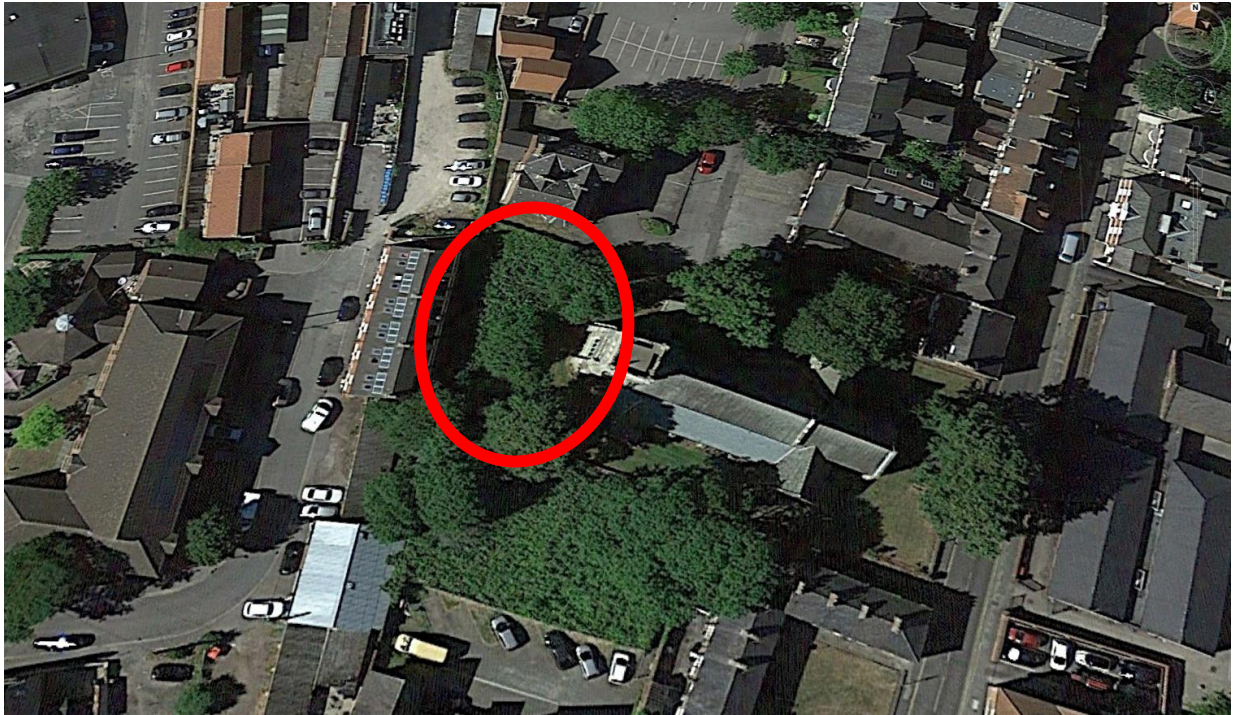
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Appendix 1 - Site Images

APPLICATION NUMBER:	2020/0264/FUL	PARISH:	Selby Town Council
APPLICANT:	Selby Big Local	VALID DATE: EXPIRY DATE:	30th March 2020 25th May 2020
PROPOSAL:	Change of use of land into a community garden		
LOCATION:	St Mark's Square New Lane Selby YO8 4QD		
RECOMMENDATION:	APPROVE		



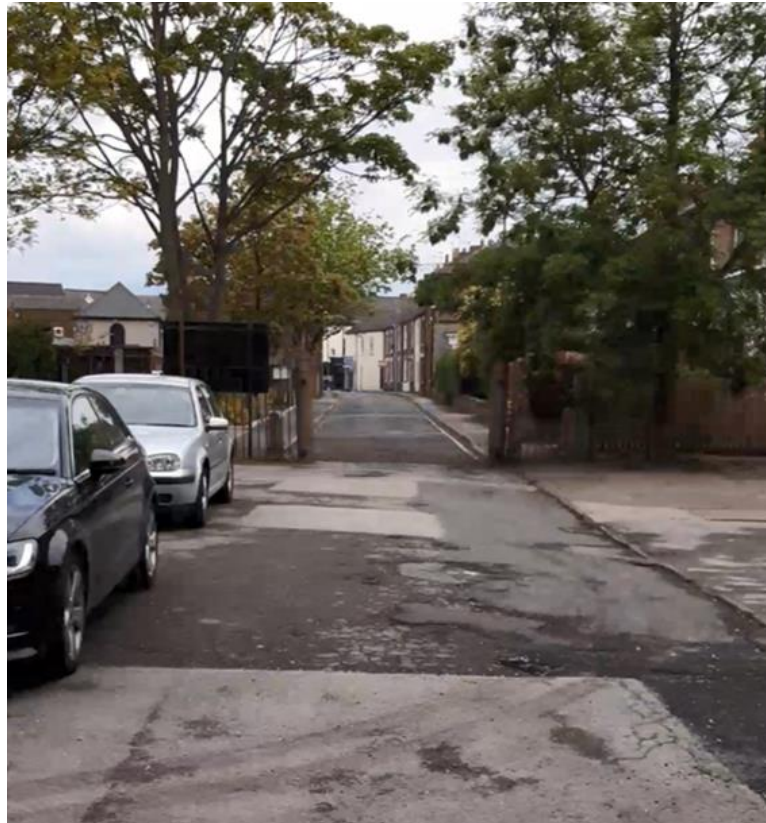
Aerial view of the site



Aerial view of the site



View north along New Lane



View north along Audus Street



View east facing towards the site



View south facing into the site



View of Grade II Listed Building St James Church from New Lane



APPLICATION SITE

Post Office Store, 2 High Street, Cawood
2020/0442/S73

1:1,250



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Report Reference Number: 2020/0442/S73

To: Planning Committee
Date: 23rd September 2020
Author: Rebecca Leggott (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0442/S73	PARISH:	Cawood Parish Council
APPLICANT:	Mrs Amy Weeks	VALID DATE:	3rd June 2020
		EXPIRY DATE:	29th July 2020
PROPOSAL:	Section 73 to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses		
LOCATION:	Post Office Store 2 High Street Cawood Selby North Yorkshire YO8 3TH		
RECOMMENDATION:	APPROVE		

This application has been brought before the Planning Committee as the application is a minor application where 10 or more letters of representation have been received which raise material planning considerations and where Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The application site lies to the centre of Cawood adjacent the crossroads where Thorpe Lane, Sherburn Street, Rythergate and the High Street meet. The application site is therefore located within the defined development limits of Cawood, which is a Designated Service Village as defined within the Core Strategy. The application site is also located within the Cawood Conservation Area and Flood Zone 3.
- 1.2. It should be noted that the proposals relate to an existing Café (known as The Pickled Postie) given permission via planning reference, 2015/1230/RTR for prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses.

The Proposal

1.1. The proposals are to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR, which was a 'prior approval' for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses.

1.2. These changes would allow for the opening hours (condition 2) to be amended from:

- 7:30 – 19:00 Monday to Friday;
- 7:30 – 15:00 Saturday; and
- 10:00 – 15:00 Sunday.

To:

- 7:30 – 19:00 Monday to Friday; and
- 08:00 to 15:00 Saturday and Sunday.
- For no more than 26 nights per annum in total (on either Friday or Saturday's only) opening hours to be extended to 23:00.

1.3. Other changes include the introduction of an internal air extraction unit (condition 3) and changes to the internal layout (condition 4-plans), specifically the moving of the kitchen away from neighbouring properties. Furthermore, an external extraction unit is proposed to be added.

Relevant Planning History

1.4. The following historical application is considered to be relevant to the determination of this application.

- 2016/0394/CAR, Application for inclusion on the Community Asset Register, Decision: PER, Decision Date: 14-DEC-16
- 2015/1230/RTR, Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses, Decision: A1PER, Decision Date: 19-JAN-16
- 1982/0001/FUL, Proposed alterations and repairs at, Decision: PER, Decision Date: 14-JUL-82

2. CONSULTATION AND PUBLICITY

2.1. **Parish Council** – It is noted that two letters have been received from Cawood Parish Council.

The first letter received on the 27th June 2020 raises objections to the proposed development. In summary concerns are raised regarding the following:

- Plans: The existing plans show the 2015 layout rather than the current layout.
- Noise: Concerns for noise and suggestions that a silencer should be installed, though it is acknowledged that the report submitted states that a silencer cannot be fitted.
- Odour: concerns for smells especially in relation to evening tapas.
- Waste: concerns that increased dining events will produce more waste which may not be able to be dealt with by the current fortnightly waste collection service.

- Vehicular access: Concerns regarding the poor vehicular access to the site particularly given restricted access to the rear.
- Consultations: Concerns that the public consultations were only posted on June the 23rd with a closing date of June 30th. Furthermore, most residents to the rear of the property were not consulted.

Officer Note: The site notice was erected on the 23rd June with a period of 21 days for comments to be received. Whilst, SDC had consulted all neighbouring properties adjoining the red line boundary. Given the issues raised SDC added a further 11 properties to the consultation list.

The second letter from Cawood Parish Council received on the 17th July offers support the proposals. In summary, this states that the Pickled Postie plays a key role in the life of the village and trust that the planning issues can be resolved satisfactory whilst having regard to the immediate neighbours.

- 2.2. **NYCC Highways** – NYCC Highways have raised no objections to the proposed development.
- 2.3. **Environmental Health** – The Environmental Health Officer has raised no objections to the proposed development subject to a condition relating to noise levels.
- 2.4. **Historic Environment Officer** – NYCC’s Principle Archaeologist has raised no objection to the proposed development.
- 2.5. **Conservation Officer** – The Conservation Officer has raised no objections to the proposals in principle. However, has stated that should the proposed flue be visible from Thorpe Lane, this would introduce a detracting feature into the Conservation Area. However, if it is hidden from view there will be limited impact on the Conservation Area, though there would still be an impact on the building itself.
- 2.6. **Neighbour Summary** - All immediate neighbours were informed by letter and a site notice was erected. Resulting in 45 letters of support and 17 letters of objection being received.

In summary the letters of objection raise concerns for:

- Residential Amenity: noise, odour, hours and waste.
- Highway Safety: restricted access to the rear, concerns for toddlers’ cats and dogs running out of gardens to the rear and concerns for intoxicated customers on the road causing accidents.
- Impact on the mental health of neighbouring properties.
- The rear door of the application site opening onto the backs of neighbouring properties gardens.
- Do not consider the café to be essential to the village of Cawood.
- Lack of a flood plan.
- Lack of comments from the conservation officer and impacts on listed buildings.
- Concerns for fire safety.
- Light pollution.
- Concerns that the plans are in correct re proposed and existing.

In summary the letters of support state:

- The Pickled Postie is an asset to the village of Cawood.
- Provides essential services for the village for including keeping the elderly and vulnerable fed throughout the pandemic and providing services for those who do not drive.
- The Pickled Postie boosts morale for residents.
- Support for the extended hours for people to have a wider window to access facilities such as when people finish work.
- Neighbouring properties are not impacted by intolerable noise or smells and have not been disturbed by the supper events held in the café.
- The provision of an extraction system would have a positive impact on neighbouring properties.
- Deliveries to the rear of the properties via the shared access do not impact on neighbours.
- The proposed amendments to the original application are vital to support the existing business.

2.6 It should be noted that a number of objections have been received from places beyond the village of Cawood such as York, Barlow, Chapel Haddlesey. Given these objectors live outside of the locality, limited weight has been applied to the comments provided from these specific letters of representation.

3. SITE CONSTRAINTS

Constraints

3.1. The site is located within the defined development limits of Cawood and is also located within the Cawood Conservation Area and Flood Zone 3.

4. POLICY CONSIDERATIONS

4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

4.2. 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.

4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4. 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.

4.5. 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

4.6. The relevant Core Strategy Policies are:

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

Selby District Local Plan

4.7. The relevant Selby District Local Plan Policies are:

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

5. APPRAISAL

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

- Principle of Development
- Design and Impact on the Character and Appearance of the Conservation Area
- Impact on Residential Amenity
- Highway Safety
- Provision of Services

Principle of Development

5.2. The proposals are for a Section 73 to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR - Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses.

5.3. Schedule 2, Part 3 (Changes of Use) Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 is relevant as this relates to

development consisting of a change of use of a building from a use falling within Class A1 (shops) to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and building or other operations for the provision of facilities for ventilation and extraction (including the provision of an external flue), and the storage of rubbish reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.

- 5.4. Whilst it is considered that the principle of development is established by 2015/1230/RTR approval, consideration of the criteria set out within Class C is still necessary to ensure the changes proposed still fall within the allowances of Class C and for it to be considered under Section 73.
- 5.5. In respect of paragraph C.1, the overall floor space of the Café use would not exceed 150 meters squared, the application site is not located within a SSSI, safety hazard area or military explosives storage area, the site does not contain a scheduled monument and is not a listed building. Therefore, the proposals would still comply with the initial criteria and are therefore acceptable in principle. However, proposals that are acceptable in principle are still required to be assessed against the criteria set out within paragraph C2. These criteria are considered in the below sections of the report.

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

- 5.6. The key considerations in respect of the design and impact on the character and appearance of the area having regard to the criteria set out within Schedule 2, Part 3 (Changes of Use) Class C of the GDPO are, siting, design and appearance.
- 5.7. Relevant policies in respect to the impact of development on the Cawood Conservation Area and the character and form of the area include Policy ENV1 (1), (4) and (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.8. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to general design principles, include paragraphs 53, 124, 127, 128, 130 and 131.
- 5.9. In respect of the proposed variation to condition 02 (opening hours) it is not considered that this would impact on either siting, design or appearance of the area.
- 5.10. In respect of the proposed variation to condition 03 (extraction), a new extraction unit is proposed. It is noted that the extraction unit would mostly be contained within the existing building, with 1 metre of the duct protruding from the rear roof slope. It is noted that this would not exceed the highest part of the roof and therefore would not be seen from public vantage points such as Thorpe Lane, Sherburn Street, Rythergate and the High Street.
- 5.11. However, it is noted that the part of the duct protruding from the rear roof slope would be viewable from the rear gardens of the 4-20 High Street, however this is not regarded as significant enough in scale as to warrant a refusal based on harm to the character of the area.
- 5.12. In respect of the proposed changes to the layout of the café. The majority of these changes are internal, with the exception of the change of the roller doors for the garage, to a door and a window opening to the rear east elevation. In considering these changes given these would replace an existing opening and would be located to

the rear of the property. It is not considered that these would have any impacts in respect of siting, design and appearance.

- 5.13. The Conservation Officer commented on the application and has raised no objections to the proposals in principle. However, has stated that should the proposed flue be visible from Thorpe Lane, this would introduce a detracting feature into the conservation area. However, if it is hidden from view it would seem to me that there will be limited impact on the conservation area, though there would still be an impact on the building itself.
- 5.14. From a site visit and having received amended plans the flue would protrude approximately 4cm higher than the ridge of the roof. Therefore, it is noted that there would be some limited views of the flue from the highway, Thorpe Lane. However, in considering the limited harm that the view of the flue may cause and weighing this up against the public benefits associated with diversifying the existing business and the services provided to the residents of Cawood, this is considered to outweigh any such harm.
- 5.15. Overall, in considering the proposed amendments to permission reference, 2015/1230/RTR, the proposals are not considered to be unduly intrusive or dominant in the street scheme and would not have any adverse effects in respect of the siting, design and appearance of the proposals. Therefore, the proposals are acceptable in respect of criterion C2. (g) of Schedule 2, Part 3 (Changes of Use) Class C of the GDPO

Impact on Residential Amenity

- 5.16. The key considerations in respect of impacts on residential amenity having regard to the criteria set out within Schedule 2, Part 3 (Changes of Use) Class C of the GDPO are, noise, odour, waste and hours.
- 5.17. The comments received from the Parish Council and public representations relating to residential amenity are perhaps the most significant aspects of the application members should consider, in particular the late evening opening and associated noise, odour and waste.
- 5.18. In respect of noise impact or the extraction system, it is noted that a noise assessment has been submitted and the plans and drawing show a silencer would be installed on the extraction unit. Comments have been sought from Environmental Health (EHO), who have raised no objections to the proposed development subject to a noise condition requiring compliance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/ or its subsequent amendments.
- 5.19. In respect of odour impacts, it is noted that an odour assessment has been submitted. Furthermore, comment have been sought from Environmental Health who have raised no objections to the proposed development, in respect of odour impacts. Given the proposals would introduce an extraction unit, which would protrude from the roof and no objections have been raised by the EHO the proposals are considered to be acceptable in respect of odour impacts.
- 5.20. In respect of waste, it is not considered that the proposals would have any additional significant adverse impacts in respect of waste collection. Therefore, the proposals are considered acceptable in this respect.

5.21. In respect of the proposed change to opening hours, which include late evening opening for event nights, this will inevitably increase the potential for more noise and disturbance for specific periods within the calendar year. This generally stems from occupants entering and leaving the premises late in an evening. However, it should be noted that the majority of the comings and goings would via the main entrance of the property fronting the busy crossroads and other commercial properties. Environmental Health have been consulted on the proposed development and have raised no objections to the change in hours. This includes the extended opening hours on Friday and Saturday nights to no more than 26 nights per year in total for until 23:00. Overall, it is considered that the change in hours is acceptable and can be secured by way of a suitably worded condition.

5.22. Subject to aforementioned conditions, it is considered that the proposals are acceptable in respect of noise, odour, waste of hours. Therefore, the proposals are acceptable in respect of criterion C2. (a), (b), (c) and (d) of Schedule 2, Part 3 (Changes of Use) Class C of the GDPO

Highway Safety

5.23. The key considerations in respect of highway safety having regard to the criteria set out within Schedule 2, Part 3 (Changes of Use) Class C of the GDPO are, transport and highways impacts of the development.

5.24. It is noted that the existing site has no available parking shown and the proposed changes will have no further impact on any parking provision for the premises.

5.25. NYCC Highways have been consulted on the proposed development and have raised no objections to the proposed development.

5.26. Overall, it is considered that the proposals are acceptable in respect of highway safety. Therefore, the proposals are acceptable in respect of criterion C2. (e) of Schedule 2, Part 3 (Changes of Use) Class C of the GDPO.

Provision of Services

5.27. The key considerations in respect of the provision of services regard to the criteria set out within Schedule 2, Part 3 (Changes of Use) Class C of the GDPO are the impacts on the loss of existing floor space as A1 or the sustainability of the shopping area.

5.28. The proposals include varying conditions 04 (plans) of approval 2015/1230/RTR which previously controlled the layout of the premises. These changes include a general reconfiguration of the ground floor to the plans originally approved. The key change proposed would be the conversion of the garage to the south of the site to a kitchen area and store. This would not have any significant impacts on the floor space used as A1 retail.

5.29. In considering the additional floor space to be changed to A3 (café) it is not considered that this would impact on the existing A1 (retail) use as a post office. Furthermore, given the proposals are for amendments to the existing A3 (café) permission it is not considered that there would be any additional impacts in respect of the provision of services in Cawood on a whole.

5.30. Overall, it is considered that the proposals are acceptable in respect to any impacts on the provision of services within Cawood. Therefore, the proposals are acceptable in respect of criterion C2. (f) of Schedule 2, Part 3 (Changes of Use) Class C of the GDPO

6. CONCLUSION

6.1. The application is for a section 73 to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses.

6.2. It is considered that the proposed amendments to the opening hours, introduction of a ventilation system and changes to the internal layout are considered to be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3 (Changes of Use), Class C. Therefore, the proposal is considered acceptable and there is no justification to request a full planning application for the development subject to appropriate planning conditions.

7. RECOMMENDATION

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

01. The use hereby approved shall only be open for customers between the following hours:

- 7:30 – 19:00 Monday to Friday;
- 08:00 to 15:00 Saturday and Sunday; and
- For no more than 26 nights per annum in total on Friday's or Saturday's, opening hours to be extended to 23:00.

The site shall not be open to customers at any other time and a logbook should be kept of the dates which the café is open until 23:00 and made available to Selby District Council upon request.

Reasons:

In the interests of residential amenity, having had regard to Policy ENV1 of the Selby District Local Plan.

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

Reason:

In order to protect the amenity of the neighbouring properties.

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

- 2531-01-02 - Location Plan
- 2531-01-03 - Planning Layout
- 2531-01-01 - Existing Ground Floor Plan
- Lay 01 – Proposed Ground Floor Plan
- Rev 2020-08-08 Layout1 (Proposed elevation and cross section of the ventilation system)

- 08-08-2020 – Pickled Postie Specification

Reason:

For the avoidance of doubt.

04. The cumulative level of sound from all plant and equipment associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

In order to protect the amenity of the neighbouring properties.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0442/S73 and associated documents.

Contact Officer: Rebecca Leggott (Senior Planning Officer)

Appendices:

Appendix 1 – 2020/0442/S73 Site Photo's

Appendix 1 - Site Images

APPLICATION NUMBER:	2020/0442/S73	PARISH:	Cawood Parish Council
APPLICANT:	Mrs Amy Weeks	VALID DATE: EXPIRY DATE:	3rd June 2020 29th July 2020
PROPOSAL:	Section 73 to vary conditions 02 (opening hours), 03 (extraction) & 04 (plans) of approval 2015/1230/RTR Prior approval for the change of use from use class A1 (Retail) to both A1 (Retail) and A3 (Cafe) uses		
LOCATION:	Post Office Store 2 High Street Cawood Selby North Yorkshire YO8 3TH		
RECOMMENDATION:	APPROVE		



Aerial view of the site



Aerial view of the site



View of the west elevation looking north from Thorpe Lane



View of the west elevation looking south from Thorpe Lane

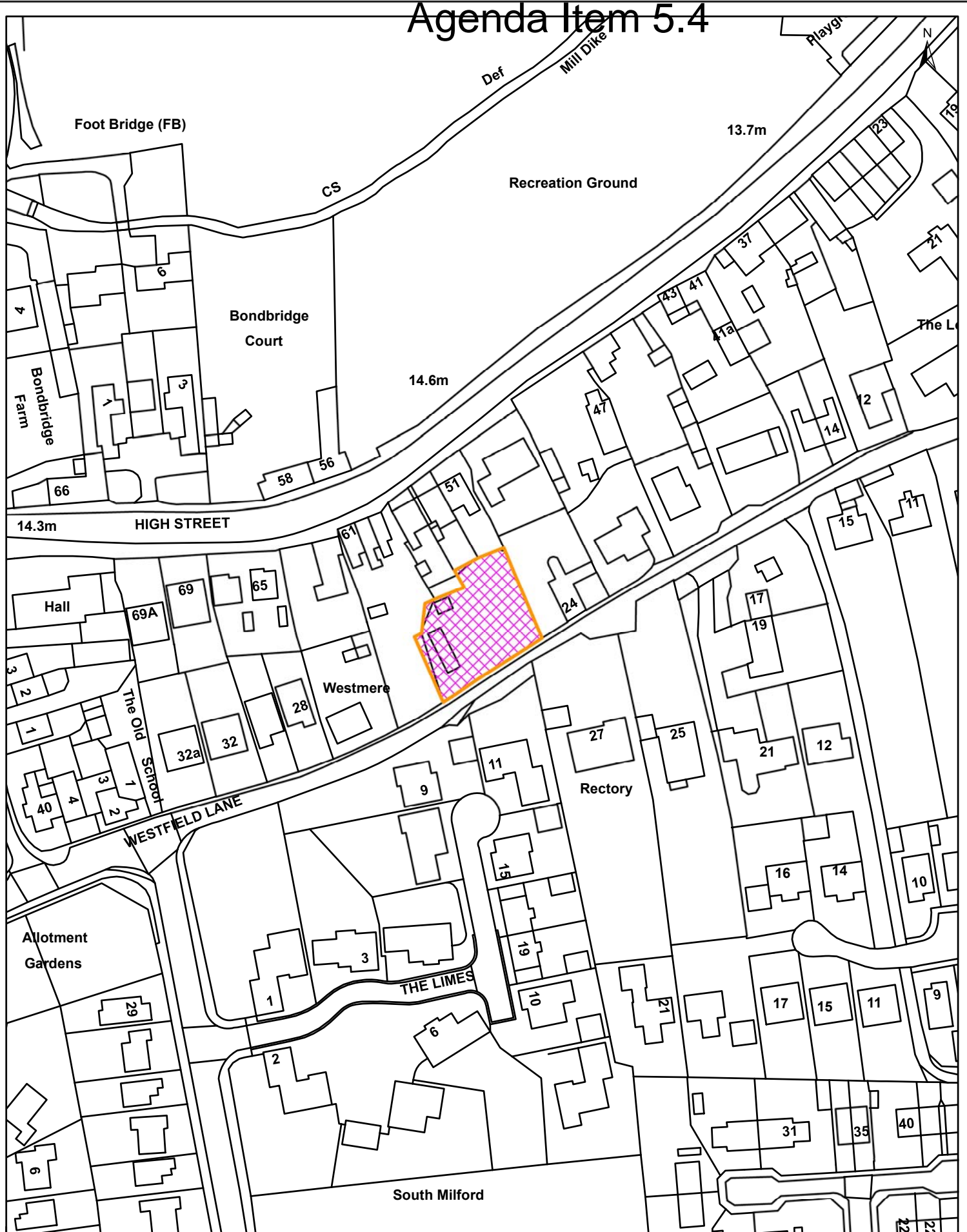


View of the south elevation looking north from Thorpe Lane



View of the rear east elevation

Agenda Item 5.4



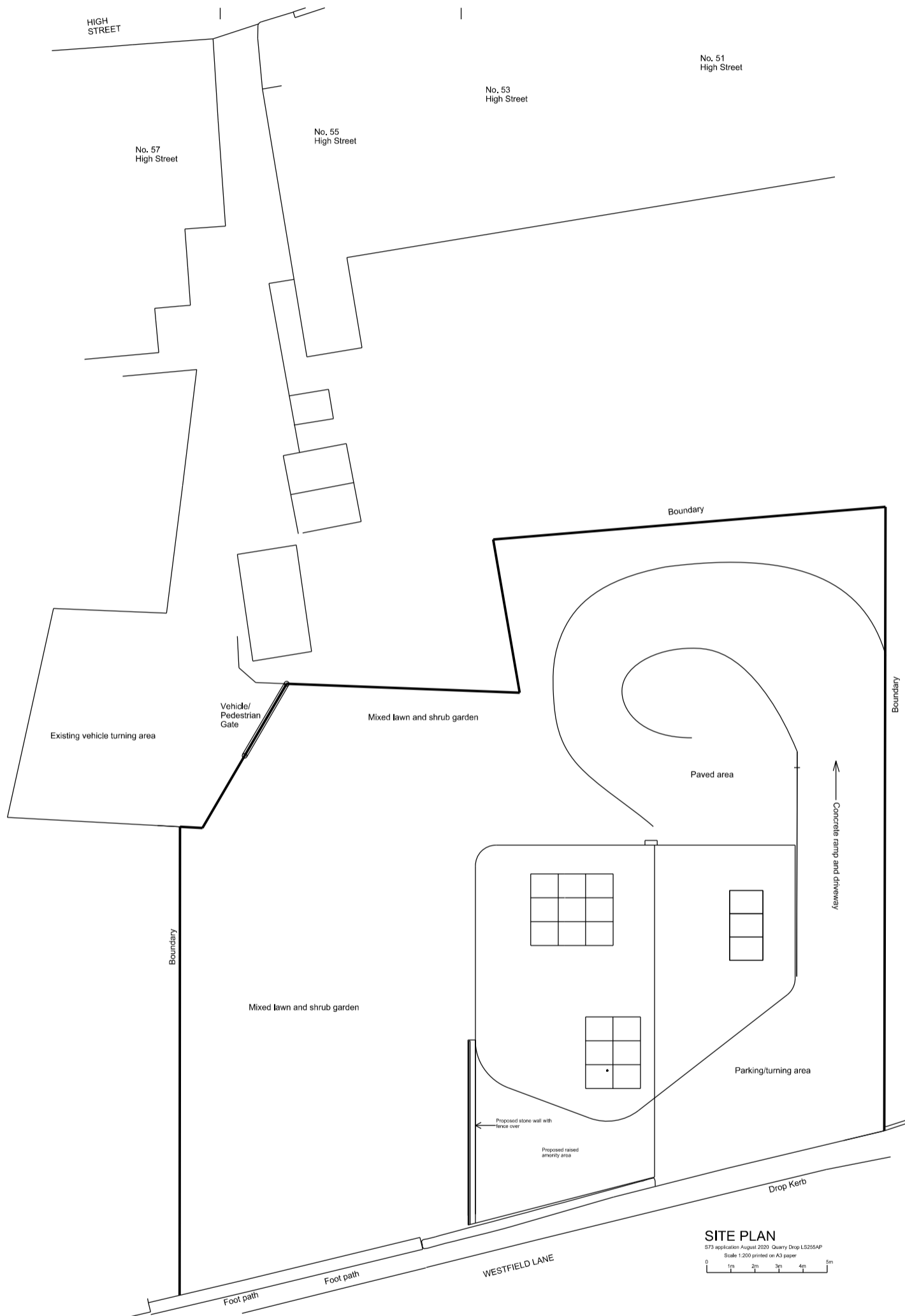
APPLICATION SITE

Quarry Drop, Westfield Lane, South Milford
2020/0828/S73

1:1,250



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SITE PLAN
 S73 application August 2023 Query Drop L52554P
 Scale 1:200 printed on A3 paper

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Report Reference Number 2020/0828/S73

To: Planning Committee
Date: 23 September 2020
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0828/S73	PARISH:	South Milford Parish Council
APPLICANT:	Mr Ian Lindsay	VALID DATE:	5th August 2020
		EXPIRY DATE:	30th September 2020
PROPOSAL:	Section 73 application to vary condition 04 (approved plans) of planning permission 2010/0507/FUL for construction of a five bedroom, three storey detached house		
LOCATION:	Quarry Drop Westfield Lane South Milford Leeds West Yorkshire LS25 5AP		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the application is a minor application where 10 or more letters of representation have been received which raise material planning considerations and where Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of South Milford, which is a Designated Service Village as identified in the Core Strategy.
- 1.2 The application site comprises part of a former magnesium limestone quarry. The quarry face is to the south side of the application site adjacent to Westfield Lane, and as such there is an approximate 6.4 metre difference in the ground level between the application site and Westfield Lane.
- 1.3 The application site fronts Westfield Lane to the south and is bound by residential development to the north, south, east and west.

The Proposal

- 1.4 The application has been made under Section 73 of the Town and Country Planning Act 1990 and the proposal seeks to vary Condition 4 (Drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford. The changes proposed under this Section 73 application are: (1) the creation of a raised amenity area between the south elevation and Westfield Lane; (2) the alteration to the footprint of the dwelling at ground, first floor and second floor; (3) alterations to fenestration in all elevations of the building and the eastern and western roof slopes; (4) the addition of more photovoltaics to the roof slopes of the dwelling; (5) the increase in the maximum height of the dwelling by approximately 3.8 metres; (6) the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east; and (7) the inclusion of materials to be used in the external construction of the dwelling shown on the submitted plans.
- 1.5 It should be noted that a number of these amendments have already been accepted under a previous Section 73 application earlier this year, reference 2020/0016/S73. The main differences between the amendments shown under the current Section 73 application and the previously approved Section 73 application, and therefore the main areas for consideration under this application are: (1) the increase in the maximum height of the dwelling by a further 3 metres (previously an increase in the maximum height of the dwelling by 0.8 metres was approved); (2) the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east; and (3) alterations to fenestration and addition of more photovoltaics in the western roof slope, as a result of the changes to the eave and ridge height. These amendments are to facilitate a mezzanine floor.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An application (reference: 2010/0507/FUL) for the construction of a five bedroom, three storey detached house was permitted on 02.08.2010.
- 1.8 A part retrospective application (reference: 2016/0850/FUL) for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period was permitted on 15.09.2016.
- 1.9 An application (reference: 2016/1190/FUL) to remove condition 9 (hours of work) of planning permission 2016/0850/FUL Part retrospective application for the erection of a detached three storey dwelling and the erection of temporary building for residential use during the construction period was refused on 02.12.2016. A subsequent appeal (reference: APP/N2739/W/17/3168058) was dismissed on 04.07.2017.
- 1.10 An application (reference: 2017/0757/PPP) for a certificate of lawful development for the proposed continuation of a development to build a 3 storey 5 bedroom house in accordance with 2010/0507/FUL was refused on 09.10.2017. A subsequent appeal (reference: APP/N2739/X/17/3186468) was allowed on 06.07.2018.

- 1.11 A Section 73 application (reference: 2018/0800/FUL) to vary condition 04 (drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house was appealed for non-determination. The appeal (reference: APP/N2739/W/18/3212548) was allowed on 02.05.2019.
- 1.12 A Section 73 application (reference: 2020/0016/FUL) to vary condition 04 (drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house was permitted on 07.05.2020.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – The Parish Council consider the plans presented by the applicant are unclear as to what has changed with this variation. The plans have been reviewed carefully and it is estimated that there is an approximate increase in height of 4m. It is unclear how this compares to neighbouring properties and impact on neighbouring properties so we cannot formulate recommendations to SDC.
- 2.2 **NYCC Highways** – No objections, subject to a condition requiring the provision of the approved access, turning and parking areas.
- 2.3 **Environmental Health** – No objections.
- 2.4 **Contaminated Land Consultants** – No objections.
- 2.5 **Yorkshire Water Services Ltd** – No response within statutory consultation period.
- 2.6 **Selby Area Internal Drainage Board** – No response within statutory consultation period.
- 2.7 **Ward Councillor** – No response within statutory consultation period.
- 2.8 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter and two site notices were erected (one on Westfield Lane and one on High Street).

Ten letters of representation have been received as a result of this advertisement of the application, all objecting to the application with concerns raised in respect of:

- (1) the length of time the build has been ongoing and will continue to be ongoing;
- (2) non-compliance with a working hours conditions attached to previous planning permissions at the site and queries/requests regarding whether a working hours condition would be attached to the current application should it be approved;
- (3) queries/requests regarding whether a completion date condition would be attached to the current application;
- (4) queries regarding whether the proposed development falls to be considered under a Section 73 application and whether instead a full application should have been submitted for consideration;
- (5) the submission of a further application for amendments, which follows a number of other applications for amendments;
- (6) the reasoning for the proposed amendment, as the site is located within Flood Zone 1 and has not flooded before;
- (7) limited information provided on the submitted plans to be able to understand the proposals and determine the application;

- (8) the height, size and design of the proposed development, which would be out of keeping with neighbouring properties and would have an adverse impact on the character and appearance of the area;
- (9) the existing wall and fence to the Westfield Lane boundary which causes a highway safety issue;
- (10) loss of amenity to neighbouring residential properties, due to noise, disturbance, overlooking, loss of privacy, overshadowing and loss of sunlight;
- (11) vehicles blocking the highway and vehicle being parked on High Street causing highway safety issues;
- (12) the practicality of using the driveway, which is very steep;
- (13) whether the development meets building regulations; and
- (14) the loss of house value of neighbouring properties as a result of the development.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of South Milford, which is a Designated Service Village as identified in the Core Strategy.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 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.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 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.

4.5 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

4.6 The relevant Core Strategy Policies are:

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

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- T1 – Development in Relation to the Highway Network

5 APPRAISAL

5.1 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

The Principle of the Development

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

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

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

- 5.3 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the development with the proposed variation to Condition 4 (Drawings) of planning permission 2010/0507/FUL would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were not retained in their present form.
- 5.4 The previous planning permission for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford was considered acceptable under planning approval reference 2010/0507/FUL, subject to conditions and according with relevant policies in place at that time.
- 5.5 A recent appeal decision dated 6 July 2018 (appeal reference: APP/N2739/X/17/3186468) has confirmed that planning permission reference 2010/0507/FUL remains extant and the works permitted by it can be lawfully continued. The Inspector therefore issued a certificate of lawfulness in respect of the construction of a three storey, five bedroomed detached dwelling in accordance with drawings listed under Condition 4 of 2010/0507/FUL. As the permission remains extant, an application can be lawfully made under Section 73 of the Town and Country Planning Act 1990, to vary Condition 4 (Drawings).
- 5.6 Since the approval of planning permission reference 2010/0507/FUL the Selby District Core Strategy Local Plan was formally adopted by the Council at the Extraordinary meeting of the Full Council on 22 October 2013. The policies within the Selby District Core Strategy Local Plan (2013) replace a number of Selby District Local Plan (2005) policies. In addition, the revised National Planning Policy Framework (NPPF) was published in July 2018, and subsequently revised again such that the most up-to-date version was published in February 2019. Although the policy context has changed since the decision for planning approval reference 2010/0507/FUL was made, with the adoption of the Selby District Core Strategy Local Plan (2013) and the publication of the NPPF (2019), the policy position remains the same. Had the proposal been assessed against the adopted Selby District Core Strategy Local Plan (2013) and NPPF (2019), the proposal would still have been considered acceptable in principle.
- 5.7 The proposed variation of Condition 4 (Drawings) of planning permission 2010/0507/FUL incorporates the following amendments: (1) the creation of a raised amenity area between the south elevation and Westfield Lane; (2) the alteration to the footprint of the dwelling at ground, first floor and second floor; (3) alterations to fenestration in all elevations of the building and the eastern and western roof slopes; (4) the addition of more photovoltaics to the roof slopes of the dwelling; (5) the increase in the maximum height of the dwelling by approximately 3.8 metres; (6) the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east; and (7) the inclusion of materials to be used in the external construction of the dwelling shown on the submitted plans.
- 5.8 The impacts arising from these amendments are considered in the following sections of this report. It should be noted, however, that a number of these

amendments have already been accepted under a previous Section 73 application earlier this year, reference 2020/0016/S73. The main differences between the amendments shown under the current Section 73 application and the previously approved Section 73 application, and are therefore the main areas for consideration under this application are: (1) the increase in the maximum height of the dwelling by a further 3 metres (previously an increase in the maximum height of the dwelling by 0.8 metres was approved); (2) the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east; and (3) alterations to fenestration and addition of more photovoltaics in the western roof slope, as a result of the changes to the eave and ridge height. These amendments are to facilitate a mezzanine floor.

Design and Impact on the Character and Appearance of the Area

- 5.9 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their design and impact on the character and appearance of the area and established that the proposals were acceptable with respect to the layout, scale, appearance and landscaping, subject to a condition relating to the approval of materials.
- 5.10 The proposed amendments would alter the footprint of the dwelling at ground, first floor and second floor level so the north west corner and south west corner would be rounded rather than square. In addition, the curved element projecting out from the northern elevation has been removed at ground, first floor and second floor level and the south east corner of the dwelling has been amended to give a slightly different shape. These amendments have previously been accepted as resulting in an acceptable design for the dwelling, which would not have any adverse impact on the character and appearance of the area, under planning permission reference 2020/016/S73, and this remains the case. Furthermore, the associated alterations to fenestration in all elevations of the building and the eastern and western roof slopes are not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission.
- 5.11 The increase in the maximum height of the dwelling by approximately 3.8 meters and the the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east are to facilitate a mezzanine floor. There are properties of various styles and designs within the locality and it is considered that the increase in the maximum height of the ridge and the increase in the height of the eaves would result in an acceptable design for the dwelling, which would not have any adverse impact on the character and appearance of the area.
- 5.12 The submitted plans demonstrate the materials to be used in the external construction of the proposed dwelling would be white (limestone) render for the walls with dark grey metal windows and steel fall pipes; and blue/grey slates for the roof with metal verges, fascia and gutters. These materials have previously been accepted as resulting in an acceptable design for the dwelling, which would not have any adverse impact on the character and appearance of the area, under planning permission reference 2020/016/S73, and this remains the case. A condition was attached to the original planning permission requiring details of the external materials to be submitted to and approved in writing by the Local Planning Authority. This condition would no longer be required, as the amended approved plans condition would secure the materials to be used in the external construction of the dwelling. Additional photovoltaics are shown on the roof slopes of the dwelling,

which are considered to be acceptable in respect of the character and appearance of the area.

- 5.13 The creation of a raised amenity area between the south elevation of the dwelling and Westfield Lane would not be a prominent feature within the locality and would be facilitated by the construction of a 1.8 metre high wall with fence atop to the western side, adjacent to the quarry drop. This amendment has previously been accepted as being acceptable having regard to its design and impact on the character and appearance of the area, under planning permission reference 2020/016/S73, and this remains the case.
- 5.14 The proposed amendments taken as a whole, given their nature and design, are not considered to have any significant adverse impact on the character and appearance of the area beyond the original permission and are therefore considered to be acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy Policy SP19 and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.15 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their impact on the residential amenity of neighboring properties in terms of whether they would result in any adverse impacts in terms of overlooking, overshadowing or oppression and established that the proposals were acceptable with respect to the layout, scale and appearance (including fenestration details).
- 5.16 The alterations to fenestration in all elevations of the building and the eastern and western roof slope, given their position, orientation and separation distance to neighboring residential properties would not result in any significant adverse effects of overlooking or loss of privacy beyond the original permission. The increase in the maximum height of the dwelling and the increase in the height of the eaves, given the nature of the changes and the position, orientation and separation distance of the proposed dwelling to neighboring properties, is not considered to result in any significant adverse effects of overshadowing, loss of sunlight or oppression so as to adversely affect the amenities of the neighboring properties beyond the original permission. Furthermore, the proposed raised amenity area, given its siting and separation distance from neighboring residential properties would not result in any significant adverse effects of overlooking beyond the original permission, as accepted under planning permission reference 2020/0016/S73.
- 5.17 The remainder of the proposed amendments, given their nature and design, are not considered to have any significant adverse impact on the residential amenity of neighbouring properties beyond the original permission. Overall, the proposed amendments are therefore considered to be acceptable in accordance with Policy ENV1 (1) of the Selby District Local Plan and national policy contained within the NPPF.
- 5.18 A number of letters of representation have been received which raise concerns regarding the length of time that the development has been ongoing and noise and disturbance resulting from construction works impacting on the residential amenity of neighbouring properties. Policy ENV1 (1) and ENV2A of the Selby District Local Plan seek to ensure a good amenity for residential occupiers, which is consistent

with national policy contained within the NPPF and the PPG in relation to noise and disturbance.

- 5.19 There are a history of permissions at the site, which have been summarised in the “Planning History” section of this report. Planning permission 2010/0507/FUL did not include any conditions restricting the hours and days that construction works could take place. However, under a subsequent planning permission, reference 2016/0850/FUL, the Local Planning Authority attached a condition restricting construction hours in the interest of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. The applicants sought to remove this condition under application reference 2016/1190/FUL, which was refused by the Local Planning Authority on 02 December 2016 and subsequently dismissed at appeal (reference: APP/N2739/W/17/3168058) on 04 July 2017. The Inspector considered the removal of the condition restricting the hours and days that construction works could take place would harm the living conditions of nearby residents in relation to noise and disturbance in conflict with Policy ENV1 of the Selby District Local Plan. Under the non-determination appeal relating to planning permission reference 2018/0800/FUL to vary condition 04 (drawings) of planning permission reference 2010/0507/FUL, an Inspector concluded that it was reasonable and necessary to attach a condition restricting working hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.
- 5.20 In determining a Section 73 application, the Local Planning Authority can impose additional conditions beyond those proposed in the application, provided that:
- (a) The conditions imposed are ones which could have been imposed on the original grant of permission; and
 - (b) The conditions do not permit amendments which would amount to a “fundamental alteration” of the development proposed by the original application.
- 5.21 The construction of the five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford has been ongoing for 9-10years. Representations from adjacent properties submitted with application references 2018/0850/FUL, 2016/1190/FUL, 2017/0757/CP, 2018/0800/FUL, 2020/0016/S73 and the current application, along with planning enforcement complaints have highlighted potential harm to the occupiers of neighbouring dwellings through noise and disturbance resulting from construction works, although it should be noted that no formal enforcement action has ever been taken as a result of planning enforcement complaints to date. The application site is tightly bound by residential properties, with those fronting High Street located a minimum of 10 metres away from the site boundary; No. 24 Westfield Lane to the east, located a minimum of 7 metres from the site boundary at a higher elevation; and Westmere to the west, located 18 metres from the site boundary and at a higher level. Given the location of the site, surrounded by residential properties to all sides, the evidence of the length of time the development has been ongoing, the representations from neighbouring properties regarding the potential harm to living conditions through noise and disturbance resulting from construction works, and two Planning Inspectorate decisions which set out that the residential amenity of the neighbouring properties must be protected during construction works by way of a condition restricting construction hours, it is considered reasonable and necessary to attach a condition restricting construction hours to any approval of planning permission under the current Section 73 application.

- 5.22 A condition restricting construction hours would be necessary, would be relevant to planning and relevant to the development permitted in relation to the site context, evidence of complaints about working hours and there is a clear planning purpose to protect amenity in relation to local planning policy. A condition relating to working hours would be enforceable because it would be possible to detect a contravention and remedy any such breach by not working outside the specified hours. Furthermore, the Inspector on appeal reference APP/N2739/W/17/3168058 considered the working hours condition, subject of that appeal, was sufficiently precise so as to have sensible meaning when read as a whole and was not uncertain. A similarly worded condition could be attached to the current application, thus the same would apply in terms of enforceability and preciseness.
- 5.23 Indeed, under appeal reference APP/N2739/W/18/3212548 relating to a similar Section 73 application to amend the approved plans condition of planning permission reference 2010/0507/FUL in 2018, an Inspector concluded that it was reasonable and necessary to attach a condition restricting working hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. Furthermore, such a condition was attached to planning permission reference 2020/0016/S73 earlier this year.
- 5.24 Having regard to the above factors, the Local Planning Authority consider it prudent to attach a condition restricting construction hours to any approval of planning permission in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. The condition is one which could have been imposed on the original grant of permission; and the condition does not permit amendments which would amount to a “fundamental alteration” of the development proposed by the original application.

Impact on Highway Safety

- 5.25 The original planning permission (reference: 2010/0507/FUL) assessed the proposals in respect of their impact on highway safety and established that the proposals were acceptable with respect to the access and layout, subject to a condition requiring the accesses to the site to be laid out and constructed in accordance with certain requirements detailed within the condition.
- 5.26 The proposed amendments do not alter the access, parking and turning areas within the application site. North Yorkshire County Council Highways have been consulted on the application and have advised that there are no local highway authority objections to the proposals, subject to a condition requiring the provision of the approved access, turning and parking areas. Such a condition has not been attached to any previous planning permissions at the site as it was not considered necessary. Officers consider that situation remains unchanged. The submitted plans, which would be conditioned as part of any planning permission granted, show the provision of an integral garage and sufficient space within the curtilage for the parking of vehicles.
- 5.27 As the access has now been laid out and constructed, it is not necessary to attach a condition to any approval of planning permission relating to the construction of the access, as with the 2010 permission.
- 5.28 Having regard to the above, it is considered that the proposals are acceptable in respect of highway safety in accordance with Policy ENV1 (2) of the Selby District

Local Plan, Policy T1 of the Core Strategy and national policy contained within the NPPF.

Other Issues

- 5.29 Concerns have been raised as to whether the proposed development falls to be considered under a Section 73 application and whether instead a full application should have been submitted for consideration. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this case the applicant is seeking to amend the approved plans condition of the 2010 permission (which the Planning Inspectorate have deemed is lawful). The Planning Practice Guidance sets out that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Further, section 73 cannot be used to change the description of the development. Aside from that, there is no statutory definition of a 'minor material amendment' and it is a matter of planning judgement whether the amendment falls to be considered under section 73 or not. In this case, it is considered that the proposed amendment can be considered under a section 73 application given the scale and nature of the development by comparison to the original application.
- 5.30 Concerns have been raised regarding the length of time the build has been ongoing and whether a completion date condition could be attached to any planning permission granted. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: (1) necessary; (2) relevant to planning; (3) relevant to the development to be permitted; (4) enforceable; (5) precise; and (6) reasonable in all other respects. These are referred to as 'the 6 tests', and each of them need to be satisfied for each condition which an authority intends to apply. A condition requiring a development to be carried out in its entirety within a specified timeframe would not meet all of 'the 6 tests', as it would not be reasonable or enforceable. This has been confirmed by an Inspector under the appeal relating to planning permission reference 2018/0800/FUL.
- 5.31 Concerns have been raised regarding non-compliance with working hours conditions attached to planning permission references 2016/0850/FUL and 2018/0800/FUL and queries/requests have been raised regarding whether a working hours condition would be attached to the current application should it be approved. Complaints regarding non-compliance with working hours conditions are investigated by the Council's Planning Enforcement Team. As set out earlier in this report a condition relating to the hours of construction works would be attached to any planning permission granted.
- 5.32 Concerns have been raised regarding construction vehicles blocking the road. Such complaints should be directed towards North Yorkshire County Council Highways for further investigation.
- 5.33 Concerns have been raised regarding the boundary treatment along Westfield Lane. The Local Planning Authority consider the lawful boundary treatment along Westfield Lane is a 1.2 metre high wall (i.e. removing the 0.6 metre high fence atop) and this matter is being investigated by the Council's Planning Enforcement Team. A 1.2 metre high boundary treatment along the Westfield Lane boundary would

provide sufficient visibility at the site access to Westfield Lane to satisfy NYCC Highways.

5.34 Concerns have been raised as to whether the development meets building regulations. This is a matter for Building Control to consider rather than Planning.

5.35 Concerns have been raised that the ongoing development is resulting in the loss of the value of neighbouring properties. This is not a material consideration to be taken into account in the determination of this application.

6 CONCLUSION

6.1 The application has been made under Section 73 of the Town and Country Planning Act 1990 and the proposal seeks to vary Condition 4 (drawings) of planning permission reference 2010/0507/FUL for the construction of a five bedroom, three storey detached house at Quarry Drop, Westfield Lane, South Milford. The changes proposed under this Section 73 application are: (1) the creation of a raised amenity area between the south elevation and Westfield Lane; (2) the alteration to the footprint of the dwelling at ground, first floor and second floor; (3) alterations to fenestration in all elevations of the building and the eastern and western roof slopes; (4) the addition of more photovoltaics to the roof slopes of the dwelling; (5) the increase in the maximum height of the dwelling by approximately 3.8 metres; (6) the increase in the eaves height of the dwelling by 0.4 metres to the west and 0.8 metres to the east; and (7) the inclusion of materials to be used in the external construction of the dwelling shown on the submitted plans.

6.2 The proposed amendments are not considered to have any significant adverse impact on the character and appearance of the area, the residential amenity of neighbouring properties or highway safety beyond the original permission and are therefore considered to be acceptable in accordance with Policies ENV1 and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and national policy contained within the NPPF.

6.3 Given the location of the site, surrounded by residential properties to all sides, the evidence of the length of time the development has been ongoing, and the representations from neighbouring properties regarding the potential harm to living conditions through noise and disturbance resulting from construction works, it is considered reasonable and necessary to attach a condition restricting construction hours in the interests of the amenities of the adjacent properties and having regard to Policy ENV1 of the Selby District Local Plan.

7 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:

LOC 01 – Location Plan

01 – Site Plan

02 – Basement and First Floor Plans

03 – Second and Mezzanine Floor Plans

04 – Roof Plan

- 05 – East and North Elevations
- 06 – South and West Elevations
- 07 – Section Looking North
- 08 – Section Looking East

Reason:

For the avoidance of doubt.

- 02.No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays.

Reason:

In interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.

INFORMATIVE:

The purpose of Condition 2 is to restrict construction works associated with the development hereby granted outside the stated hours in the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan. For the purposes of Condition 2 the phrase ‘construction works’ means the carrying out of any building, civil engineering or engineering work associated with the construction of the dwelling hereby permitted, which would generate levels of noise audible at the site boundary that would cause a loss of amenity to neighbours. In assessing compliance with Condition 2, the Local Planning Authority would work alongside the Council’s Environmental Health Officers, who have a separate duty to deal with statutory nuisances under the Environmental Protection Act 1990. The applicant is advised to keep an up-to-date written log detailing what works associated with the planning permission granted are being undertaken, which can be made available to the Local Planning Authority upon their request, in the event that any alleged breaches of Condition 2 are reported to the Local Planning Authority requiring subsequent investigation.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0828/S73 and associated documents.

Contact Officer: Jenny Tyreman (Senior Planning Officer)

Appendices: None

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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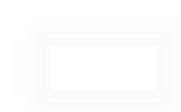


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