



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 25 NOVEMBER 2020**  
Time: **2.00 PM**  
Venue: **MICROSOFT TEAMS - REMOTE**  
[\(Click here\)](#)  
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair),  
M Topping, K Ellis, I Chilvers, R Packham, P Welch,  
D Mackay and S Shaw-Wright**

## 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](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 November 2020.

5. **Planning Applications Received (Pages 15 - 16)**
  - 5.1. **2020/0294/FULM - Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster (Pages 17 - 62)**
  - 5.2. **2020/0343/FUL - Land Adjacent To Park Farm, Main Street, Skipwith (Pages 63 - 86)**
  - 5.3. **2020/0344/FUL - Land Adjacent A19, Station Road, Riccall (Pages 87 - 102)**
  - 5.4. **2020/1139/S73 - Old Forge Cottage, Main Street, Church Fenton (Pages 103 - 116)**
  - 5.5. **2020/0612/FUL - Land Adjacent to No 3, Chapel Court, Camblesforth (Pages 117 - 134)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

<p><b>Dates of next meeting (2.00pm)</b> Wednesday, 9 December 2020</p>
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto: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](mailto:democraticservices@selby.gov.uk)

# Agenda Item 4



## Minutes

### Planning Committee

Venue: Microsoft Teams - Remote  
Date: Wednesday, 11 November 2020  
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, P Welch, D Mackay and S Shaw-Wright

Officers Present remotely via Teams: Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent – Principal Planning Officer, Rebecca Leggott – Senior Planning Officer, Chris Fairchild – Senior Planning Officer, Irma Sinkeviciene – Planning Officer, Victoria Foreman – Democratic Services Officer

#### **41 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Packham.

#### **42 DISCLOSURES OF INTEREST**

Councillors J Cattanach, J Mackman, K Ellis, I Chilvers, M Topping, S Shaw-Wright and P Welch all declared a non-pecuniary interest in agenda items 5.1 - 2019/0639/COU - Holmewood, York Road, North Duffield, Selby and 5.5 - Fields Garden Centre, Tadcaster Road, Sherburn In Elmet, Leeds as they had all received additional representations in relation to these applications.

#### **43 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Committee noted that an Officer Update Note had been circulated and that the order of business on the agenda had been amended by the Chair so that agenda item 5.1 – 2019/0639/COU – Holmewood, York Road, North Duffield would be considered last.

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

Members were informed that a date had been set for a Public Inquiry for to the reserved matters application relating to appearance, landscaping, layout and

scale for erection of 50 dwellings at land to the south of Main Street, Church Fenton. This was scheduled for 9 February 2021, for 4 sitting days. Members resolved to refuse this application at Planning Committee on 4 March 2020.

Lastly the Chair announced to the Committee that on 30 October 2020 the Planning Department had received the Planning Inspectors decision for Viners Station, which was for the respective permission of four biomass boilers in the open countryside. The appeal was a joint planning and enforcement appeal, which the Inspector dismissed, and upheld the enforcement notice.

#### 44 **MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 28 October 2020.

#### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 28 October 2020 for signing by the Chairman.**

#### 45 **PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications:

##### **45.1 2019/0945/FUL - GROVE FARM, SWEEMING LANE, LITTLE FENTON, LEEDS**

**Application:** 2019/0945/FUL

**Location:** Grove Farm, Sweeming Lane, Little Fenton, Leeds

**Proposal:** Proposed conversion of single storey barn/stable block to use as a single storey dwelling

The Senior Planning Officer presented the application which had been 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 that there were material considerations which would justify approval of the application.

*Councillor D Mackay joined the meeting at this point; as he had missed part of the Officer's presentation, he would not be able to take part in the debate or decision on the application.*

The Committee noted that the application was for the proposed conversion of a single storey barn/stable block to use as a single storey dwelling.

An Officer Update Note had been circulated to the Committee which set out details of an additional

representation that had been received, clarification of the proposed version of block plan for approval, and an amended version of the block plan and an update to Condition 14.

The Committee discussed the application and asked questions about the siting of car parking and the former agricultural use and ownership of the buildings on the site. Members agreed that this was a relatively minor application that had been appropriately assessed by the Officer and should subsequently be agreed.

It was proposed and seconded that the application be APPROVED subject to conditions set out in the report and the Officer Update Note; 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 and the Officer Update Note.**

**45.2 2019/1216/COU - LAND OFF WESTFIELD LANE, THORGANBY**

**Application:** 2019/1216/COU

**Location:** Land off Westfield Lane, Thorganby

**Proposal:** Change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works

The Senior Planning Officer presented the application which had been brought before Planning Committee on 28 October 2020, where Members had resolved to defer consideration of the application to allow Thorganby Parish Council the opportunity to speak. It should be noted that this application was originally brought before Planning Committee as directed by the Head of Planning due to the sensitive consideration of the level of objection.

The Committee noted that the application was for the change of use of land to form a 12-pitch touring caravan site including the siting of shower and toilet facilities, new internal access track and associated works.

Members asked the Officer a number of question relating to tree surveys and protection orders on the site, the retention of and types of hedgerows and trees, the bus service in the village and the status of the village pub.

Mrs Betty Garnham, a representative for Thorganby Parish Council, was invited remotely into the meeting and spoke against the application.

The Committee discussed the application, with some Members explaining that whilst they supported the proposals, a tree survey could have been undertaken and the scheme should have been landscape led.

Other Members expressed concerns around the width of the lane to the site, whether it was appropriate for caravans and the potential for accidents; the Committee noted that the site was already operating as a five-pitch caravan park, and had been doing so for some time.

Some Members felt that the application was acceptable, the positioning of the access was satisfactory, and that the proposals would not result in any negative effects on the amenity of surrounding properties.

The Committee suggested that an additional condition be attached to the scheme relating to landscaping, specifying that any existing hedging and trees should be retained for the lifetime of the development.

It was proposed and seconded that the application be GRANTED subject to the conditions set out in the report and delegation to the Planning Development Manager to draft the wording of the additional condition, in consultation and with agreement from Councillors M Topping and J Mackman .

A vote was taken on the proposal with an equal number of Members in favour and against; as such the Chair used his casting vote, and the proposal was carried.

**RESOLVED:**

**To GRANT the application subject to:**

- i. the conditions set out at paragraph 7 of the report; and**
- ii. delegation to the Planning Development Manager, in consultation with Councillors M Topping and J Mackman, to draft an additional condition relating to the retention of existing trees and hedgerows for the lifetime of the**

development.

**45.3 2020/0773/FUL - 15 COCHRANE STREET, SELBY**

**Application:** 2020/0773/FUL

**Location:** 15 Cochrane Street, Selby

**Proposal:** Change of use of a C3 dwelling house to a mixed use for a Class C3 dwelling house and Class E(f) childminding business

The Senior Planning Officer presented the application which had been brought before Planning Committee as Selby District Council was the owner of the residential dwelling.

The Committee noted that the application was for the change of use of a C3 dwelling house to a mixed use for a Class C3 dwelling house and Class E(f) childminding business.

An Officer Update Note had been circulated to the Committee which included details of an amendment to the report that removed paragraph 5.4, which related to Policy SP13 but was not relevant to the application. The amendment did not alter the assessment made.

The Committee discussed the application and noted that the area in which the house was situated was often busy in terms of on-street car parking, but were satisfied that the scheme should be approved.

It was proposed and seconded that the application be GRANTED subject to conditions set out in the report; 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.**

**45.4 2020/0549/S73 - FIELDS GARDEN CENTRE, TADCASTER ROAD, SHERBURN IN ELMET, LEEDS**

*Councillor M Topping left the meeting at this point.*

**Application:** 2020/0549/S73

**Location:** Fields Garden Centre, Tadcaster Road, Sherburn in Elmet, Leeds

**Proposal:** Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL Conversion

of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area granted on 16 April 2020

The Principal Planning Officer presented the application which had been brought before Planning Committee due to the significant number of representations both in support and opposition to the application, which raised material planning considerations; Officers would have otherwise determined the application contrary to some of these representations.

The Committee noted that the application was a Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL - Conversion of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area, granted on 16 April 2020.

An Officer Update Note had been circulated to the Committee which set out the details of additional representations that had been received in relation to the application.

Members asked questions on various matters including the potential for any additional employment opportunities as a result of the application, the proposed extended hours of operation for the café and the effect on nearby properties and the site's inclusion in the Green Belt and Locally Important Landscape Area (LILA). The Officer explained that the application did not constitute inappropriate development in the Green Belt due to the use of the existing buildings and its incremental expansion. In response to a further query from the Committee, the Officer confirmed that there was an application under consideration by the Local Planning Authority for its further expansion with the erection of covered plant sales structures.

Mr Peter Rawnsley, objector, was invited remotely into the meeting and spoke in against the application.

Councillor David Buckle, Ward Member, was invited remotely into the meeting and spoke in support of the



application.

The Committee continued to discuss the application in detail. Members acknowledged the mixed use of the site and that it was first and foremost a garden centre with a secondary café facility. However, the proposed opening hours until 9.00pm had caused concern amongst the Committee, with earlier times such as 7.00pm being proposed. The Officer confirmed that earlier closing times had been suggested to the applicant, but they had stated that they wished to continue with a proposal for 9.00pm. Members felt that they could not support the scheme due to the intensification of use of the site, which was in the Green Belt and would affect its character and openness, and the later opening time of 9.00pm which had the potential for a harmful effect on the living conditions of the adjacent residential dwellings.

*Councillor M Topping re-joined the meeting at this point. As he had missed the Officer's presentation he was unable to take part in the debate or decision on the application.*

It was proposed and seconded that the application be REFUSED for the reasons set out above.

A vote was taken on the proposal and was carried.

**RESOLVED:**

**To REUFSE the application for the following reasons:**

Green Belt

- i. The proposal lies within the Green Belt, where one of the fundamental aims is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed extension to the opening hours will significantly intensify the use, resulting in increased vehicular and pedestrian activity visiting the site, cars parked in the car park for longer periods, illumination of the premises for longer periods all of which will increase the activity at the site. This is regarded to have a harmful impact on the character and openness of

the Green Belt, as such is contrary to Policy SP 3 of the Core Strategy and section 13 of the NPPF.

### Living Conditions

- ii. The site lies immediately adjacent to a cluster of residential dwellings. The permitted operating hours provide relief for the adjacent residents from the garden centre/café use, in terms of restricting the café use to daytime trading hours with 5pm closing. The proposed extension of the hours, in particular until 9pm, 3 days a week, is a significant intensification of this use, which will result in increased vehicular and pedestrian activity visiting the site and increase the potential for the building and outside space to generate noise and disturbance from the café late into the evening. This is regarded to have a harmful impact on the living conditions (or amenities) of adjoining occupiers, contrary to Selby District Local Plan Policy ENV 1 and advice contained within Paragraph 180 of the NPPF.

#### **45.5 2019/0639/COU - HOLMEWOOD, YORK ROAD, NORTH DUFFIELD, SELBY**

**Application:** 2019/0639/COU

**Location:** Holmewood, York, North Duffield, Selby

**Proposal:** Retrospective change of use of land from agricultural to garden for land adjoining the rear

The Planning Officer presented the application which had been brought before Planning Committee as 14 letters of representation had been received which raised material planning considerations, and Officers would otherwise have determined the application contrary to these representations.

The Committee noted that the application was for the retrospective change of use of land from agricultural to garden for land adjoining the rear.

An Officer Update Note had been circulated to the Committee which set out the detail of an additional representation that had been received, and an amendment to the Officer's report at point 1.10 relating to application 2019/1272/COU where it was stated that the application was refused on 2 April 2020; the application was in fact currently pending consideration. Paragraph 5.14 should also be removed.

The Committee asked questions in relation to the red line boundary, an appropriate fencing height and hedgerows.

The representation submitted by the agent, Jennifer Hubbard, was read out in full by Democratic Services to the meeting, as she had been unable to remotely join the meeting.

The Committee discussed the application and agreed that the extension to the land in principle was acceptable, but that the issues were with the boundary treatments. As such, it was suggested that the application could be approved if an additional condition were added to ensure that the fencing on the site be submitted to Officers for approval.

It was proposed and seconded that the application be APPROVED, subject to the additional condition relating to the approval of fencing by Officers. A vote was taken on the proposal with an equal number of Members in favour and against; as such the Chair used his casting vote, and the proposal was lost.

It was proposed and seconded that the application be REFUSED for the reasons set out in the report. A vote was taken on the proposal and was carried.

**RESOLVED:**

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

The meeting closed at 4.47 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. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be 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 next part is the remote public speaking process at the committee. The following may address the committee for **not more than 5 minutes each, remotely**:
  - (a) The objector
  - (b) A representative of the relevant parish council
  - (c) A ward member
  - (d) The applicant, agent or their representative.

**NOTE:** Persons wishing to speak remotely on an application to be considered by the Planning Committee should have registered to speak with Democratic Service (contact details below) **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday). They must also submit a copy of what they will be saying by the same deadline.** This is so that if there are technical issues and speakers can't access the meeting, their representation can be read out on their behalf (for the allotted five minutes).

6. Persons wishing to speak will be able to access the meeting by joining the link to the Microsoft Teams meeting which will be supplied to them by Democratic Services. They will be admitted to a lobby where they will wait until they are

brought into the actual meeting when it is time to speak. Whilst waiting they can continue to watch the live stream of the meeting as it takes place via YouTube.

7. Once they have been admitted to the meeting, they will be given the five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to leave the meeting/will be removed from the meeting. The opportunity to speak is not an opportunity to take part in the debate of the committee.
8. If there are technical issues and speakers are unable to access the meeting, their representation will be read out on their behalf for the allotted five minutes.
9. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
10. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
11. 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.
12. 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.
13. This is a council committee meeting which is viewable online as a remote meeting to the public.
14. 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](mailto:democraticservices@selby.gov.uk)
15. The arrangements at the meeting may be varied at the discretion of the Chairman.
16. Written representations on planning applications can also be made in advance of the meeting and submitted to [planningcomments@selby.gov.uk](mailto: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.
17. 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](mailto:planningcomments@selby.gov.uk) or Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk) for clarification.

18. 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>

19. 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?CommitteeId=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.

20. 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.

21. These procedures are being regularly reviewed as we start to operate in this way.

**Contact:** Democratic Services

Email: [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)

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# Agenda Item 5

## Items for Planning Committee

25 November 2020

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/0294/FULM	Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster	Proposed demolition of existing two storey care home (Class C2), and erection of replacement two storey care home (Class C2) comprising 70 single en-suite bedrooms together with associated car parking, (50 spaces), access arrangements and landscaping	MACO	17-62
5.2	2020/0343/FUL	Land Adjacent To Park Farm, Main Street, Skipwith	Proposed erection of detached dwelling and garage on land adjacent to Park Farm	MACO	63-86
5.3	2020/0344/FUL	Land Adjacent A19, Station Road, Riccall	Proposed new dwelling on land adjacent	GAST	87-102
5.4	2020/1139/S73	Old Forge Cottage Main Street Church Fenton	Section 73 application to vary condition 02 (plans) of approval 2018/0391/HPA Proposed erection of a double garage granted on 07.06.2018	GAST	103-116
5.5	2020/0612/FUL	Land Adjacent to No 3, Chapel Court, Camblesforth	Erection of detached dwelling and garage	GABE	117-134

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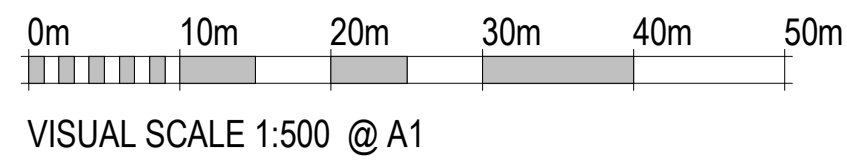
## APPLICATION SITE

Highfield Nursing Home, Scarthingwell Park  
2020/0294/FULM

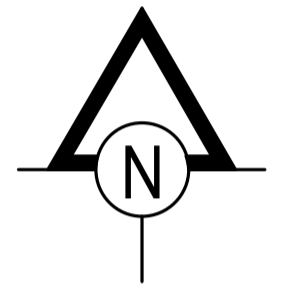
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P5	16/07/20	Revisions following Planning officer comments	RSW	RSW
P4	11/05/20	Revised following comments	MI	MI
P3	11/05/20	Road adjusted following vehicle tracking	MI	MI

Rev	Date	Description	Drawn By	Checked By

**harrisirwin**  
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**Project:**  
BHC Highfield  
Scarthingwell Park

**Client:**

**Drawing Title:**  
Proposed Site Block Plan

**For Planning Submission**

HIA Project Number 2300	Scale @ A1 1 : 500	Suitability DO
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Project	Originator	Volume	Level	Type	Role	Number
2300 - HIA - ZZ - XX - DR - A - 0104						

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**Report Reference Number:** 2020/0294/FULM

**To:** Planning Committee  
**Date:** 25 November 2020  
**Author:** Mandy Cooper (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0294/FULM	PARISH:	Saxton Cum Scarthingwell Parish Council
APPLICANT:	Barchester Healthcare Homes Ltd	VALID DATE: EXPIRY DATE:	27th March 2020 26th June 2020
PROPOSAL:	Proposed demolition of existing two storey care home (Class C2), and erection of replacement two storey care home (Class C2) comprising 70 single en-suite bedrooms together with associated car parking, (50 spaces), access arrangements and landscaping		
LOCATION:	Highfield Nursing Home Scarthingwell Park Barkston Ash Tadcaster North Yorkshire LS24 9PG		
RECOMMENDATION:	MINDED TO APPROVE (Refer to secretary of State)		

This application has been brought before Planning Committee because it constitutes inappropriate development in the Green Belt but it is considered that there are Very Special Circumstances which justify approval of the proposal. In addition, more than 10 letters of objection from local residents have been received in response to the proposal.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.2 The application site comprises the existing Highfield Nursing Home which is located within Scarthingwell Park to the north of Barkston Ash.

- 1.3 The proposal site is located within the Green Belt and within Scarthingwell Park. The park is also designated as a Historic Park and Garden. There is a large Tree Preservation Order across the park which was designated in 1985.
- 1.4 The application site is relatively low lying and surrounded by fields enclosed by hedgerows, with a wetland feature in the form of a large pond to the east.
- 1.5 The principal building is situated to the northwest of and partially encloses the Church of the Immaculate Conception which is a Grade II Listed Building. The church was previously connected to the old Scarthingwell Hall which was demolished in the 1960s. The nursing home was constructed on the site of the Hall.
- 1.6 The existing buildings comprise a former school which has been in use as a care home for more than 20 years. There have been a number of additions and extensions and the applicant considers the building has now got to the stage where it is beyond repair and no longer fit for purpose.
- 1.7 The site comprises an area of 1.47ha which includes ancillary buildings such as the detached canteen, a sub-station; garage and store; in addition to site access; parking areas and established landscaping to the grounds.

### **Background**

- 1.8 An application (2007/1199/FUL) for the demolition of the existing care home and replacement with a two and three storey 50 bed facility, along with 15 additional close care apartments, was approved by Members at Planning Committee in 2009, following a recommendation for refusal by the relevant Officer. The approval was not however implemented.
- 1.9 A further application was submitted (2012/0443/FUL – Approved 08.10.2020) to extend the permission, which has now lapsed. Since then, the site has been subject to two pre-application enquiries, the last being in 2018 (response January 2019) which is relative to the current application.
- 1.10 A Building Condition Assessment accompanies the application and sets out a number of problems in relation to the existing building including:
  - Door openings / corridors too narrow for disabled access;
  - No on-site café;
  - Communal day space poorly laid out and poorly lit;
  - Bedrooms generally below the required Care Quality Commission minimum standards; as not all bedrooms have en-suite bathrooms, with bathrooms being too small;
  - Kitchen and laundry facilities are too small; and
  - Many parts of the building do not comply with Building Regulations for disabled access.

The applicant considers that the range and extent of issues mean that it is no longer practical or economical for the above to be addressed by alterations or renovations of the existing buildings.



- 1.11 Of particular note is that due to the poor condition of the building it has not been running at full capacity for a number of months. Of even greater importance, the residents have been moved temporarily and the care home has now closed (26.09.2020), which further highlights the time sensitivity of this application.

### **The Proposal**

- 1.12 The scheme is for the proposed demolition of the existing 44 bedroom two storey care home (Class C2), and erection of a replacement two storey care home (Class C2) comprising 70 single en-suite bedrooms together with associated car parking (50 spaces), access arrangements and landscaping.
- 1.13 The current care home caters for 55 residents in 44 bedrooms with the planned replacement being completely purpose built which would cater for 70 residents, equating to a significant increase of 26 bedrooms.
- 1.14 The proposed new facility would cater for the elderly, infirm and dementia sufferers and would include day lounges, with a particular emphasis '*on light and spacious areas,*' with the ground floor bedrooms having direct access to the landscaped areas within the grounds.
- 1.15 In addition, the proposal would result in a decrease from 23 to 18 part-time posts and an increase in 35 additional full-time jobs, which is a net gain of 32.5 posts.

### ***Environmental Impact Assessment Screening***

- 1.16 The information submitted which forms part of the pre-application has been considered and assessed against The Town and Country Planning (Environmental Impact Assessment) Regulations 2018.
- 1.17 The proposal would not fall under Schedule 1 development but would fall under Schedule 2 of the regulations. Having reviewed the indicative thresholds, the scheme would exceed the threshold in part 10. b) i) of Schedule 2. The application has been screened using the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 screening matrix and it was concluded that the proposal would not have significant effects on the environment due to the nature of the proposal in addition to the scale and location. It was therefore determined that an Environmental Impact Assessment would not be required in this instance.

### **Relevant Planning History**

- 1.18 The following historical applications are relevant to the determination of this application.
- CO/1986/1119, Alt Ref: 8/67/1J/PA: Construction of a vehicular access to serve: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved .23-JUL-86
  - CO/1988/1495 Alt Ref: 8/67/1L/PA: Conversion of existing workshops to use as aged persons accommodation and erection of extension to provide link with existing nursing home: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 28-APR-88 (600CM)

- CO/1988/1496, Alt Ref: 8/67/1M/PA: Proposed 1<sup>st</sup> floor extension to existing link block to provide further accommodation for administrative and care use: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 22-DEC-88 (600CM)
- CO/1989/1523, Alt Ref: 8/67/1N/PA: Erection of sun lounge: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 21-JUN-89 (207CM)
- CO/1998/0916 Alt Ref: 8/67/1X/PA: Proposed extension to existing nursing home to provide improved accommodation, including enhanced medical and rehabilitation facilities and amended access arrangements: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Withdrawn: 19-JUL-00
- 2005/0370/FUL Alt Ref: 8/67/1Z/PA: Erection of one No. first floor extension, one No. two storey extension and a conservatory to create additional living accommodation: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 18-OCT-05 (not implemented)
- 2007/1199/FUL, Alt Ref: 8/67/1AA/PA: Proposed erection of a 50 bed care home with additional 15 close care apartments following demolition of the existing care home (in accordance with amended information received by the local planning authority on 1 August 2008),Address: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 19-AUG-09
- 2012/0443/FUL, Alt Ref: 8/67/1AB/PA: Extension of time application to approval 2007/1199/PA (8/67/1AA/PA) for the erection of a 50 bed care home with additional 15 close care apartments following demolition of the existing care home (in accordance with amended information received by the local planning authority on 1 August 2008),Address: Highfield Nursing Home, Scarthingwell Park, Barkston Ash, Tadcaster  
**Decision:** Approved: 08-OCT-12

## 2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** – No objection but pre-commencement condition Construction Phase Management Plan included to ensure public safety and protection of amenity.
- 2.2 **Yorkshire Water** – If planning permission is to be granted, conditions should be attached to protect the local aquatic environment and Yorkshire Water infrastructure.
- 2.3 **Ainsty (2008) Internal Drainage Board** – No objections in principle subject to the applicant taking note of all the comments and advise they would want to have the additional information requiring percolation testing and to know what the maximum discharge rate could be through the existing 150mm pipe, prior to agreeing to the method of surface water drainage. Conditions to cover surface water drainage, consents, percolation testing, discharge rates.

2.4 **SuDS** - The following documents are noted:

- Flood Risk and Surface Water Drainage Strategy Revision 3, Dated 6th March 2020.
- Drainage Layout, Herrington Consulting Limited, Reference HC-2435-501, Revision P3, Dated 5th March 2020.

A number of comments made which refer to the acceptability of specifics of the above. No objections and conditions relating to submission of further drainage details are included.

2.5 **Environment Agency** - According to the available screening tools this site is located in Flood Zone 1. There do not appear to be any other triggers from the External Consultation checklist.

2.6 **Environmental Health** – No objection but condition requiring a Construction Environmental Management Plan (CEMP).

2.7 **Conservation Officer** – Initial comments as follows:

- Excellent opportunity to improve setting of the listed church
- Scarthingwell Hall dominated setting of church to the west and northwest no part projected to the south
- Proposed scheme shows much larger amount of two storey new build projecting beyond main part of church to the south and beyond the building line of church
- Southern part of development needs to be pulled back so it does not project beyond the church
- Southern element also needs to be simplified in appearance as use of different materials presents a confused design therefore not sensitive and showing a lack of understanding of setting
- Materials require careful consideration, white render likely to be too stark a contrast, artificial slate not acceptable and natural materials such as welsh slate must be used
- Windows and all rainwater goods - UPVC not acceptable with aluminium as a possible alternative – address in report
- Proportions of windows at odds as large section to top with small section to bottom- more even split required address in report
- No assessment or discussion of parking areas and lighting scheme in Heritage Statement – grasscrete unacceptable as regard to impact on listed church
- Large amount of new lamp posts which lead from front of church into complex and less intrusive options should be considered
- All materials samples would be required

**Second response to Amended Details** – Consider the principle of the replacement of the care home is acceptable but note the following comments:

- Scale and massing greater than existing and in most views of no consequence in regard to listed building
- Views from the south (7 & 7A) however result in encroachment of buildings toward the church and gap has decreased

- Buildings are however lower in height than church and improvements over existing due to rationalisation of design
- Concerns addressed in relation to southern block (1<sup>st</sup> floor conservatory removed) and apparent from submitted visuals (5A) that southern block would not be visible above single storey extension to church
- Conditions required in relation to materials samples of walling, roof, rainwater goods with emphasis on high quality particularly in regard to choice of stone

2.8 **Historic England** - On the basis of the information available to date have no comments to offer. The LPA is advised to seek the views of specialist conservation and archaeological advisers, as relevant.

2.9 **Designing Out Crime Officer** – A number of comments relating to the scheme as follows:

- Commend the level of permeability
- Clear demarcation of public, semi-private and private spaces
- Clear views and no dark hiding places around the building
- Landscaping details appropriate
- Rear of building boundary treatment using 1.8m fence is appropriate
- Lighting to parking areas to be commended

The above advice and recommendations are intended to ensure that should this site be developed as proposed, residents will be provided with a safe and secure environment to live by reducing the opportunities for crime and antisocial behaviour to occur.

2.10 **North Yorkshire Fire & Rescue Service** - At this stage in the planning process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development but will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

2.11 **Vale of York CCG** – No response received.

2.12 **Public Rights of Way Officer** – No response received.

2.13 **HER Officer** – Due to sites history a pre-commencement condition is recommended (prior to demolition) requiring an archaeological watching brief to be carried out. Legislative or Policy Justification.

2.14 **Natural England** - No comments to make on this application.

2.15 **North Yorkshire Bat Group** – No response to amendments.

2.16 **Yorkshire Wildlife Trust** - No response to amendments.

2.17 **County Ecologist** – Revised Bat Method Statement incorporates the necessary revisions, and it is recommended that adherence to this statement is secured by Condition.

2.18 **Landscape Consultant** – Initial comments highlighted that additional details required as well as further information as follows:

- Landscape Impact Visual Assessment (LVIA) insufficient regarding landscape and visual impacts on sensitive receptors around the site or effects on openness of Green Belt and no supporting plans to explain baseline or likely visibility
- Tree Arboricultural Assessment has no supporting plans and no tree protection plan
- Plans and cross sections do not show differences between existing and proposed development
- High bow top fencing to frontage areas is inappropriate
- Hard surfacing materials for kerbing, and road and parking surfaces not fitting in the historic parkland setting requires more sensitive consideration
- Further information required in regards to LVIA – baseline and ZTV, identification of sensitive receptors, including parkland designation, listed building, existing housing
- Photomontages showing before and after views
- Landscape strategy and proposals to improve wider historic parkland setting

**Amended Details** - Further to the additional information and photomontages recently submitted, confirm that satisfied with the application in landscape terms (that the proposed scheme reasonably protects openness of green belt, sensitive local receptors, local landscape character and setting) provided that conditions are included relating to Tree Protection Plan and Arboricultural Method Statement; hard and soft landscaping and details of external lighting.

2.19 **Contaminated Land Consultant** – Past activities may have given rise to land contamination therefore conditions to be included: investigation of land contamination; submission of remediation scheme; verification of remedial works and reporting of unexpected contamination.

2.20 **Parish Council** - Generally supportive of the proposals, believing that the scheme will generate local employment, reduce the impact on visual amenity, generate local support structure and will overall be an improved use of the site.

The Parish Council would, however, like to make the following requests:

- All construction traffic and personal vehicular transportation to the site be prevented from using the village of Saxton as a thoroughfare; this is for the amenity and comfort of residents, and we have already made the point to the applicant.
- Access be limited to the main entrance to Scarthingwell Park from the A162 - again for the amenity of residents of the Park.
- Deliveries to site be restricted to between the hours of 8 a.m. and 5 p.m. and working times on site be limited to between 7-30 a.m. and 6 p.m. Monday to Friday and 8p.m. to 1 p.m. Saturday, and that there should be no working on site on Sundays.
- Deliveries and collections to the site of materials, consumables and waste be established to times within the working day as outlined above and restricted

via the main entrance to Scarthingwell Park from the A162, also as outlined above.

- That boundary noise limits be established to less than 90Db during working hours, and less than 60Db outside these times, again for the amenity and comfort of residents of the Park.
- Material sample panels be constructed and then retained throughout the construction period for continuing assessment and approval
- That site and in-use illumination to the exterior of the site be inward facing with no light leakage, nor pollution, toward the residential areas, again for the amenity and comfort of the residents of the Park.

Given all of the above, it is very much hoped that the above comments would be taken into consideration when determining this application, and that the points made would be implemented as conditions of any approvals the District Council gives.

2.21 **Development Policy** – Support principle of development making reference to relevant policies and the latest Strategic Housing Market Assessment (SHMA) which shows evidence of a need for Older Persons Accommodation and specialist accommodation (a further 874 units by 2037), Would fall under part g) of relevant exceptions in paragraph 145 as is complete redevelopment of previously developed land.

2.22 **The (Yorkshire) Gardens Trust** - Scarthingwell Park is not included by Historic England (HE) on their Register of Parks & Gardens but it is a locally important historic park and garden through the Landscape Assessment of Selby District Council and the Selby District Local Plan 2005. For planning purposes, the parkland is considered to have status equivalent to that of a non-designated heritage asset.

The GT and YGT have no objection to the principle of replacing the care home, however support do have some concerns and strongly support the advice of your Authority's Conservation Officer and Principal Landscape Architect.

The public when walking from Barkston Ash on the public footpath can enjoy the historic designed views of parkland and fine veteran trees to the left (which would have been views from the carriage drive), before glimpsing the fish pond to the right historically overlooked by the hall, with remnants of the walled gardens beyond the church to the left. Unfortunately, the relatively recent residential development to the south of the site creates an interruption to the parkland but nevertheless much can be enjoyed. The area lies in the Green Belt.

Consider that the development proposal is an opportunity to improve the overall setting of the church and historic designed landscape and trust that this will be achieved.

## **PUBLICITY**

2.23 The proposal was advertised by way of two press notices and two site notices firstly to account for the impact on the listed church and secondly to include that the application is a departure from the Development Plan. The press notice expires on the 26<sup>th</sup> November 2020. In addition to direct neighbour notification. 16 letters have

been received (including Premier Estates and the Lakeside Approach Residents Association – 40 properties) the majority state that there is no objection in principle but refer to the following concerns, particularly during demolition and construction which are summarised below:

- Construction site vehicles – creating increase in noise, general disruption; dangerous and mess during winter months
- Use of existing access and larger facility meaning increased volume of all vehicles which would impact on safety
- Damage to existing site access
- Request that all site vehicles access the site via Scarthingwell Lane
- Overlooking/loss of privacy
- Proposed access arrangements during build
- Concerns re: Health & Safety for residents of Scarthingwell Park during construction
- Confirmation that development would not impact on the mature pine tree overhanging our boundary
- Request that 30mph speed limit be reduced to 10mph with speed humps and that a footpath be added for additional safety of local residents
- Proposed rooftop terrace / balcony area close to our boundary which would allow for direct overlooking into our property (Occupants of Orchard House)
- As the development is adjacent to a nature reserve it is expected that a Bat Survey and Great Crested Newt Survey have been undertaken

### **3. Site Constraints**

- 3.1 The site is outside Development Limits and is located within the Green Belt and adjacent to a Grade II Listed Church. The site is also within a large Tree Preservation Order (TPO), Scarthingwell Park, Ref No's: 4/1985 and 13/1985. A Public Right of Way (PROW) runs along the southern access. The site is situated in Flood Risk Zone 1 which has a low probability of flooding and the northwest corner of the site touches on a Source Protection Zone (Zone 3) beyond the proposed building line. The site lies within a larger area which is classified as a locally designated Historic Park and Garden. The site is also within the Leeds East Airport Constraint.

### **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 -
- 4.6 *“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**

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
 SP2 - Spatial Development Strategy  
 SP3 - Green Belt  
 SP5 - Scale & Distribution of Housing  
 SP15 - Sustainable Development and Climate Change  
 SP16 - Improving Resource Efficiency  
 SP17 - Low-Carbon and Renewable Energy  
 SP18 - Protecting and Enhancing the Environment  
 SP19 - Design Quality

### **Selby District Local Plan**

- 4.8 The relevant Selby District Local Plan Policies are:

CS1 - Health Care Facilities  
 ENV1 - Control of Development  
 ENV2 - Environmental Pollution and Contaminated Land  
 ENV3 - Light Pollution  
 ENV15 - Locally Important Landscape Areas  
 ENV16 - Historic Parks and Gardens  
 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 & whether the Proposal would be Inappropriate Development in the Green Belt**
- **Impact on the openness of the Green Belt**
- **Design & Impact on the Character of the Area**
- **Design of Proposal & Impact on Heritage Assets**
  - *Impact of Proposed Lighting*
  - *Archaeology*
- **Historic Garden & Parkland**
  - *Trees & Landscaping*
  - *Ecology*
- **Residential Amenity**
  - *Impact of Proposed Built Form*
  - *Noise & Air Quality*
- **Highways/Access**
- **Flood Risk/Drainage**
- **Contamination**
- **CIL**
- **Case for Very Special Circumstances**
- **Balancing whether VSC exist**
- **Conclusion**

#### **Principle of Development & whether the Proposal would be Inappropriate Development in the Green Belt**

- 5.2 The relevant Development Plan Policies in regard to the principle of development are Core Strategy Policies SP1 which promotes a presumption in favour of sustainable development in accordance with the NPPF. Policy SP2 which establishes the locational principles for guiding development within Selby District, with the focus on Selby as the Principal Town, Sherburn in Elmet and Tadcaster as Local Service Centres and identified Designated Service Villages. In addition, Policy SP3 which refers specifically to development in the Green Belt.
- 5.3 Paragraph 59-61 of the NPPF explicitly refers to the needs of older people as defined in the NPPF glossary as: *“...people over or approaching retirement age, including the newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”*
- 5.4 The site lies beyond any settlement limit and is situated within the designated Green Belt. Policy SP2(d) states: *“...development must conform with Policy SP3 and national Green Belt policies.”* Core Strategy Policy SP3 guides the development principles for proposals within the Green Belt in line with Paragraph 133 of the NPPF which states *“the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 5.5 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.

- If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.
- If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.

5.6 The above stages reflect the guidance in NPPF Paragraphs 143 and 144. Paragraph 145 states the construction of new buildings is inappropriate development in the Green Belt and exceptions to this are listed. One exception is Paragraph 145 d) which states that “the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces” would be appropriate development.

5.7 Core Strategy Policy SP3(b) in accordance with the NPPF advises that “*within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.*” Inappropriate development is classed as that which would impact on the Green Belt in terms of its overall scale.

5.8 The proposal is for a replacement care home. This, in accordance with paragraph 145d) could be regarded as appropriate development in the Green Belt because it would be in the same use but this is provided the replacement building would not be materially larger than the building it replaces.

5.9 The applicants have provided data comparing the current building size with the proposed. In the case of replacement buildings 145d) requires a comparison with the existing building and the proposed replacement building to make an assessment of whether the replacement building is materially larger.

5.10 In the past there have been a number of extensions to the care home, including conversion of existing workshops (along northern boundary) to living accommodation which also included a central, single storey link between the north and south blocks; a first floor extension to the link; a lean-to sun-room to the southern elevation all of which took place between 1988 and 1989. Collectively, these equate to approximately 2276 cubic metres. A further two storey extension to the south elevation was approved in 2005 but this was not implemented.

5.11 In terms of the existing buildings and the development proposed, there are some slight discrepancies between the officer and agent calculations as the existing building has been calculated as larger than the agent has shown and it is unclear whether the figures represent the original building (pre extensions) or if the figures are with the extensions added over the years:

- **Footprint (external floor area)**

#### **Agent’s figures**

Existing – 1,641 SQM

Proposed – 2,015 SQM = 24.8% increase

**Officer calculations**

Existing – 1540 SQM

Proposed – 2070 SQM = 34% increase

- **Volume.**

**Agent's figures -**

Existing – 8,058 CM

Proposed – 14,181 CM = 75.9% increase

**Officer calculations –**

Existing - 8906 CM

Proposed – 14,489 CM = 62% increase

- 5.12 Notwithstanding the above figures, the original size of the existing building was approximately 7499CM, which due to additions increased by a further 1407CM to reach the current volume of 8906CM, resulting in an increase of just over 18% in volume.
- 5.13 The existing building is a maximum height of 6.5m (other than a large tower which is 9.5m in height) and the proposed height of the new building would be a maximum of 10.3m. Whilst of limited weight and prior to the NPPF and the Core Strategy, the submitted Planning Statement refers to the previous approved applications (now lapsed) - planning refs: 2007/1199/FUL and 2012/0443/FUL whereby the internal floorspace was greater with an additional 582sqm which equates to (approximately) an additional 1500CM in comparison to the current proposal. The floor area of the previous approval resulted in an increase of 96% from 2,100sqm to 4,126sqm. Additionally, the previous approved application also included three storey elements at 12.6m high and the distribution of massing with lower roof lines adjoining higher rooflines had a more fragmented appearance and resulted in a significant impact on the openness of the Green Belt. The application was approved by members against officer recommendation and then referred to the Secretary of State who chose not to call it in.
- 5.14 In terms of the replacement building size the Officer's calculations differ slightly from the Agent's calculations. Given the scale and complexity of the existing and proposed buildings it is useful to use both sets of figures as estimates rather than rely solely on one or the other. On this basis the proposed development would result in between 24.8% and 34 % increase in the external footprint. The volume would increase between 62 and 76%. The current proposal would therefore be slightly smaller than the previously approved scheme. Whilst the increased floorspace is not materially larger than the current building, the increase in volume would result in a material increase in scale. Therefore the proposed development represents inappropriate development in the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, *"is clearly outweighed by other considerations"* (NPPF para 144). A case for Very Special Circumstances (VSC) has been submitted in support of the development by the applicants and is considered later in this report.

## **Impact on the Openness of the Green Belt**

- 5.15 The main characteristics of Green Belts is their openness and permanence - openness having both a spatial as well as visual element but not in relation to the visual quality. The proposal is for a replacement care home therefore the redevelopment would not introduce an urban element as this already exists in the form of the current building. However, there would be some impact spatially from the development due to the increase in size of the new development when compared to what is existing on site but it is not considered to be visually harmful. Therefore, the main consideration is to what degree the proposal might impact on the openness of the Green Belt, when considering the scale and form of the proposal.
- 5.16 The redevelopment of the site would to some degree follow the footprint of the original care home. The new building would however be closer to the belt of trees to the west and situated on part of the existing bungalow within the grounds. It would be set back from the farthest western edge by 2m of the current building line and open the gap between the listed church to the east. It would however, also encroach further south by 17m beyond the furthest point of the existing building's south elevation. Apart from the proposed service area (kitchen with storage areas and part of plant room), which extends north by an additional 10.8m this elevation would, remain within the footprint area of the existing care home.
- 5.17 There would be an increase in the scale and mass due to the enlarged footprint and volume of the proposed building. In regard to the west elevation, the replacement building would be viewed against the backdrop of the mature trees which are generally much greater in height. The building would be situated within the curtilage of the existing site and would therefore not encroach any further into the Green Belt beyond the existing site boundaries.
- 5.18 Whilst the increase in volume of the proposed development would exceed what is generally considered to be acceptable, the proposal would not contribute to unrestricted sprawl beyond the extent of the existing site boundaries. Therefore in context, the proposed scheme is considered to not adversely impact on the openness of the Green Belt in spatial or visual terms and therefore, in this respect, it accords with Policy SP3 of the Selby District Local Plan and paragraph 133 of the NPPF.

## **Design & Impact on the Character of the Area**

- 5.19 Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19 are of relevance regards to design of new development and impact on the character of the area.
- 5.20 The existing building is an irregular T shape with a separate building close to the west boundary. The proposed development would comprise of three 2 storey buildings creating an L shape which would be closely aligned to the respective north and west boundaries. The units would be linked by an internal communal area and situated so that each unit flows from one to the next.
- 5.21 The three principal buildings would be primarily constructed in stone in an overall classic style, with a vertical emphasis on the majority of openings to the ground floor and a shallower window to first floor. The glazing bars are less traditional in form with an uneven split and larger glazed panels to the upper portions which the

conservation officer did not support. The Agent has justified this approach advising that this style allows residents to see outside when seated within the rooms and it is considered that the overall arrangement is acceptable. The Conservation Officer objected to the use of UPVC for the windows but a view was taken that providing the windows were of a high quality and slimline in form and with the addition of a condition ensuring a shadow line is achieved by having a recessed reveal, that this approach would be acceptable.

- 5.22 The roof forms are hipped to the larger buildings with a good ratio between the roof and building (2:3) whilst ensuring the height of the roof is kept as low as possible. The hipped element also reflects the roofline of the development on Lakeside Approach. In addition, the eaves overhang the walls by 0.3m (excluding gutters) which assists in adding to the classical but modern appearance. Links between the main buildings are provided by flat roof, mostly rendered blocks, those being the most visible also incorporate a large degree of glazing which adds a modern element to the overall style of the building.
- 5.23 The proposed building would be situated in the main on the footprint of the existing care home. The site lies outside the defined settlement boundary. This developed context will limit the visual impact of the proposals. The submitted plans demonstrate that the site slopes upward to the west which, alongside established mature trees, limits views of the site and would ensure the proposed buildings would not be highly visible in the wider landscape, in particular from the east and west. This is in part due to the TPO which extends beyond the site in both directions to a large degree and due to the height and density of the mix of mature trees. Views of the development from the north could be more visible due to the overall increase in height particularly along the northern boundary as the tree cover is less dense close to the site. There are however large random groups of trees beyond the boundary to the north and the surrounding topography in addition to the extensive tree cover to the outlying boundaries within approximately 100m of the site that it is considered views of the proposal would be localised rather than wide reaching and therefore having a limited impact on the wider open countryside.
- 5.24 Undoubtedly, the proposal would increase the scale and massing in comparison to the existing care home but would result in an improved visual appearance due to the sleeker and classical but modern form. Furthermore, as the building would be within the confines of the existing site, the visual impact would be limited to the immediate locality and not wider countryside views. On this basis, the proposal would accord with Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19.

### **Design of Proposal & Impact on Heritage Assets**

- 5.25 When considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.26 Paragraphs 189, 190, 193 and 194 (NPPF) requires applicants to describe the significance of heritage assets (including their setting) which might be affected by development. Paragraph 190 (NPPF) advises that the significance of any heritage asset affected by a proposal should be identified and assessed (including by development affecting the setting of a heritage asset) taking account of the

available evidence. Paragraph 193 adds that great weight should be given to its conservation.

- 5.27 The development plan includes Policy ENV1 in the Selby District Local Plan which reflects the statutory duty and accords broadly with the NPPF although it does not acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the NPPF. Criterion 2 of Core Strategy Policy SP18 is (amongst other things) concerned with conserving historic assets which contribute to the distinctive character of the district. In addition, Core Strategy Policy SP19 seeks to encourage high quality design and accords in this respect with the NPPF.
- 5.28 A Heritage Statement was submitted with the proposal which refers to the Grade II Listed Church (Church of the Immaculate Conception) as being constructed in 1854 in connection with the former Scarthingwell Hall. The Hall was subsequently demolished in the 1960s and replaced by the former school (now Highfield Care Home) which sits in close proximity to the north and west of the church. The church is a fine example of 19<sup>th</sup> century Neo-Norman ecclesiastical architecture. Constructed in regular coursed limestone rubble with an apsidal eastern end (curved) and Westmoreland green slate roof tiles. There are also three listed (converted) barns to the north of the site but due to the considerable gap between them and the proposal it is considered that there would be no impact on their setting.
- 5.29 The existing nursing home currently represents a building of poor-quality architecture comprising a painted masonry exterior which is showing its age with bubbles and cracks to the walls and has a low mansard (flat top) type roof with low quality, cement tiles. The listed church is within 12.5m of the current care home at its closest point and detracts from its architectural heritage. It is completely at odds with that of the church in terms of the built form and the unsympathetic use of materials, which is referred to as a *'negative element'* in the submitted Heritage Statement, relative to its setting and which detracts from the churches special interest.
- 5.30 The initial comments from the Conservation Officer (CO) raised concerns about some of the design features and it was suggested that the roof forms should be more uniform. The CO also proposed the removal of a conservatory type structure to an open balcony on the south elevation to reduce the massing of this key elevation. Other points such as changing the extent and position of the proposed render, particularly on the elevations which would be viewed against the setting of the listed church.
- 5.31 Following discussions between the Case Officer, Conservation Officer (and Principal Landscape Architect) the above suggestions were put forward to the Agent who responded positively to the majority of the points. This has resulted in amendments to the scheme with larger areas of stone to the more visible elevations. Changes to the form of several windows which were originally square now have more verticality. Other small amendments have taken place including the removal of the conservatory from the proposed balcony to the south which now simplifies this elevation. Whilst it is recognised that the roof of the proposal is bulkier and more dominant than the existing, it has been altered to give a more uniform appearance. In addition, almost the full extent of the proposed fencing has been changed to a style more befitting to a parkland setting. However, the overall bulk and form of the scheme has changed very little from the original submission

but with some improvement to the design detailing and with a modest reduction in scale.

- 5.32 In addition, the Planning Policy Team's submitted comments refer to the layout of the proposed new care home stating that it forms a tighter L – shape with the height of the new buildings being similar to that of the existing.
- 5.33 The application now presents a higher-quality scheme, the design of which would, as well as serving the needs of a larger number of residents, incorporates architectural features which reflect parts of the demolished hall. This includes (amongst other things) the hipped roof element; vertical emphasis of the ground floor openings and stone walls for the majority of the external walls but with the inclusion of modern elements such as the use of render to specific sections of the walls and large glazed areas to communal areas. In addition, the position of the new buildings would result in the creation of an open area to the southeast resulting in an improved setting for both the new building and the existing listed church
- 5.34 The proposal would be subordinate in terms of its height to the adjacent church, which is in part due to it being set much closer to the western site boundary and therefore at a greater distance from the church's west elevation (33m) and 21m to the north compared to the existing at 17.5m. The CO adds that the increased use of stone walls to key elevations ensures that the development would blend rather than compete with the visual qualities of the church to an extent that the churches significance would be more recognisable with additional direct views of it from outside the application site, as well as within. Whilst not all of the CO's comments were satisfied a view has been taken that the amendments to the scheme result in a much-improved scheme and that on balance the proposal is now acceptable in terms of the design.

#### *Impact of Proposed Lighting*

- 5.35 The proposal needs to be assessed against Local Plan Policy ENV3 which relates specifically to lighting. The preamble to the policy acknowledges that lighting is required in the interests of security and pedestrian and traffic safety but that it can also be intrusive and should be no brighter than is required. Lighting should minimise glare and spillage, particularly in rural areas where it can have a wide-reaching impact and additionally can potentially impact on ecology. In this instance, it is also a requirement that it does not have a detrimental impact on the setting of the listed church in regard to glare but additionally in terms of the design details of the 'furniture.'
- 5.36 The existing lighting on the site comprises mostly of security floodlights attached to the building being similar to domestic garden lights in their appearance. This arrangement would be unsuitable in context with the proposed building and lighting which needs to be of a suitable design and also of a type which is acceptable regarding the safety and security of users of the site.
- 5.37 Details of the lighting accompanying the initial plans raised concerns and the first response from the Conservation Officer advised that there were a large number of lamp posts indicated leading from the front of the church and into the complex. In addition, the Landscape Officer was concerned that they would be too bright and highly visible in the landscape and therefore also impacting on the historic parkland. This view was reiterated in the response from the Yorkshire Gardens Trust who also expressed concerns about the proposed impact of the lighting on the significance of the designated and non-designated heritage assets. All of the

aforementioned matters need more careful consideration where a balance needs to be achieved in that the proposed lighting fulfils the needs of the care home but also ensures that it would not result in detriment to the Green Belt; the listed church and the historic parkland setting.

- 5.38 It was suggested to the Agent that as an alternative, low level lights; reflective materials and low/ground level spots should be used in the scheme which has resulted in the original lighting being removed from the scheme. It is therefore a requirement that details of lighting shall be agreed under a suitably worded condition requiring the submission of details and which would include an emphasis to be placed on the use of 'focus' lighting.
- 5.39 On the basis of the above, it is concluded that a suitable scheme of alternative lighting would be achievable and secured by condition and on that basis, the contents of Local Plan Policy ENV3 are satisfied.

#### *Archaeology*

- 5.40 The County Archaeologist (CA) has responded to the application advising that very little is known about the appearance of Scarthingwell Hall but Scarthingwell Estate potentially extends as far back as the 16th century and was certainly present by the 1720s with likely modifications and rebuilding.
- 5.41 The CA adds that the demolition of the existing building could potentially expose earlier foundations, basements and landscape features associated with the historic hall. Although likely to be disturbed by the present buildings there is potential for well-preserved archaeology which might provide a better understanding of the hall and its occupants. In addition, the boundary of the Designated area of the Battle of Towton was extended southwards in recent years. The expansion reflects the battlefield dynamic which is considered to be more extensive than first thought. The Yorkshire Garden's Trust in their response have also suggested the inclusion of an archaeological watching brief for development to include service trenches and all excavation works. They add that as the area has a long history, that there is provision of some interpretation for the public. Interpretation boards could be included in the vicinity of the public footpath/church.
- 5.42 To conclude, the CA recommends a condition is included that requires a scheme of archaeological mitigation recording is undertaken which should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.

#### *Conclusion*

- 5.43 Whilst acknowledging that there would be an increase in height to the majority of the proposed building in comparison to the existing care home, the proposed development would on balance significantly improve and enhance the setting of the listed church and result in more open and therefore increased and clearer views particularly from the south therefore be beneficial to the historic landscape in general which would be of public benefit. Therefore on balance and having regard to the above, it is considered that overall the proposed development would when weighing in the balance, would improve the setting of the church and the non-designated garden and historic parkland and therefore lead to less than substantial harm to the significance of the designated heritage asset And is therefore



acceptable. The development would therefore accord with Core Strategy Policies SP18 and SP19; Local Plan Policy ENV1 and S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990; in addition to the relevant advice contained within the NPPF.

## **Historic Garden & Parkland**

### *Trees & Landscaping*

- 5.44 The application site lies within a locally designated Historic Park and Garden (a non-designated heritage asset in this instance) which originally formed part of the informal setting to complement the Scarthingwell Estate and now demolished Scarthingwell Hall. Policy ENV16 of SDLP states that development affecting historic parks and gardens will only be permitted where the appearance, setting, character or amenity of an historic park or garden would not be harmed.
- 5.45 NPPF paragraph 197 advises that the effect on a non-designated asset should be considered when weighing up applications having regard to the “*scale of any harm or loss*” and its significance.
- 5.46 A review of the Park in 1998 concluded that not enough of the historic layout survived to merit inclusion in the national list, it was recorded however that the interestingly shaped pond and some of the old trees, for example, form an interesting component of the historic landscape.
- 5.47 The majority of the parkland area is located to the south of the application site and the access (also a Public Right of Way – PROW) which is shared with all of the development areas within Scarthingwell Park is taken from the south in Barkston Ash. Bounding the site access immediately east is a dense area of high, mature trees, beyond which is a large lake, which would have formed a major feature of the parkland setting.
- 5.48 The application site is surrounded by extensive groups of large mature trees. The trees form part of a significant Tree Preservation Order (TPO 4/1985) which covers the full extent of Scarthingwell Park, some of which are within the application site boundary. The proposal would require the removal of two trees which are within the TPO being a Yew at 3.5m in height and a large specimen Silver Birch at 17m in height. Additional trees to be removed which do not form part of the TPO include three Lawson Cypress at 2.5m, 7m and 7.5m in height and a number of mixed shrub areas comprising of specimens ranging in height between 1.5m and 3m. The replacement care home would be relatively close to a number of these trees.
- 5.49 The submitted information includes recommendations to ensure that the Root Protection Areas (RPAs) of the retained trees are protected both during and after the construction phase. In addition, a new retaining wall is proposed to the northwest corner of the site and further east of the retained trees as referred to above in order to prevent any ground slippage within the RPA and that any digging within the RPA would be undertaken carefully by hand. The Landscape Architect advised in his first response that there are no tree protection plans to support the Arboricultural Assessment and no details of the construction access; working and storage areas or their impact. However, following amendments to the scheme he has stated in his revised response that he is satisfied that the above matters can be addressed through suitable conditions.

## *Landscaping*

- 5.50 The application site occupies a very small proportion of the much larger historic park and is low lying compared to the land to the west and part of the south which would ensure that there is no significant impact on the setting of the surrounding parkland. This is reflected in the initial Landscape and Visual Impact Assessment (LVIA) which advises that (amongst other things) the proposal would result in an *“attractive development, responding sympathetically to the character of parkland setting and listed church.”* In addition, it would *“Improve existing views of the site and ‘at a scale which can be accommodated by the landscape setting, integrating the building layout within the existing landscape pattern of the site.’”*
- 5.51 Landscaping to the proposal development would comprise of a formally laid out garden close to the communal areas and facing east toward the church. Immediately adjoining the garden both to the north and east are a number of parking spaces which would also include two disabled parking spaces; three electric vehicle charging points and ambulance parking, all close to the main entrance to the building. An enclosed ‘Memory Lane Garden’ would be situated to the far northwest corner of the site and enclosed by black wrought iron (1.5m high) fencing. There would be a number of additional pockets of grassed areas located around the site and all ground floor residents would have access to small grassed areas adjoining each rooms external access. Much of the parking areas would also be enclosed by low hedgerows in order to minimise the visual impact. Some additional tree planting would also be incorporated into the scheme in order to replace the existing shrubs and trees to be removed as well as to enhance the scheme and be conditioned as such.
- 5.52 The initial comments of the Landscape Architect (LA) and reinforced by the Conservation Officer advised that some of the details of the hard and soft landscaping proposed was unsuitable in respect of the impact on the listed church and the parkland setting. In addition, the Yorkshire Gardens Trust (YGT) advised that traditional materials and historic parkland fencing be used, particularly in the area between the listed church and the development. Amongst other points It was suggested that the grasscrete proposed to some of the parking areas, in particular those close to the listed church, be substituted with stone pavers. Also changing the proposed multiple fenced enclosures and using a traditional boundary treatment more sympathetic to the proposals setting. The suggested changes had a positive response from the agent who worked with the council to achieve much improved hard landscaping details, with examples submitted. The final details would however be subject to conditions requiring samples to be viewed on site.

## *Ecology*

- 5.53 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 5.54 Section a) of Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural environment by:

*“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)”*

- 5.55 Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.56 Local Plan Policy ENV1 5) is relevant to the impact on (amongst other things) on wildlife habitats and Core Strategy Policy SP18 is concerned with (amongst other things) the protection, enhancement and mitigation of biodiversity.
- 5.57 The site and its immediate surroundings are not included in any designation for nature conservation interest. There are no European or nationally designated sites within 2km of the survey site. No impacts to designated sites are therefore anticipated.
- 5.58 A Preliminary Ecological Appraisal Report and Bat Survey were submitted with the application which concludes that the site is of low ecological value for almost all species including Great Crested Newts, which is confirmed by the Ecology Officer (EO). The EO in his initial response however requested additional information in relation to a maternity bat roost which would be lost as part of the demolition works associated with the development. Comments from the Yorkshire Wildlife Trust and the North Yorkshire Bat Group concurred with the EO's comments. An updated and more detailed mitigation strategy was submitted which detailed specific mitigation, compensation and enhancement measures in relation to bats both during the construction and operational phases of the proposed redevelopment.
- 5.59 No further comments have been received from Yorkshire Wildlife Trust or the North Yorkshire County Ecologist has responded to the application stating that the revised Bat Method Statement incorporates the necessary revisions and recommends that adherence to this statement is secured by Condition.

### *Conclusion*

- 5.60 Subject to suitable materials and appropriate landscaping which would be conditioned as part of an approval, it is considered that the proposal would enhance Scarthingwell Park; in addition to the replacement of trees within the site, some of which form part of the large TPO, it is considered that the proposal accords with the relevant Development Plan policies as well as the NPPF. Furthermore, the mitigation and enhancement in regard to ensuring bats are retained on site, the proposal is considered to accord with Core Strategy Policy SP18 Local Plan Policy ENV1(5) and the advice contained within the NPPF.

### **Residential Amenity**

#### *Impact of Proposed Built Form*

- 5.61 Policy in respect to securing a good standard of residential amenity are provided by Local Plan Policies ENV1 (1) and ENV2 and Paragraph 127(f) of the NPPF which encourages the creation of places which are safe, inclusive and accessible, promoting well-being "*with a high standard of amenity.*"
- 5.62 Park House is a large H shaped detached bungalow, created from two former barns and situated to the immediate west of the application site. Five medium sized

windows face the proposal site, each of which serve the three bedrooms; an en-suite and a plant room. Almost half of the facing elevation of the property is screened from the site by an existing substation located immediately east of the northern half of the east facing elevation. The closest part of the new building would be situated at a minimum distance of 22m and at a maximum height of 8.4m. This would comprise a small block, housing en-suite bedrooms at ground and first floor level and would also include a small projection (3m) with a raised seating area at first floor level and a glazed door with glazed panels to either side, which faces directly west (ELEV 4 of 4 – visual 8). All windows serving the residents rooms to this portion of the building would face north and south, which would avoid any overlooking to and from the proposal.

- 5.63 Orchard House is a detached property being two-storey with a number of roof lights in the east facing roof and is located to the southwest of the proposal site. The east facing ground floor area comprises a large kitchen/diner (diner to the west side) which incorporates the full extent of the north elevation. The main entrance porch sits centrally and a through lounge runs east to west, with French doors into the garden; two large windows to the south and another large window to the east elevation.
- 5.64 The occupants of this property have raised a number of concerns, including loss of views of the church and the surroundings which is not a planning consideration. In addition, they object on the basis that there would be some overlooking and loss of privacy as a result of the development. The proposed new care home would extend further south than the existing by 21m and would be inverted in parts to avoid interference with the tree belt to the west boundary. This would result in the main part of the building being visible from Orchard House but the gap of 25m and the closest part of the proposal comprises an outdoor seating area (3.8m high); the ground levels which slope down toward the application site along with the intervening belt of mature trees would assist in screening the building and therefore avoiding direct views for the occupants of Orchard House and Park House. There are therefore no concerns in regard to direct overlooking, loss of light, overshadowing or an increased sense of dominance or enclosure.
- 5.65 In addition to the above properties there is also a large residential site known as Lakeside Approach which is situated to the south of the application site at a distance of approximately 100m.
- 5.66 Directly north of the application site is a group of three Grade II listed barns which have been converted to dwellings, beyond which is a club house and large golf course. These form part of Scarthingwell Hall Farm and are situated more than 100m from the northern edge of the application site. There would not therefore be any direct impact in regard to residential amenity for the occupants of the three properties.
- 5.67 On the basis of the above assessment it is considered that an acceptable relationship could be achieved between the existing and proposed development in order to accord with Local Plan Policy ENV1 (1) and (4), Core Strategy Policy SP19 and the advice contained within the NPPF.

#### *Noise & Air Quality*

- 5.68 Policy ENV2 A) (SDLP) states development which would give rise to or would be affected by unacceptable levels of (amongst other things) noise nuisance will not be

permitted without satisfactory remediation or measures which prevent noise nuisance to be incorporated as part of any scheme. Policy SP19 (k) of the Core Strategy states that development should not contribute or be put at unacceptable risk from (amongst other things) noise and air quality. Paragraph 180 a) (NPPF) advises that new development should mitigate and reduce potential adverse impacts from existing noise sources. Paragraph 182 adds that policies and decisions should ensure new development can be integrated effectively with (amongst other things) existing businesses.

- 5.69 Whilst the works would be temporary, there would be a degree of disruption and disturbance to adjacent residents during the demolition and construction period, given that this would take place over a period of up to two years.
- 5.70 The majority of the occupants of the adjacent properties support the re-development in principle but have understandable concerns and object to the proposal based on the vehicle movements, dust and noise which would arise from the building works. Such temporary disturbance is to be expected from a construction site. However, given the extent of the works the submission of a Construction Environmental Management Plan (CEMP) would be required (through condition) prior to the commencement of the works. This would ensure that all forms of disturbance and airborne pollutants are managed satisfactorily and kept to a minimum in order to protect the existing residential amenity of the residents as much as possible.
- 5.71 To conclude, it is considered that the development would accord with the above policies and guidance within paragraphs 180 and 182 of the NPPF.

### **Highways/Access**

- 5.72 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aim of these policies accord with paragraph 108 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site.
- 5.73 The submitted Transport Statement and Travel Plan advises that the site is located approximately 420m east of the A162, approximately 7.5km south of Tadcaster town centre, and whilst the site is not best located for sustainable resident travel, its proximity to Tadcaster in the north, Sherburn in Elmet and Barkston Ash to the south (with associated bus and rail provision), there is the prospect of encouraging both visitors and staff to travel sustainably. Whilst the Highway Officer has not commented in his final response, he has included a condition relating to the implementation of the travel plan, to ensure the recommendations are adhered to.
- 5.74 The Highway Officer's final response advises that he is aware that there have been concerns in regards to the route that the construction vehicles propose to use to access to the site and the potential damage that may be caused to the public highway during the construction period. He adds that a condition would ensure that vehicles can access the site via the A162 from the west but there would also be a suitable area for storage and parking of materials and construction vehicles. In addition, the adopted access road can be surveyed with any damage repaired to a suitable Highway Standard.
- 5.75 On the basis of the favourable comments from the Highway Officer, the temporary construction access arrangements are considered to be acceptable subject to

conditions as recommended by the Highway Officer and would therefore accord with Local Plan Policies T1 and T2, Core Strategy Policy SP15 and paragraphs 108 and 109 of the NPPF.

## **Flood Risk/Drainage / Climate Change & Energy Efficiency**

### *Flood Risk/Drainage*

- 5.76 Core Strategy Policies SP15, SP16 and SP19 require proposals to take account of flood risk, drainage, climate change and energy efficiency. Criterion d) of Policy SP15 (SDCS) applies in respect of ensuring development is located which avoids flood risk areas. Footnote 50 in relation to paragraph 164 of the NPPF states that an assessment is required for sites of 1ha or more, particularly where development would introduce a more vulnerable use.
- 5.77 The application site is situated in Flood Zone 1, which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. As the size of the site equates to more than one hectare a Flood Risk Assessment (FRA) has been submitted which confirms that the site would not be at risk of flooding and would not increase flood risk elsewhere subject to suitable drainage design.
- 5.78 The submitted drainage information advises that the best option for surface water drainage is to infiltrate into the ground. Run-off is proposed to discharge via the existing connection to the off-site pond to the east of the site. In order to restrict the rate a series of underground crate storage systems (2) are proposed to store water on site, prior to discharge into the pond. The system would include a vortex flow control device to attenuate the rate of flow to a maximum of 11l/s and providing an improvement in comparison to the existing run-off rates and which is as close to the greenfield run-off rate of 1.4l/s/ha with an allowance for any Brownfield areas of the site which are currently impermeable and are positively drained at the existing rate which would be 140l/s/ha or the established rate, whichever is the lesser, for the connected impermeable area - less 30%.
- 5.79 The system has been designed to account for an extreme rainfall event for a period of 1 in 100 years and includes a 40% increase in peak rainfall intensity. In addition, the maintenance and management needs for the drainage systems are included ensuring that they will operate in perpetuity in accordance with maintenance requirements.
- 5.80 The Local Lead Flood Authority (LLFA) refer to specific measures within the submitted information such as peak flow control; volume and pollution control; in addition to designing for exceedance, climate change and urban creep, stating that the majority of these are acceptable with a discharge at the conditions stage for other matters and raise no objections on this basis.
- 5.81 In addition, reference is made to the submitted information which discounts infiltration for surface water drainage on the basis of seasonal ground water issues and on the basis of the sites proximity to a source protection zone but does not provide evidence of intrusive investigation to determine the ground water depths or infiltration rates. Maps confirm that the proposed siting of the replacement building is adjacent to a Zone 3 total catchment source protection zone but this should not discount the use of soakaways, if the discharge comprises of clean roof water.

However, in regard to highway and parking run-off, alternative arrangements would be required.

- 5.82 On the basis of the above, the LLFA advise that infiltration for surface water is further explored but there are no objections to the existing connection to the pond in Scarthingwell Park. Following sight of the above advice, the agent has agreed that to further explore infiltration as a method for disposal of surface water.
- 5.83 The Internal Drainage Board state that the application site is made up of limestone and sits adjacent to the Drainage Board's district and that they have assets in the form of Scarthingwell Dyke and Fishponds Dyke. These watercourses are known to be subject to high flows during storm events. The Board notes that the applicant is proposing to use the nearby pond, which the Board believes discharges into a Board maintained watercourse and concur with the LLFA by suggesting that the Planning Authority first consider the use of Soakaways which would be in accordance with the Planning Practice Guidance hierarchy for the management of surface water. They also recommend conditions
- 5.84 The Environment Agency were consulted as the application equates to more than 1ha and due to the site potentially being in a source protection zone but their response advised no comments.
- 5.85 On the basis of the above, it is considered that a satisfactory means of discharge for surface water can be achieved for the proposal, which would be subject to conditions requiring further investigation and the relevant conditions as required by the consultees. It is therefore considered that the development would accord with Core Strategy Policies SP15, SP16 and SP19 and the provisions of the NPPF.

#### *Foul Drainage*

- 5.86 The submitted information advises that foul drainage would discharge into the existing public sewer to the south of the site. Pipework would run below the on-site access from the northeast and southeast portions of the new building and meet at the point above.
- 5.87 Yorkshire Water Services (YWS) have not raised objections but request conditions relating to adherence to the submitted FRA and separate systems for foul and surface water drainage.

#### *Climate Change & Energy Efficiency*

- 5.88 In order to comply with the specific requirements of Local Plan Policy ENV1 7) and Core Strategy Policies SP15, SP16 and SP17 which require (amongst other things) that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources or improved energy efficiency through the design of new buildings.
- 5.89 An Energy Strategy Report accompanies the application whereby various methods for heating the proposal have been explored in order to ensure that the development includes as many sustainable elements as possible. This is considered to accord with Core Strategy Policies SP15 and SP16 but it is considered that a condition should be included which would ensure compliance with the above.

### *Conclusion*

- 5.90 In regards to foul and surface water it is considered that the redevelopment whilst presenting some complexities, particularly in relation to surface water disposal both from the car parking areas as well as 'clean' surface water from the proposed new building. It is considered however that subject to the implementation of relevant conditions which would include the requirement for further testing for infiltration that a satisfactory means of drainage can be achieved. Furthermore, a condition which would secure a sustainable means of energy consumption for the development shall be included. On this basis the proposal is considered to comply with Core Strategy Policies SP15, SP16 and SP19; Local Plan Policy ENV1, in addition to the relevant advice within the NPPF.

### **Contamination/Ground Conditions**

- 5.91 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.92 A Ground Condition Report accompanies the application which advises there are potential sources of chemical contamination and "landfill type gases" at the site. The report recommends ground investigation is undertaken to establish ground conditions, determine geotechnical design parameters and refine chemical/gaseous contamination risk assessments.
- 5.93 The Contaminated Land Consultant's (CLC) response advises that past activities on the site may have given rise to a number of contaminants including metals' polycyclic hydrocarbons (PAH's), ACM's, petroleum hydrocarbons (TPH); volatile organic compounds (VOC's) and polychlorinated biphenyls (PCBs) and that the submitted Phase 1 report is acceptable and provides a good overview of the site's history, setting and potential to be affected by ground contamination. The report recommends an intrusive investigation is undertaken which would include laboratory testing of ground/soil samples and ground gas monitoring in order to refine the conceptual site model and risk assessment. The CLC concludes that a suite of conditions are included to assess the nature and extent of land contamination which would also require the submission of and verification of a remediation scheme, along with the reporting of any unexpected contamination.
- 5.94 On the basis of the above, it is considered that subject to the implementation of conditions to ensure the CLC's requirements are addressed, the site would be acceptable for proposed use and therefore the development would be in accordance with Policy ENV2 of the Selby District Local Plan and paragraph 178 of the NPPF.

### **Community Infrastructure Levy (CIL)**

- 5.95 The Council's adopted Community Infrastructure Levy (CIL) Charging Schedule (2016) has no charge for Class C2 care home developments. The development is therefore not CIL liable, although a CIL form has been provided as required for validation purposes.



## Case for Very Special Circumstances

- 5.96 In consideration of Very Special Circumstances (VSC) it is a requirement of the decision maker to perform a balancing exercise by weighing the harm in regards to inappropriateness and any other harm in relation to other matters or circumstances which might arise from a proposal. This assists in forming a view as to whether the other circumstances amount to Very Special Circumstances.
- 5.97 There is no definition within the NPPF as to what amounts to VSCs but each should have significant benefits in order to overcome it being inappropriate. This means that each proposal must be judged on its own merits, with the weight in the planning balance afforded to each consideration being a matter of judgement for the decision maker.
- 5.98 It is acknowledged that some harm would result by reason of inappropriateness but there are very few concerns in relation to the impact on openness as this is considered to be limited with only the bulk of the roof having any impact. The site is surrounded by a large TPO and the proposed new building would be sited further away from the church and closer to the existing tree lined boundary to the west. This would improve the setting of the listed church as well as ensuring that the development does not materially impact on the openness of the Green Belt.
- 5.99 The applicants have always accepted that the proposal would result in a significant increase in volume and within the submitted Planning Statement they have included what they consider to be a case for Very Special Circumstances which outlines a number of important considerations. In summary, the benefits are listed as follows:
- Making an important contribution to meeting an unmet need for care accommodation;
  - Supporting the provision of high quality care;
  - Enhancing the setting of the listed Church and the locally designated Historic Park and Garden;
  - Removing the existing buildings which are a negative feature in the landscape, and their replacement with a sensitively designed and located replacement building;
  - Contribution toward the local housing requirement;
  - Freeing up general needs housing for families and larger households; and,
  - Providing economic benefits including jobs during construction securing existing employment on site and providing additional employment opportunities.
- 5.100 In addition, in the event of the existing care home being demolished and not replaced, the existing provision would be reduced by a substantial degree, along with the further proposed beds.

Important Contribution to Meeting an Unmet Need for Care Accommodation

5.101 The current Strategic Housing Market Assessment (SHMA) advises that the ever-increasing ageing population; higher incidence of disability and health issues amongst older people raises the requirement for further specialist housing. This includes sheltered, retirement and extra care housing. Projections in the district indicate that the availability of specialist units (109 specialist units per 1,000 people aged 75 or over) is far lower than the national average (170). In order to maintain current levels of provision within the Selby district there would need to be a further 874 units required by 2037. This figure would increase to 1,776 in order to achieve the national average.

Projected Need for Older Persons Accommodation (including specialist housing) – by broad tenure (2014-37) Source: SHMA

	<b>Market</b>	<b>Affordable</b>	<b>Total</b>
<b>Need</b>	1,350	727	2,077
<b>Supply</b>	37	715	752
<b>Net need</b>	1,313	12	1,325

5.102 Whilst there are currently around 600 spaces in nursing and residential care homes, projections indicate that there may be additional need for those requiring specialist nursing or for people with dementia. Whilst the district can currently demonstrate an acceptable five year level of housing supply (7.7 as at 31<sup>st</sup> March 2020) as demonstrated above, there is an unmet need for specialist housing provision. On the basis of the current SHMA figures the unmet need is considered to contribute significantly in favour of very special circumstances.

Provision of High-Quality Care

5.103 Private Care Homes provide a dual benefit to the locality. They are a business which supports the local economy through the provision of employment opportunities but of equal if not greater importance is that they also offer a much needed requirement to local communities through the provision of specialist care to the elderly, infirm and in this instance patients affected by dementia.

5.104 The existing building is costing more due to being past its usefulness in terms of its structural integrity, making it increasingly difficult to provide specialist care. Its replacement would result in major gains for health and social care provision through the construction of a modern facility which would fulfil the requirements that the existing building is now failing to do.

5.105 This would be achieved through a more user-friendly and spacious and light layout which would better cater for the needs of the residents. In addition, it would meet and potentially exceed Care Quality Commission standards with all residents having the benefit of en-suite facilities.

Preventing the loss of an existing obsolete facility and replacing it with a modern facility which can provide high quality care for many years to come is considered to contribute to very special circumstances.

### Heritage Benefits

- 5.106 The existing care home dominates the listed church due to its close proximity, with only a footpath separating the building from the grounds of the church from the east elevation. It is considered that the proposal would result in a significant improvement to the setting of the church.
- 5.107 The position of the new care home within the site would form an L shape with centrally located open areas which would give less restricted views of the listed church when viewed from within Scarthingwell Park.

This benefit weighs in the favour of very special circumstances.

### Sensitive Design

- 5.108 The existing building lacks any points of architectural interest and is at odds with the parkland setting. The new building would be of a more classical and therefore sustainable design, with the majority of the external walls constructed in stone, with a traditional hipped roof.

The design of the proposal would result in a significant visual improvement through the introduction of a high quality building which be of a benefit to Scarthingwell Park and the locality as a whole. This is considered to weigh in the favour of very special circumstances.

### Contribution toward the Local Housing Requirement & General Needs Housing

- 5.109 Core Strategy Policy SP5 advises that the Council is required to deliver a minimum of 5,340 dwellings in the period 2011 and 2027 which equates to 450 new homes per annum. It is acknowledged that the new care home would partly replace existing units and the additional provision would make a valuable contribution to the annual housing requirements.
- 5.110 Extra provision of beds as a result of the replacement care home would release standard market housing for younger people/families with children onto the open market. This is referenced in the Government White Paper: 'Fixing our Broken Housing Market' as a benefit of elderly people moving into specialist housing.

This is considered to be a benefit as national aims are to significantly boost the supply of housing. However, given the current district figures which equate to more than 7 years of provision which is above the 5 year requirement, it is considered that in regard to very special circumstances, this would carry limited weight.

### Economic Benefits

- 5.111 The NPPF advises that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also states that decisions should enable the sustainable growth of all types of business in rural areas.
- 5.112 The submitted information advises that the proposal would create construction jobs and the benefits such a development would add to the local economy should carry significant weight in the balance of considerations. Being temporary in nature however it is considered that this carries limited weight.

The proposed development would protect existing jobs which is of benefit particularly if the existing facility is at risk of becoming obsolete resulting in the loss of jobs. In addition, the new care home would result in the creation of 23.5 permanent posts which would provide long term economic benefits and should carry significant weight in the balance of considerations.

#### Conclusion on Very Special Circumstances

- 5.113 It is clear that what is proposed is inappropriate development in the Green Belt due to the proposed building being materially larger. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 5.114 What constitutes VSC, will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether a number of ordinary factors combine to create VSC.
- 5.115 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the Green Belt. Neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 5.116 The proposal constitutes inappropriate development due to the increase in scale of the replacement care home which would be materially larger. This would therefore by definition, be harmful and inappropriate development within the Green Belt and as such should not be approved except in very special circumstances. However, the applicants have put forward a number of factors which they consider amount to very special circumstances. These include the need to replace the existing care home and the need for more spaces in the district; the enhancement to the setting of the Grade II Listed Church and historic parkland and the economic benefits through the provision of additional long term employment. Given the position of the proposed new building, it would have a limited and therefore "*not substantial*" impact on the openness of the Green Belt. It is therefore concluded that the justifications put forward by the applicant and the benefits of the scheme over and above the existing development, taken collectively, are considered sufficient to amount in this case to the very special circumstances necessary to clearly outweigh the harm of the development due to inappropriateness and the harm identified to the openness of the Green Belt. The development therefore accords with Policy SP2 and SP3 of the Core Strategy and with Paragraph 144 of the NPPF

## **6. CONCLUSION**

- 6.1 Having had regard to the case put forward for very special circumstances; the development plan, all other relevant local and national policy considerations, consultation responses and all other material planning considerations, the proposal is acceptable in all other matters and therefore accords with Core Strategy Policies SP1, SP2, SP3, SP5, SP15, SP16, SP17, SP18 and SP19 and Local Plan Policies CS1, ENV1, ENV2, ENV3, ENV15, ENV16 T1 and T2 and the relevant paragraphs within the NPPF.

## 7. RECOMMENDATION

That the Planning Committee resolves to **Approve** the application subject to:

- a) The expiry of the press notice advertising the proposal as a departure from the Development Plan and subject to no further representations being received which raise new issues.
- b) Referring 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 is not called in by the Secretary of State, authority is delegated to the Planning Development Manager to approve this application subject to the imposition of the attached schedule of conditions listed below. That delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of the Planning Development Manager.
- d) In the event that the application is called in for the Secretary of State's own determination, a further report will come to the Planning Committee.

### **Schedule of 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 and documents listed below:

#### Plans & Visuals

- 2300-HIA-ZZ-XX-DR-A-0101- Site Location Plan
- 2300-HIA-ZZ-XX-DR-A-0102 – Proposed Site Layout
- 2300-HIA-ZZ-XX-DR-A-0103 – Proposed Site Layout & Ground Floor Plan
- 2300-HIA-ZZ-XX-DR-A-0104 – Proposed Site Block Plan
- 2300-HIA-01-00-DR-A-0201 – Proposed Ground Floor Plan
- 2300-HIA-01-XX-DR-A-0301 – Proposed Elevations (1 of 4)
- 2300-HIA-01-XX-DR-A-0302 – Proposed Elevations (2 of 4)
- 2300-HIA-01-XX-DR-A-0303 – Proposed Elevations (3 of 4)
- 2300-HIA-01-XX-DR-A-0304 – Proposed Elevations (4 of 4)
- 2300-HIA-01-01-DR-A-0202 – Proposed First Floor Plan
- Visuals of Viewpoints – 1, 2, 3, 4, 5A, 6, 7, & 7A

#### Documents/Reports

- Landscape & Visual Appraisal (September 2020)
- HL-19-01 - Ecological Impact Assessment
- Planning Statement

- Transport Statement
- Travel Plan
- 1644-MEP-Energy (Rev T2) - Energy Strategy
- Preliminary Investigation Report
- HL-20-01 - Bat Method Statement (Version 2 as received on 16.09.2020)

Reason: For the Avoidance of Doubt.

- .03. Notwithstanding the submitted details, no development shall commence above slab level until a sample panel of the materials to be used in the construction of the external surfaces which shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including any roofing, cladding or render) to be used in the development.

Samples of the following to be approved are as follows:

- Stonework for external walls
- Colour and texture of render
- Roof tiles
- Colour & materials of all windows with section details
- Colour & materials for rainwater goods
- Hard surfacing materials for parking areas
- Details of materials for all boundary treatments

The development shall be constructed in accordance with the approved samples.

Reason: In accordance with policies with Core Strategy Policy SP19 and Local Plan Policy ENV1 and because it is considered that the use of inappropriate materials could be harmful to the appearance of the area and the adjacent Grade II Listed Church and the Council therefore needs to retain a measure of control.

04. The external face of the frame to all windows and doors shall be set in reveals of at least **75mm** from the front face of the adjoining stonework or render.

Reason: In accordance with Core Strategy Policy SP19 and Local Plan Policy ENV1 and in order for details to add to the character and appearance of the proposed building and the visual amenities of the area.

05. A) No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

06. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Restriction on the use of both Scarthingwell Lane and Common Road access for construction purposes;
2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. Areas for storage of plant and materials used in constructing the development clear of the highway;
5. Details of site working hours;
6. Details of the measures to be taken for the protection of trees; and
7. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
8. Construction Environmental Management Plan (CEMP). The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed

9. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.

Reason: In the interest of public safety and amenity

07. The development must be carried out and operated in accordance with the approved Travel Plan 020.0494/TP/4. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

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

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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



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

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

11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12. Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

13. The development shall not commence until further groundwater investigation has been undertaken along with percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage - manual of good practice (1996). Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels. Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties and the highway.

14. The Development shall not commence until a detailed drainage design has been submitted in accordance with the principles set out in the following submitted documents; Flood Risk and Surface Water Drainage Strategy for the proposed Development at Barchester Healthcare, Tadcaster, Yorkshire. Herrington Consulting Limited, Revision 3, Dated 6th March 2020. Drainage Layout, Herrington Consulting Limited, Reference HC-2435-501, Revision P3, Dated 5th March 2020. The details of the drainage scheme shall provide for the flowrate from the site to be restricted to a maximum flowrate of 11l/s. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible. The approved details only shall be implemented.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

15. The Development shall not commence until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use. The following criteria should be considered:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly via the pond).
- For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse
- Peak run-off from a brownfield site should be attenuated to no more than 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 30% allowance for climate change should be included in all calculations
- A range of durations should be used to establish the worst-case scenario.

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

16. The development hereby permitted shall be carried out in accordance with the ecological mitigation measures set out in the following documents:

- HL-20-01 (Version R2 and dated 14.09.2020) - Bat Method Statement

Reason: To ensure that all Bats and wild birds are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the requirements of the National Planning Policy Framework (NPPF).

17. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan – which shall also show the contractor’s site access, working and storage areas for different phases of the demolition, working and construction) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority.

The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed. (In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars).

Reason: To protect the Green Belt, the historic parkland setting and because the Council is under a statutory duty when considering planning applications to consider the effect which development will or may have on trees. There are trees subject to a Tree Preservation Order adjacent to the site and these contribute to the character and appearance of the area. It is considered that the above details are required in accordance with policy ENV1 of the Selby District Local Plan and are necessary to enable the Council to consider the effect of the proposed development on these trees.

18. No development shall commence above slab level until a scheme for individual tree planting to enhance the historic parkland setting and full specification has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.

Reason: To protect the Green Belt and contribute to the historic parkland setting.

19. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

The scheme shall include all of the following:

- a. Indication of all proposed trees and hedgerows including species, spread and maturity
- b. Details of retained trees within the development area
- c. Written specifications (including cultivation and other operations associated with plant and grass establishment)
- d. Schedules of plants, noting species, sizes and proposed numbers/densities
- e. Means of enclosure
- f. Proposed finished levels or contours
- g. Hard surfacing materials
- h. Minor structures such as furniture, refuse and storage areas and sign
- i. A programme for the implementation of the landscaping works and a plan for the future maintenance of the areas included in 'private' curtilages (where applicable)

Reason: in accordance with Local Plan Policy ENV1 and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

20. No development above slab level shall take place until details of measures to facilitate the provision of high-speed broadband for the care home hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason: In the interests of providing a sustainable form of development and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

21. A scheme for the installation of any external lighting on the building and all external areas of the site which should have consideration for the use of 'focus' type lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to any lighting being installed. The scheme shall include the following details:
- Design and details of any lighting furniture
  - position and height on the building and/or site;
  - spillage, luminance and angle of installation;
  - and any hoods to be fixed to the lights.

Any external lighting shall only be installed in accordance with the approved scheme.

Reason: To protect the special character of the adjacent Grade II Listed Church; parkland' Green Belt and open countryside and protection of the amenity of the occupants of nearby dwellings from light pollution and glare.

22. No demolition or construction works shall take place on site outside of the hours of:
- 8.00am to 6.00pm Monday to Friday
  - 9.00am to 1.00pm Saturday and not at all on Sundays or Bank Holidays

Reason: In the interests of the residential amenities of the area and in order to comply with Policy ENV1 of the Selby District Local Plan.

23. Prior to occupation of the new care home hereby approved, details of a reduction of energy consumption of 10% across the development as a whole shall be secured through a combination of a 'fabric first' approach and renewable or low-carbon energy sources; and agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and maintained and retained thereafter.

Reason: In the interests of sustainability, climate change; improving resource efficiency and carbon reduction through reduced energy consumption.

**Informatives:**

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.

**Travel Plan Delivery**

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20street%20Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20street%20Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf)

**Care Home Access Control**

It is recommended that the building be provided with an 'airlock' style entrance system to control access. Entrance can then be managed from the reception during the day. At night, access to the building for staff should be via use of a restricted electronic key fob or card. Avandal resistant external door entry panel and CCTV camera should be installed at the main entrance capturing those entering the building. Every event of the entry system both visitor and resident should be recorded and stored for 30 days.

**Fat /Grease Trap & Miscellaneous**

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

## **Consent from Internal Drainage Board**

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:

- a. Any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. Discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. Works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc.

Full details of the Consent process can be found on our website: <http://www.yorkconsort.gov.ukSurface Water>

## **Information Boards**

The applicant is asked to consider implementing the display of information boards at key points within the site which would inform the general public about the past history of the site. These should not be highly visible in the wider landscape nor be subject to high level lighting. The Planning Authority would be happy to advise on the details and suitability of any such scheme put forward.

## **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 2020/0294/FULM and associated documents.

**Contact Officer:** Mandy Cooper (Principal Planning Officer)  
[mcooper@selby.gov.uk](mailto:mcooper@selby.gov.uk)

**Appendices:** None

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# Agenda Item 5.2



## APPLICATION SITE

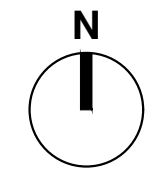
Land adjacent to Park Farm, Main Street, Skipwith  
2020/0343/FUL

1:2,500



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Do not scale from this drawing  
 Drawing to be read in conjunction with the specification document  
 Contractor to check all dimensions on site and notify do-architecture of any discrepancies prior to commencement of the works



Page 65

APPROVED RESIDENTIAL DEVELOPMENT  
 REF: 2018/0051/FULM

Future Access as part of adjacent development

Land Adjacent to Park Farm

Footpath

PROPOSED SITE PLAN

revision	date	description

**Vincent & Brown**

Studio 12, Middlethorpe Business Park  
 Sim Balk Lane, Bishopthorpe, York. YO23 2BD  
 t: 01904 700941 e: studio@vincentandbrown.com

project  
**Land Adjacent to Park Farm**  
 Main Street, Skipwith, YO8 5SQ

drawing  
**Proposed Site Plan**

scale  
**1:500 @ A3**

job number	date	status	drawing number	revision
20-003	23/03/20	Planning	105	-

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**Report Reference Number:** 2020/0343/FUL

**To:** Planning Committee  
**Date:** 25 November 2020  
**Author:** Mandy Cooper (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0343/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Mr L Vincent	VALID DATE: EXPIRY DATE:	6th April 2020 1st June 2020
PROPOSAL:	Proposed erection of detached dwelling and garage on land adjacent to Park Farm		
LOCATION:	Land Adjacent To Park Farm Main Street Skipwith Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the Development Plan. However, Officers consider there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located to the south side of Main Street, Skipwith and adjoins the grounds of Park Farm to the east which has permission for redevelopment for 14 dwellings. The site comprises of 0.16ha in total area.
- 1.2 The site comprises an area of vacant land which is outside but immediately adjoins the Skipwith Development Limits and has previously been used as an orchard. The site is surrounded on three sides by built development. Beyond the site to the south are open fields.

- 1.3 The proposal site forms part of the Park Farm redevelopment for 14 dwellings and occupies approximately 50% of the existing Greenfield site.

### **The Proposal**

- 1.4 Proposed erection of detached dwelling and garage on land adjacent to Park Farm. The proposed gated access would be taken from the adjacent Park Farm development to the immediate west between plots 6 and 7 as a continuation of but separate from Park Farm.
- 1.5 The proposal would provide a five-bedroom detached dwelling to be occupied by the applicant and family.

### **Relevant Planning History**

- 1.6 The following historical applications whilst not part of the application site are relevant due to the proposed access link and close proximity to this application:
- CO/2001/0705, Alt Ref: 8/11/59A/PA: Proposed erection of seven detached dwellings and associated garages (existing farm buildings to be demolished) at: Blue Bell Farm, Main Street, Skipwith  
Decision: Approved: 01-OCT-01
  - 2014/0894/FUL, Alt Ref: 8/11/34B/PA: Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping: Park Farm, Main Street, Skipwith, North Yorkshire, YO8 5SQ  
Decision: Approved: 03-DEC-15
  - 2018/0051/FULM, Alt Ref: 8/11/34C/PA, Description: Erection of 14 dwellings with associated access, garages and parking at: Park Farm, Main Street, Skipwith  
Decision: Approved: 12-AUG-19
  - 2018/1250/DOC Discharge of conditions 3 (materials), 4 (site enclosure), 5 (landscaping), 6 (drainage), 7 (drainage), 8 (drainage), 9 (highways), 11 (construction method statement), 12 (contaminated land), 13 (contaminated land) & 17 (lighting) of approval 2014/0894/FUL Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping at: Park Farm, Main Street, Skipwith  
Decision: Pending
  - 2019/0892/S73: Section 73 application for erection of 14 dwellings with associated access, garages and parking without complying with condition 2 (approved plans) of approval 2018/0051/FULM granted on 12 August 2019: Park Farm, Main Street, Skipwith  
Decision: Pending
  - 2019/0884/DOC: Discharge of conditions 3 (facing materials), 5 (surface water drainage), 9 (site access), 11 (wheel washing), 12 (construction method statement), 13 (landscaping) and 14 (external works) of approval

2018/0051/FULM for erection of 14 dwellings with associated access, garages and parking: Park Farm, Main Street, Skipwith  
Decision: Pending

## 2. CONSULTATION AND PUBLICITY

**2.1 Public Rights Of Way Officer** - A Public Right of Way or a 'claimed' Public Right of Way within or adjoining If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible.

**Parish Council** – No response

**NYCC Highways**– Details show acceptable swept paths and therefore no highway objections are raised to the proposed development. Conditions required relating to access, turning and parking areas prior to occupation.

**Yorkshire Water Services** – Confirmed no comments on the application.

**Ouse & Derwent Internal Drainage Board** – Reference to the application being within the Drainage Board's district. This watercourse is known to be subject to high flows during storm events.

- The Board's prior written consent (outside of the planning process) is needed for: any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- Any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- Works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc.
- The Board notes that the applicant intends to use the mains sewer for the disposal of surface water. It is not, however, clear where this mains sewer ultimately disposes its surface water, although it appears to be into a nearby ordinary watercourse. Accordingly, if the sewer is ultimately discharging into a Board maintained watercourse, or any ordinary watercourse in the Board's district, then consent from the Board would need to be obtained. This is in addition to any consent required from Yorkshire Water.
- The Board would therefore ask the Planning Authority to seek:
  1. Soakaways: The Board always recommends that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water. The Board however notes that soakaway tests were unsuccessful on the adjoining development and are therefore unlikely to be successful on this development either.
  2. Discharge: if the applicant proceeds by way of connecting into the mains sewer, and that in turn ultimately discharges into a Board maintained watercourse, or an ordinary watercourse in the Board's district, the applicant should then:- climate change. Foul Sewage The

Board notes that the applicant is proposing to connect into the mains foul sewer. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. The Board recommends that any approval granted should include a condition relating to surface water.

**Contaminated Land Consultant** - Site has previously been used as vacant land, and prior to that as an orchard. No past industrial activities, fuel storage or waste disposal activities have been identified onsite or nearby and the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a planning condition to be attached to any planning approval, in case unexpected contamination is detected during the development works.

**County Ecologist** – Any approval should include condition requiring adherence to the mitigation/enhancement recommendations contained in the Preliminary Ecological Assessment, specifically relating to bats, amphibians and birds.

**NYCC Principal Archaeologist** – No further details required.

## 2.2 PUBLICITY

The proposal was publicised by way of a site notice and within the Selby Times as a departure from the development plan; in addition to direct neighbour notification. To date two letters of objection have been received from occupants of dwellings adjacent to the proposal site.

Points raised are as follows:

- Site is located outside Development Limits
- Scale of proposal is overbearing and larger in proportion to adjacent properties
- Resulting in loss of light to us and other surrounding properties
- Potential for overshadowing being located south of our property
- Would create a sense of enclosure
- Loss of privacy due to overlooking
- Greenfield site
- Site is home to amphibians and reptiles and other wildlife
- Query as to why not submitted as a further amendment to the Park Farm development

## 3 SITE CONSTRAINTS

- 3.1 The application site is located beyond but adjoins the Development Limits of Skipwith and is therefore a Departure in regard to the development plan.
- 3.2 A Public Right of Way (PROW) runs immediately adjacent to the southern boundary of the site. Also adjoining the site to this boundary is agricultural land and approximately 300m beyond is Skipwith Common which is a Site of Special Scientific Interest (SSSI); National Nature Reserve (NNR) and a Special Area of Conservation (SAC).



- 3.3 The site is located within an Archaeology Consultation Zone and Low Development Risk Area for coal. The land is potentially contaminated from agriculture./nurseries and also situated within the Internal Drainage Board area for the Ouse and Derwent.

#### **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  
SP8 - Housing Mix  
SP9 - Affordable Housing  
SP15 - Sustainable Development and Climate Change

- SP16 - Improving Resource Efficiency
- SP17 - Low-Carbon and Renewable Energy
- 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
- ENV15 - Locally Important Landscape Areas
- ENV27 - Scheduled Monuments/Archaeological Sites
- T1 - Development in Relation to Highway
- T2 - Access to Roads

### **Other Documents**

4.8 Skipwith Village Design Statement (December 2009)

## **5 APPRAISAL**

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

- Principle of Development
- Visual Impact on the Character of the Village & the Open Countryside
- Residential Amenity
- Highways/Access
- Flood Risk/Drainage
- Biodiversity
- Contamination
- Archaeology

### **Principle of Development**

- 5.1 Paragraph 12 of the NPPF re-emphasises the above as the starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan it should not usually be granted, unless there are material considerations which outweigh policy (para. 47). Local planning authorities may however take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.2 Skipwith is identified as a Secondary Village within the spatial development strategy established by the Core Strategy and has development limits on the Local Plan Proposals Map. The full extent of the application site is however situated outside the development limits of Skipwith within an area regarded as open countryside for the purposes of planning. The site does however directly adjoin the development limits to the north and east. The proposal is therefore a Departure from the Development Plan which should be the starting point for assessing the principle of development.

- 5.3 Core Strategy Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. This approach accords with the advice in paragraph 78 of the NPPF which advises that housing should be located where it would enhance and maintain the vitality of rural communities.
- 5.4 Criterion A(c) of policy SP2 states that development in the open 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,*” or should be “*a rural exception site*” in accordance with policy SP10 or for affordable housing under Policy SP13. The proposal would not meet any of the stated limitations and therefore does not meet policy SP2A(c) as it is situated outside of the Development Limits, is not an exception site nor is it for rural affordable housing.
- 5.5 Policy SP4 a) allows for conversions, replacement dwellings, redevelopment of previously developed land, and an appropriate scale of development on Greenfield land (including garden land and conversions/redevelopment of farmsteads). Point b) of Policy SP4 advises that development must improve the appearance of the area and “*must relate sensitively to the existing character and form of the village.*” Policy SP4 reflects the National Planning Policy Framework (NPPF) by identifying acceptable types of residential development within the different settlement types in regard to windfall (non-allocated) sites and the preamble to policy SP4 refers to the requirement to balance the needs of maintaining sustainable development by allowing for some restricted development in less sustainable settlements which includes secondary villages whilst ensuring that limited development demands are met through (amongst other things) the filling of small gaps in an otherwise built up frontage.
- 5.6 The proposal would result in backland development to the rear of other properties and therefore increasing development in depth and would not therefore 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 under Policy SP4(a). The development is therefore contrary to Policy SP4 (a) and consequently Core Strategy Policy SP2A(c). The application should therefore be refused unless material considerations indicate otherwise.
- 5.7 When considering what material considerations that apply which might allow for approval on policy grounds, the following matters are considered to be relevant:

#### *Sustainability*

- 5.8 The site lies just outside the defined Development Limits of Skipwith, which is a Secondary Village as defined in the Core Strategy and is therefore considered to be less sustainable than Designated Service Villages. Taking account of the NPPF, paragraph 38 states that: “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*” Paragraph 59 advises that to support the Government’s objective of significantly boosting the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed. The Framework goes on to state (in para 68) that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. And at paragraph 78 it includes that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities, and further that planning

policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Skipwith has limited services but the following are accessible:

Public House (Gastro pub) 2 minutes in a car / 15 mins walking distance  
Village Green  
Churches (Skipwith Primitive Methodist Chapel & St Helen's Church)  
Village Hall/Meeting Room  
Deliveries from a number of takeaways in neighbouring parishes are available  
Within 3 miles of Escrick which has a range of amenities and services  
Skipwith Common

#### *Site Characteristics*

- 5.9 The site would however be linked to the adjacent approved redevelopment of Park Farm comprising of 14 dwellings, which is the redevelopment of a farmstead, with access to the plot connected to this development and the remaining half of the existing Greenfield site is included within that approval. In addition, there is an existing residential development of seven houses immediately east of the site therefore given the existing built form, the proposal site would be an infill site but not strictly in accordance with Policy SP4a). The southern boundary line forming the application site does not project beyond the development to the east and west but is a continuation and concludes naturally at the same point to the adjacent sites. In addition, given that the site is surrounded to three sides by existing development and permissions, it would be a rational approach to afford substantial weight to the identified locational characteristics of the site as the proposal accords with the general position of the policy and the aim of the NPPF.
- 5.10 In addition to the above considerations the applicant has stated that they feel that the application satisfies the requirements of the Self Build and Customer House Building Act 2015. The Self Build and Custom House Building Act was brought into force in 2015. This introduced a requirement to keep a self-build and custom housebuilding register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self build and custom housebuilding. The Act requires Local Planning Authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Such housing can be either market or affordable housing. In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. However, it is not considered that there is sufficient information submitted with the application to evidence the proposal complies with the relevant requirements of the Self Build and Customer House Building Act 2015.
- 5.11 The applicant has submitted a letter in support of his application which states the following:
- *Intends for the development to be his primary family home, specifically designed to a high quality by he and his wife.*
  - *The development is very small in scale being a single unit.*
  - *The proposed plans for the house demonstrate that the design is unique and not of a style normally delivered by larger developers.*

- *The build will be carried out by a small local building firm with the intention to put into the local economy.*
- *The design considers the agricultural nature of the area and is sympathetic to the local character. The agricultural design and mix of brick & timber lends itself to the rural setting and of the nearby (Park Farm) traditional farmhouse.*

5.12 In conclusion whilst the development site does not strictly accord with the Development Plan, it is considered that the proposal offers an acceptable form of development and that given the circumstances referred to above, the site is suitable for development in this instance, which is a material consideration.

### **Visual Impact on the Character of the Village & the Open Countryside**

5.13 The relevant policies relating to design and impact on the character of the area is Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19.

5.14 Skipwith is a traditional farming community and there are several remaining farms operating within the village. The Village Design Statement (VDS) advises that despite more recent residential development the village has managed to maintain its character, due to new dwellings being built in small groups, rather than by large housebuilders. The VDS includes a summary of many of the design features which typify the village including: eaves height of around 5m; gables typically being 40-45 degrees; subtle brick details at eaves level and occasional string courses between ground and first floor; large permeable driveways and hardstanding, as well as many other features. The general layout of the village is one of low density with wide verges of approximately 3m and with no significant backland development. Plots are generally large and most have a 7m front garden with off street parking.

5.15 Skipwith has a wide variety and scale of plots and dwelling sizes with no consistent grain, with a large proportion of properties being detached. Whilst the majority of plots are unified in regards to the use of similar materials (red /orange clamp brick and orange/red clay pantiles), proportion and massing, no two dwellings are the same and a sense of individuality is maintained which adds to the character of the village.

5.16 The overall design of the proposed dwelling is not dissimilar to the adjacent dwellings on the Park Farm site to the west with a barn type style and of a similar form with a separate garage in a good-sized plot. The dwelling would have two main structures which would be linked by a modern flat roof, two storey element which would be fully glazed to the west side. A small chimney is shown to the south facing roof plane. A number of the windows are positioned randomly to the elevations which in this instance further adds to the barn type character of the dwelling. There is one small element which is out of character with the village, being a very small dormer window to the north elevation. However, given its position being set back from the main elevation; its small scale and what appears to be a lead type exterior, it would not be highly visible in context with the main dwelling.

5.17 The height of the building would be a maximum of 8.3m which is approximately 0.4m higher than the plots to the west and 0.2m higher than No.4 Blue Bell Farm Court to the immediate east. The eaves height would be 5.5m which accords with the VDS.

5.18 External materials would comprise of red brick (not specified) and horizontal timber cladding, with a red pantile roof. Windows and doors are proposed to be aluminium

but no colours have been included in the submitted information, therefore it is reasonable to include a condition which would require submission of all materials prior to works above slab level.

- 5.19 The roof would have a relatively steep pitch which accords with the local characteristic referred to in the VDS and which reflects the roof forms of the adjacent Park Farm development. The VDS also advises that “*modern, but appropriate development*” is encouraged whilst also respecting the existing character of the local vernacular. Detailing would include a vertical faced, brick string course separating the ground and first floor and tumbled brickwork detailing to the gables again referenced in the VDS. All windows are shown to have a deep vertical emphasis but with no detailing, presumably kept simple to add a modern element to the appearance. The VDS encourages the use of modern elements to new buildings whilst including some of the characteristics of other older properties without attempting to make them look old, in order that the existing individuality is maintained throughout the village. In addition, the agent has stated that the existing hedgerow which surrounds the site to the north, south and east, will be retained and supplemented where necessary which would ensure that the impact of the proposal on the adjacent open land is minimised as well as maintaining the character and green edge to this part of the village.
- 5.20 Given the mix of built form and dwellings within the vicinity of the application site and subject to the use of suitable materials, it is considered that the visual appearance of the proposed dwelling would not have an adverse impact on the character and appearance of the area. It is considered that whilst the ‘theme’ of the proposed dwelling manages to include elements of existing properties within the village such as the inclusion of brick detailing, red bricks and pantiles and have similar characteristics to the adjacent Park Farm development with its barn type appearance, the design also manages to introduce modern elements such as the type of windows and the glazed central link which enables it to be distinguishable from established properties. On this basis the proposed dwelling is considered to be an acceptable addition to the locality.
- 5.21 The proposal is therefore considered acceptable in accordance with Local Plan Policy ENV1 (1) and (4), Core Strategy Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF

### **Residential Amenity**

- 5.22 Policy in respect of securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1). In addition, paragraph 127(f) of the NPPF states that decisions should ensure that developments (amongst other things) create places that accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.23 The application site comprises a Greenfield site located between the Park Farm (Planning Ref: 2018/0051/FULM) development for 14 dwellings to the west and Blue Bell Farm Court to the east where there are seven detached dwellings in large plots. Immediately north and adjoining the site is a detached bungalow known as ‘Ballacraigne’ and immediately west of the bungalow is another bungalow known as ‘Applegarth.’ Immediately east of the application site is No. 4 Blue Bell Farm Court and northeast of the proposal site is ‘Springfield House.’

- 5.24 The main entrance to the proposed dwelling would face west and within the central link, with large bifold doors to the south elevation giving direct access to a patio area. There is another entrance door to the utility room located on the east side of the proposed dwelling which faces north but is set back from this elevation.
- 5.25 The occupants of two adjacent properties Ballacraigne and Springfield House, to the north and northeast respectively, have objected to the proposal on the basis of the dwelling being overbearing, enclosure, scale of the dwelling and loss of privacy. Ballacraigne is a detached bungalow situated immediately north of the proposed dwelling and Springfield House is a two storey dwelling situated to the immediate north east of the proposal site.
- 5.26 As previously stated the proposed dwelling would comprise of two blocks linked by a two storey flat roof element. The most northerly block which is smaller would house an office/study with a long but narrow window and gym/playroom with a much wider window to the ground floor with both windows facing north. A bedroom with a narrow, north facing window and bathroom with linked dressing area is proposed to the first floor. Windows to the bathroom and dressing area are both east facing in addition to further windows to the office/study and bedroom which would face west. In regard to Ballacraigne, the gap between the most northerly elevation would be 32m at the closest point which is considered to be an acceptable distance. The gap between the closest corner of the proposed dwelling and Springfield House would be 24.5m and given that Springfield House is offset to the northeast, there would be no direct overlooking to this property.
- 5.27 Directly west of the application site would be three plots (6, 7 and 10) which form part of the Park Farm development. The rear gardens of these plots would face the side garden of the proposal. Plot 7 would face the side elevation of the application but given the gap of 24m between the closest parts of each proposed property, it is considered that an acceptable relationship between the two would result.
- 5.28 Applegarth is a large detached bungalow situated approximately 32m from the closest point of the proposal and given that it is northwest of the proposal site and that there is a large timber shed within the garden and close to the southern boundary, no overlooking would occur as a result. No. 4 Blue Bell Farm Court is however situated immediately east of the proposed dwelling with only a small gap (closest point) of 7.2m, which would not normally be acceptable. The facing windows to the existing dwelling comprise of an ensuite and bathroom plus a small secondary window to the master bedroom to first floor along with a utility room and side door to ground floor. Windows from the proposal which would face the existing property would serve an ensuite, dressing area and secondary window to bedroom four (south elevation) at first floor. The majority of these windows to the proposed dwelling are offset from those on the existing property but the small window which would serve the dressing area appears to be opposite the secondary bedroom window to the existing property. In order to ensure there would be no overlooking to No.4 Blue Bell Farm Court, it is therefore proposed that a condition be included requiring obscure glazing to both the proposed ensuite and dressing area to ensure no overlooking would occur as a result of the proposal.
- 5.29 Having given consideration to the layout plan and the resulting relationship between the proposed and existing properties immediately adjoining the site, it is considered that an acceptable separation distance (subject to the inclusion of a condition requiring obscure glazing to relevant first floor windows) is achievable to ensure there would be no detrimental impact as a result in regards to overlooking,

overshadowing or an enclosing or oppressive outlook. The development would also provide for an appropriate level of residential amenity for the occupants of the proposal.

- 5.30 On the basis of the above assessment the proposal is considered to be acceptable in regard to residential amenity and on this basis accords with Local Plan Policy ENV1 (1) in addition to paragraph 127(f) of the NPPF.

### **Highways/Access**

- 5.31 Paragraph 108 (point b) of the NPPF stipulates that planning decisions should take account of whether: *“Safe and suitable access to the site can be achieved for all users.”* Paragraph 109 adds that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.32 Policy in respect to highway safety and capacity is provided by Local Plan Policies ENV1(2), T1 and T2. Local Plan Policy ENV1 criterion c) states that when assessing new development, consideration is given to the proposals relationship with the highway network.
- 5.33 The proposal would utilise the site road for the development to the immediate west which would be located between plots 6 and 7 and would comprise of a gated drive with parking and turning within the proposed plot.
- 5.34 The Highway Officer’s initial response advised that whilst the principle of development is acceptable, there was a requirement for a plan showing swept paths for the three parking spaces proposed. Following submission of the additional information the Highways Officer in her final response has stated that the development now indicates *“acceptable swept paths”* and that subject to the inclusion of a condition requiring access, parking, maneuvering and turning areas prior to the development being brought into use, that the proposal is acceptable. The Highways Officer has also requested that a condition is included preventing the garage from becoming a habitable room. It is considered however, that there would be sufficient parking within the site to accommodate several cars, which would negate the need for this condition.
- 5.35 It is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Local Plan Policies ENV1 (2), T1 and T2 and the advice contained within the NPPF.

### **Flood Risk/Drainage**

#### *Flood Risk*

- 5.36 The application site is situated in Flood Zone 1, which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. As the size of the site equates to less than 1ha a Flood Risk Assessment (FRA) is not required in this instance. Information should however accompany any application as to the approach to surface water drainage and foul sewer connection. The proposals are located within the area of lowest risk and therefore complies with Criterion d) of Core Strategy Policy SP15 and NPPF Paragraph 155.



### *Foul Drainage*

- 5.37 The submitted information advises that foul drainage would connect to the existing mains sewer and the IDB refers to the applicant proposing to connect into the mains foul sewer. The IDB add that if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. Yorkshire Water Services have sent a brief response advising no comments.

### *Surface Water*

- 5.38 The submitted information advises that surface water would discharge to the existing main sewer and Yorkshire Water Services (YWS) have advised they have no comments. The Internal Drainage Board (IDB) have stated however that it is unclear where the mains sewer disposes its surface water and that consent would be required from the Board should this ultimately discharge into a Board maintained watercourse, which would be in addition to any consent required by YWS.
- 5.39 The IDB also add that they would normally require percolation tests in regard to the potential use of soakaways but note that investigations were unsuccessful on the Park Farm site and are therefore also likely to fail on this site. They do however include a condition requiring details to be submitted prior to implementation of means of surface water disposal.
- 5.40 On the basis of the above, it is considered that a satisfactory means of discharge for surface water can be achieved for the proposal, subject to the IDB condition. It is therefore considered that the development would accord with Core Strategy Policies SP15, SP16 and SP19 and the provisions of the NPPF.

### **Biodiversity**

- 5.41 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 5.42 Section a) of Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural environment by: *“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);”* Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment through the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.43 Local Plan Policy ENV1 5) is relevant to the impact on (amongst other things) on wildlife habitats and Core Strategy Policy SP18 is concerned with (amongst other things) the protection, enhancement and mitigation of biodiversity.
- 5.44 The application site is located approximately 350 metres from the closest boundary of the Skipwith Common Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The Ecology Officer (EO) in his initial response advised that given the distance, the presence of arable fields in between and the lack of hydrological connectivity that there would be no significant effects on the SAC/SSSI. He also advised however, *“that the principal issue with the application site is the potential occurrence of Great Crested Newts (GCNs), a European*

*Protected Species. 71 individuals of this species were recently trapped and translocated from an adjoining development site.*” Based on the above scenario, the EO considered that it was likely that GCNs would be encountered on the proposal site and requested a more detailed explanation in regards to their protection.

- 5.45 Following a revised Preliminary Ecological Appraisal, the Ecology Officer in his second response has advised that the information relating to Great Crested Newts provides better justification that newts are unlikely to be harmed as a result of the development. In addition, the EO agrees that the biodiversity enhancements linked to the larger Park Farm development offers significant net gains for biodiversity and that the planting of fruit trees in the proposed landscaping scheme is welcomed. A suitably worded condition shall be included to ensure adherence to the revised PEA.
- 5.46 In conclusion and subject to adherence to the condition referred to above, it is considered that would accord with Local Plan Policy ENV1 5); Core Strategy Policy SP18, the NPPF; the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

### **Contamination**

- 5.47 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.48 A Contaminated Land Screening form accompanies the application which advises that the site is grassed and has been previously used as an orchard with no evidence of former buildings; site activities; made and filled ground, subsidence or contamination.
- 5.49 The Contamination Consultant (CC) has stated in their response that on the basis of the lack of any former uses or industrial activity that no further investigation or remediation work is required but includes a condition in the event that unexpected contamination is encountered.
- 5.50 On the basis of the above comments and subject to a suitably worded condition, there are no concerns in respect of contamination and the proposal is considered to accord with Local Plan Policy ENV2, Core Strategy Policy SP19 and paragraph 178 of the NPPF in this regard.

### **Archaeology**

- 5.51 Local Plan Policy ENV27 is concerned with the protection of archaeological remains and that the NPPF (para. 194) affords protection for such remains.
- 5.52 The Principal Archaeologist (PA) has commented on the proposal advising that the existing farm buildings, hard standings and access to the adjacent Park Farm would have severely impacted on archaeological remains. He adds that this site would be more agricultural in nature and concludes that no further details are required.

5.53 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of archaeological implications of the proposal and the proposed development would therefore comply with Local Plan Policy ENV27 and Core Strategy Policy SP18 and the provisions of the NPPF.

## **6 CONCLUSION**

6.1 The application seeks full planning permission for the erection of a single detached dwelling with garage on land adjacent to Park Farm, Skipwith.

6.2 The proposal is a Departure due to a limited expansion beyond the Development Limits which would not physically encroach beyond the boundary of the surrounding built form, into the adjacent open countryside. However, 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 principle of the proposed development is acceptable and in accordance with paragraph 119 of the NPPF which highlights the importance of local planning authorities taking a proactive role in ensuring land suitable for development is brought forward. The proposed development, due to its location and scale would read as a natural, small extension to the village, which is due to the adjacent surrounding residential sites and would therefore result in an appropriate form of development.

6.3 In regards to other considerations the proposed development for a single dwelling would not have a detrimental impact on the character and appearance of the area or the surrounding countryside and matters relating to design, drainage, nature conservation and protected species; residential amenity, land contamination are acceptable.

6.4 The proposed development is therefore considered to be acceptable having had regard to Local Plan Policies ENV1, ENV2, ENV15, ENV27, T1 and T2 and Core Strategy Policies SP1 SP2, SP4, SP5, SP8, SP9, SP15, SP16, SP17, SP18 and SP19 of the Core Strategy and national policy contained with the NPPF, which at Paragraph 12 makes provisions for decisions to depart from an up-to-date development plan where material considerations indicate that the plan should not be followed.

## **7. RECOMMENDATION**

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

02. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

001/P00 – Location Plan  
105 - Proposed Site Plan

106 – Proposed Drainage Plan  
107 - Vehicle Turning with Swept Paths  
110 – Proposed Ground Floor Plan  
111 – Proposed First Floor Plan  
130 – Proposed North & East Elevations  
131 – Proposed South & West Elevations  
132 - Proposed Context Elevations  
133 – Proposed Garage Elevations & First Floor Plan  
Preliminary Ecological Appraisal (August 2020) Wold Ecology Ltd (received on 23.09.2020)

Reason: For the avoidance of doubt.

03. No development shall take place above slab level until full details of the materials to be used in the construction of the external surfaces for the walls, roof, windows, doors, rainwater goods and areas of hardstanding have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In accordance with Local Plan Policy ENV1 and Core Strategy Policy SP19 and because it is considered that the use of inappropriate materials could be harmful to the character and appearance of the area and therefore the Council needs to retain a measure of control.

04. The external face of the frames of all windows and doors shall be set in reveals of at least 50mm from the front face of the brickwork/ timber boarding (where applicable).

Reason: In the interests of the character and appearance of the area.

05. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at land adjacent to Park Farm, Main Street, Skipwith have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

06. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works.

Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be used:

- Discharge from “greenfield sites” should be 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event.
- A 30% allowance for climate change should be included in all calculations.

- A range of durations should be used to establish the worst-case scenario.

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

07. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: In accordance with Local Plan Policy ENV1 and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

08. No development above slab level shall take place on site until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or in accordance with a programme of implementation that has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

Reason: In accordance with Local Plan Policy ENV1 and in the interests of the visual amenities of the area.

09. The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in the following Biodiversity mitigation and enhancement recommendations contained in the Preliminary Ecological Assessment:

- Bat recommendations (Paras 8.2.4.1 to 8.2.4.3 and para 8.2.4.6)
- Amphibian Method Statement (Section 8.3.5)
- Bird recommendations (Section 8.4.5 but ignoring para 8.4.5.7 which is extraneous)
- Reptile Method Statement (Section 8.6.5)
- Hedgehog recommendations (Section 8.7.4)
- Hedgerow enhancement and planting of fruit trees (Paragraph 9.2.3.4 and section 9.3)

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and in accordance with the requirements of the National Planning Policy Framework (NPPF).

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local

Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those orders with or without modification), no development shall be undertaken within Part 1, Class A, B or C including the installation of windows, dormer windows or other openings (other than those expressly authorised by this permission) to any elevation without the grant of a separate planning permission from the Local Planning Authority.

Reason: In accordance with Local Plan Policy ENV1 and Core Strategy Policy....., as the Local Planning Authority considers that further development could cause detriment to the amenities for the occupants of nearby properties and be of detriment to the character of the area and for this reason would wish to control any future development.

12. The windows to be created at first floor level of the east elevation of the dwelling and serving the ensuite and dressing area shall be glazed in obscure glass with opening limited to 0.5m from the window pane before the development hereby approved is first brought into use, and shall not thereafter be altered without the prior express consent in writing of the Local Planning Authority. (Replacement of the glass with glass of an identical type would not necessitate the Council being notified.)

Reason: In accordance with policy ENV1 of the Local Plan and because the Local Planning Authority consider that if plain glass was to be used in this location, the amenities of the adjacent dwelling would be adversely affected due to overlooking.

NB. Obscure glazing to satisfy this condition should be a minimum of Pilkington Privacy Level 3 or equivalent.

#### **Informatives:**

#### **Consent to Discharge**

Under the Board's Byelaws the written consent of the Board is required prior to any discharge (directly or indirectly) into any watercourse within the Board's District.  
<http://www.yorkconsort.gov.uk>Surface Water

#### **Wildlife**

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected

against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>

Further information on wildlife legislation relating to birds can be found at [www.rspb.org.uk/images/WBATL\\_tcm9-132998.pdf](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf)

## **Adjacent Public Rights of Way**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

## **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 2020/0343/FUL and associated documents.

**Contact Officer:** Mandy Cooper (Principal Planning Officer)  
[mcooper@selby.gov.uk](mailto:mcooper@selby.gov.uk)

**Appendices:** None

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## APPLICATION SITE

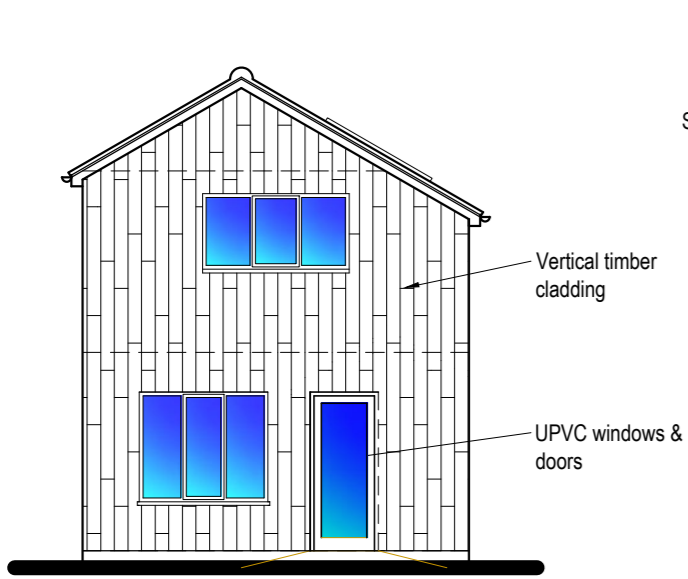
Land adjacent to A19, Station Road, Riccall  
2020/0344/FUL

1:1,250

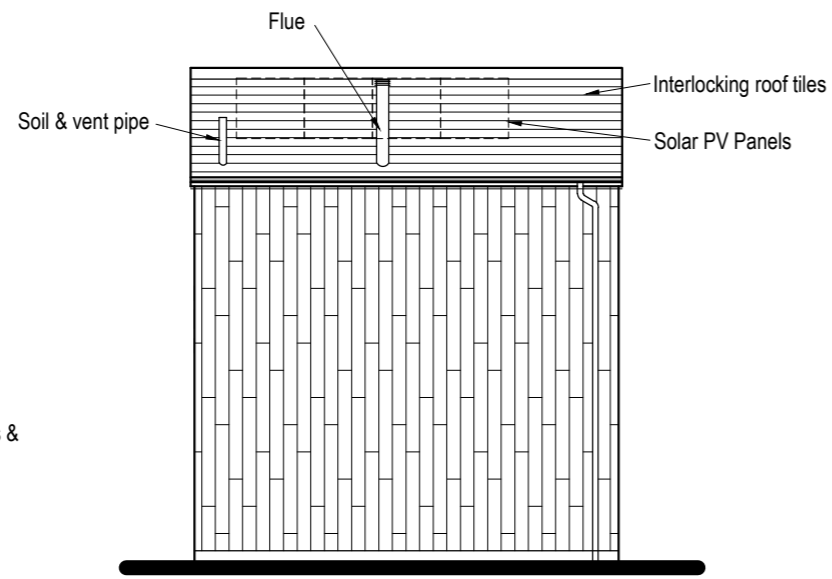


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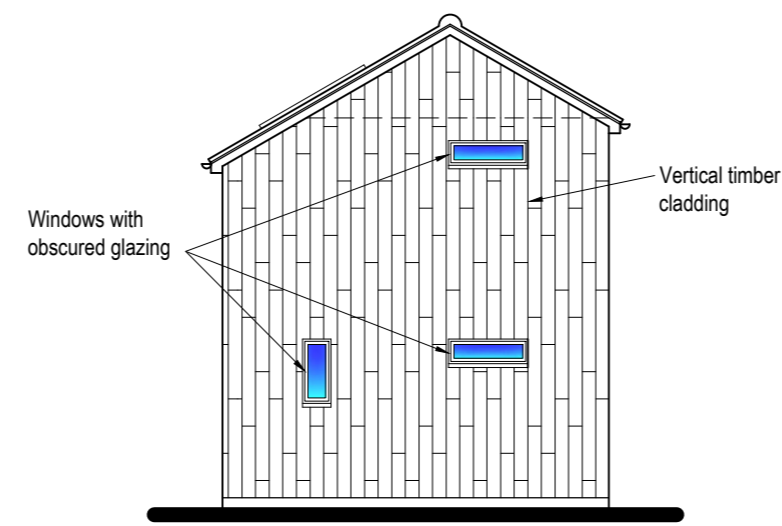
**AMENDED  
DRAWING**



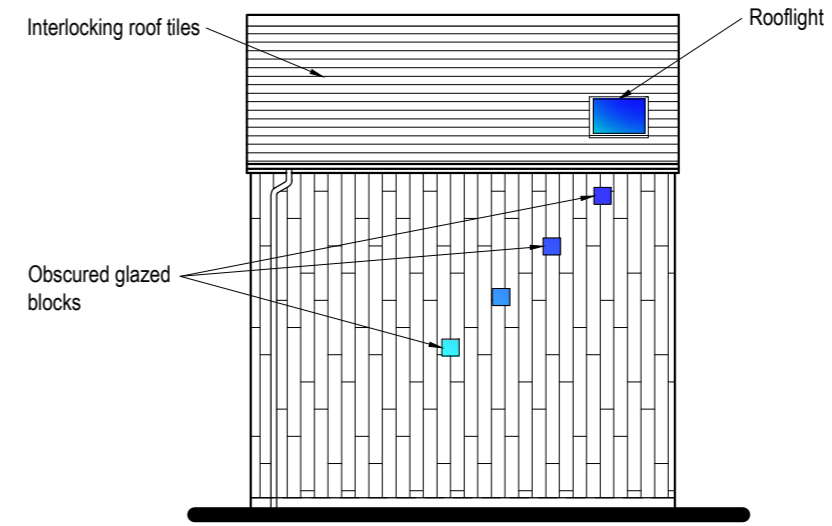
**NORTH EAST  
ELEVATION**



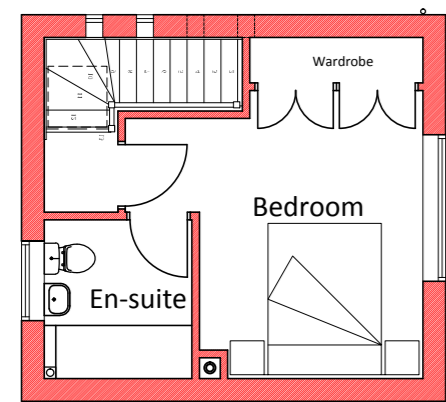
**SOUTH EAST  
ELEVATION**



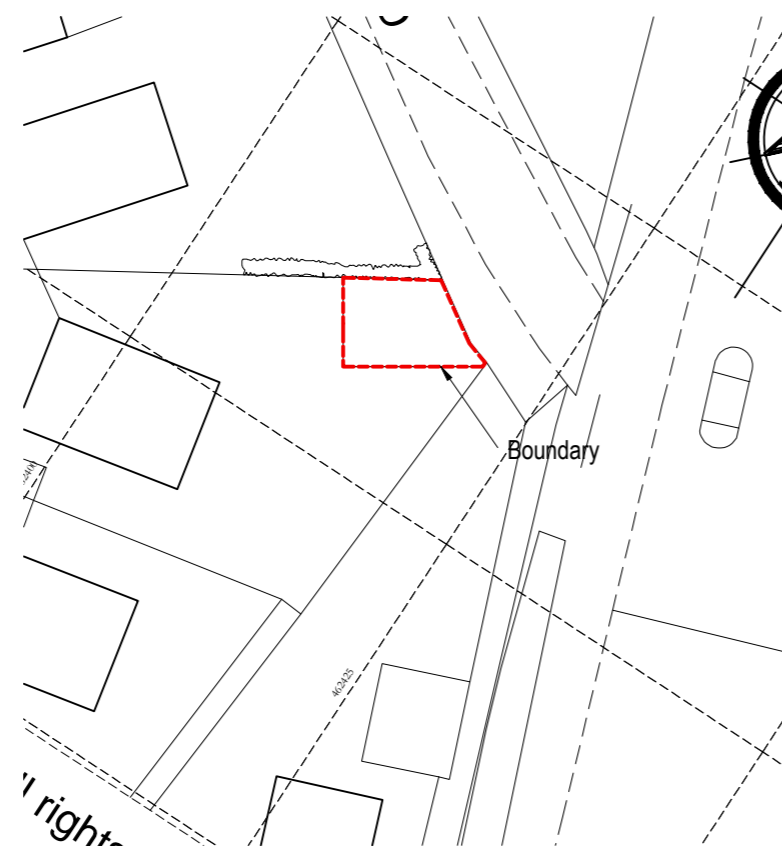
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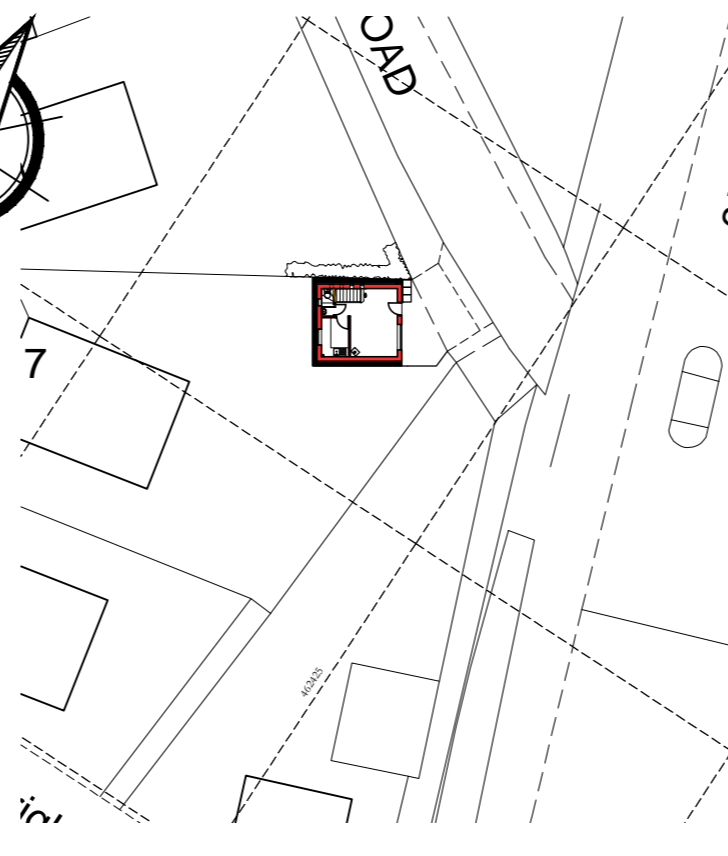
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ELEVATION**



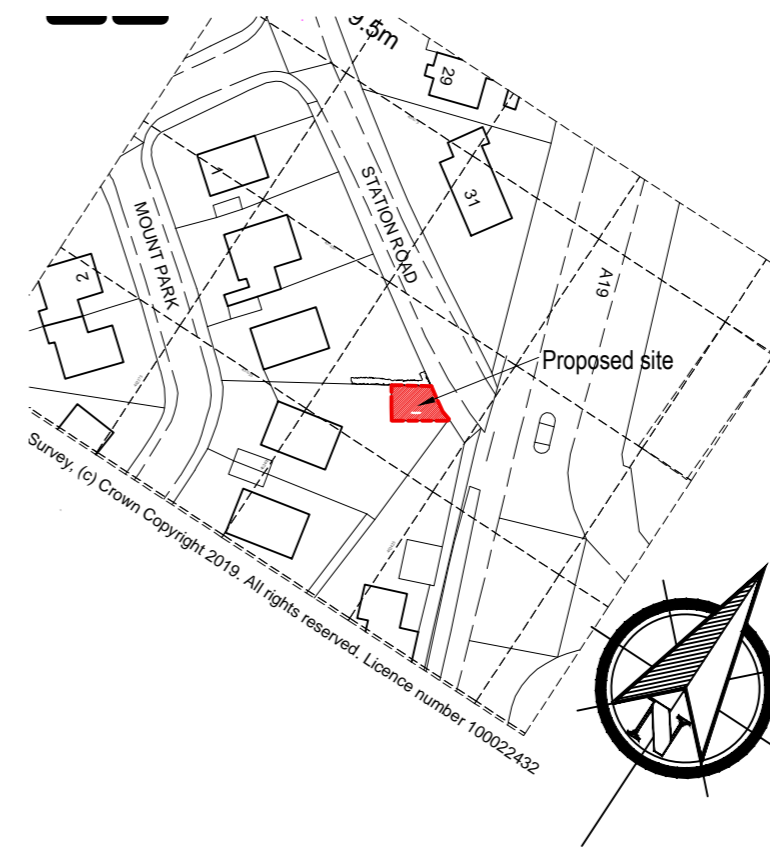
**FIRST FLOOR PLAN**



**Exg. Block Plan (1:500)**



**Prop. Block Plan (1:500)**



**Location Plan (1:1250)**

**REVISIONS**

- A 2020-03-24 DRAWING UPDATED
- B 2020-03-25 ELEVATIONS AMENDED
- C 2020-03-25 PLAN AMENDED
- D 2020-04-03 DRAWING UPDATED FOR PLANNING
- E 2020-05-13 PORCH AMENDED, PARKING ADDED
- F 2020-09-06 PLAN, ELEVATIONS AND SITE LAYOUT AMENDED
- G 2020-09-11 PLAN AMENDED

**A.J.WILD  
ARCHITECTURAL SERVICES**  
38 MANOR ROAD  
TADCASTER  
LS24 8HP  
NORTH YORKSHIRE

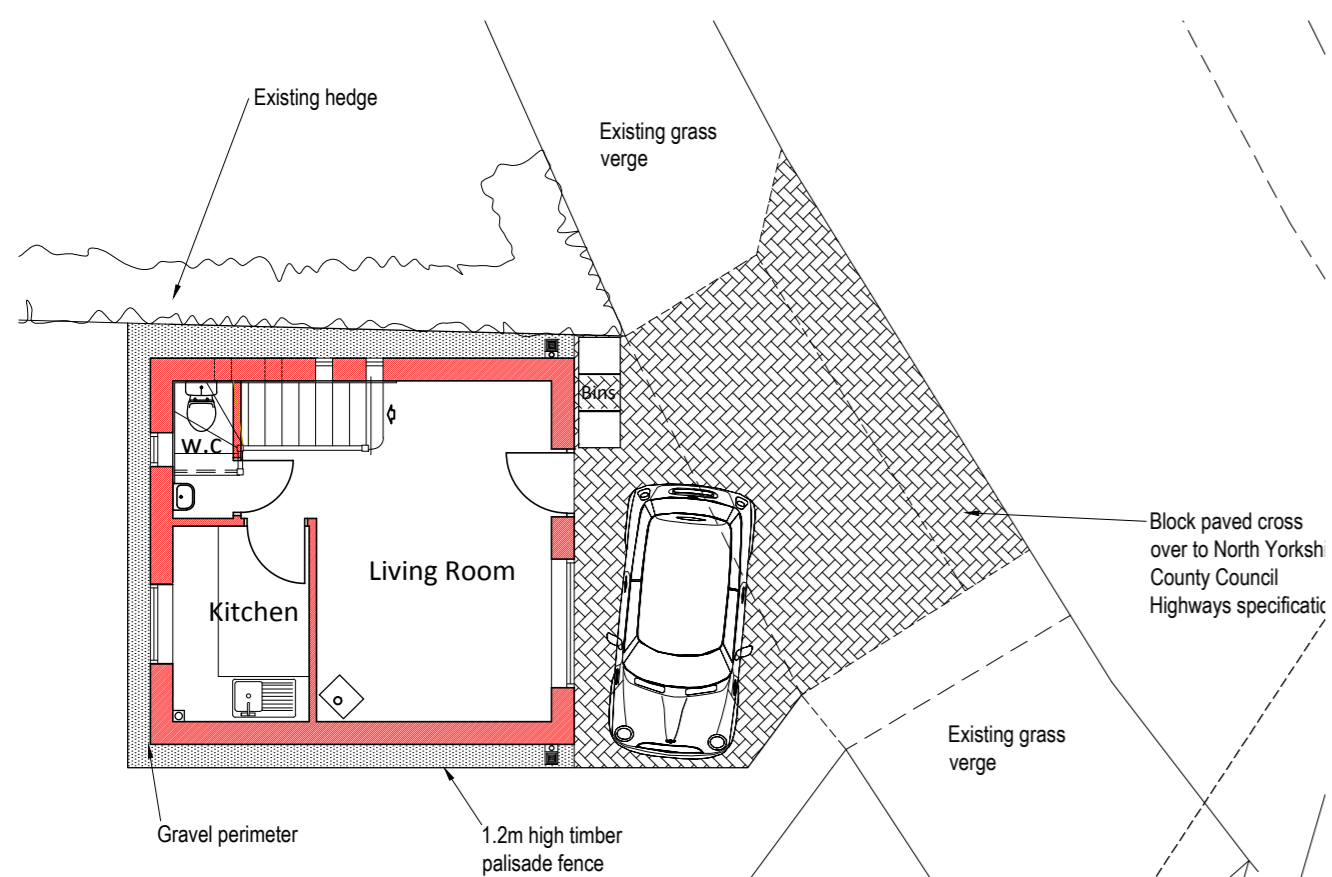
Client:  
**Mrs M Bray, Tregewis Farm,  
St Martin, Helston. TR12 6DN  
Cornwall**

Property:  
**PROPOSED NEW DWELLING ON  
LAND ADJACENT STATION ROAD,  
RICCALL**

Drawing:  
**EXISTING SITE PLAN &  
PROPOSED GROUND & FIRST  
FLOOR PLANS & ELEVATIONS**

Scale: **1:100** Date: **JANUARY 2020**  
Drawn:

Drawing No. **NH-2019-03** Revision: **G**



**GROUND FLOOR PLAN**



**EXISTING SITE PLAN**

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**Report Reference Number:** 2020/0344/FUL

**To:** Planning Committee  
**Date:** 25 November 2020  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0344/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mrs M Bray	VALID DATE: EXPIRY DATE:	6th April 2020 1st June 2020
PROPOSAL:	Proposed new dwelling on land adjacent		
LOCATION:	Land Adjacent A19 Station Road Riccall York North Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of support have been received and officers would be otherwise making the decision to refuse the application contrary to this support.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The site consists of a very small piece of land that is accessed from Station Road and within the settlement limits of Riccall. The applicant describes the land as being brownfield, owing to its use as a former BP Heating Oil distribution facility, for the adjacent housing development that was built in the 1970's.
- 1.2 The site is now fenced, overgrown and has had the oil equipment removed leaving a hollow. The site fronts and has its access onto Station Road. Station Road comes to a dead end, where it meets the A19 to the north and east of the application site. To the south, west and north west of the site are the residential

gardens of the bungalows Mount Park. The site effectively forms part of what would have been the rear garden of the No.7 Mount Park.

### **The Proposal**

- 1.3 The proposal is for a detached 2 storey, 1-bed dwelling with no amenity space. The applicant describes the proposal as the reuse of a brownfield site that would be suitable as a starter home or for a couple wishing to downsize.
- 1.4 The plans have been amended during the processing of the application, with the bin store and canopy omitted to provide a partial car parking space to the property frontage, as well as changes to the internal layout and openings.

### **Relevant Planning History**

- 1.5 No relevant history.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 Parish Council - Riccall Parish Council objects to the proposed application on traffic and highways issues. The site does not provide any on-site parking but can accommodate 2 residents, with the likelihood of 2 cars plus visitors parking on the road. There is no on-street parking available and in addition, access to the neighbouring properties could be compromised. It is also noted that the external construction material of the property, is not in keeping with the surrounding properties.
- 2.2 County Ecologist – No objections. No environmental information has been provided but aerial imagery suggests that the plot is overgrown with dense shrubs. If this is the case, we would expect to see some compensatory planting in line with the NPPF objective of "minimising impacts on and providing net gains for biodiversity" (para 170d). In this instance it would be difficult to accommodate suitable native tree/shrub planting on-site, so an off-site option would need to be considered. The location of the plot does not indicate any significant risk to protected species. Should Selby District Council be minded to approve the application, a condition is suggested to ensure any clearance of trees, shrubs or other dense vegetation should be undertaken outside the bird breeding season.
- 2.3 NYCC Highways - The applicant is not proposing any car parking for the development. It is noted that Riccall does have a regular bus service servicing the village, however the lack of car parking in this location is likely to lead to vehicles displacing onto the highway. The site is adjacent to an alleyway and the crossing point to King Rudding Lane. Any vehicles parking on the highway in this location are likely to impede pedestrian and cycle access to these 2 facilities. The Highway Authority can therefore not support the application with no car parking. I would recommend that the applicant amends the plans to show that at least 1 car parking space is available on site.

The plans were amended to show a partial parking space and highways have been reconsulted on the application. The officer update note will confirm their revised response.

- 2.4 Yorkshire Water – No comment.

- 2.5 The Ouse & Derwent Internal Drainage Board – No objection subject to conditions concerning the need for a detailed drainage scheme to be agreed.
- 2.6 Contaminated Land Consultant - The Landmark report does not identify any potentially contaminative historical land uses at the site, however it does not include any extracts of the historical maps used. The Landmark report contradicts the planning statement, which states that the application site is a brownfield site consisting of a former heating oil depot. The planning statement identifies the site as a former heating oil depot and brownfield site, which implies a potential for the presence of contamination. The Landmark report makes no mention of the former site use identified in the planning statement, and also does not provide any historical mapping.

As a minimum, considering the above, a Phase 1 preliminary contaminated land risk assessment should be provided, consisting of a desktop study and site walkover completed by competent persons. Conditions were suggested covering the need for further investigation of land contamination prior to development commencing, the submission of a remediation scheme, verification of remedial works and any reporting of unexpected contamination.

### **Representations**

- 2.7 The application was publicised by means of a site notice and direct neighbour notification. 8 letters of objection were received from residents that surround the site. The concerns raised were as follows:
- Concern over the tree that sits in neighbouring land will be affected by the development. This may need protection via TPO.
  - Over the past decade or so the ambience of this once attractive village has been slowly eroded by the erection of properties on postage stamp size pieces of land in inappropriate locations by developers whose sole interest is maximum profit.
  - This plot of land is unsuitable for a dwelling and is of a size suitable for nothing larger than a double garage at best.
  - The proposed dwelling is out of character with the single storey bungalows that surround it.
  - Furthermore, there will be no space for off road parking resulting in the occupants resorting to using station road as a car park thereby causing access restrictions to existing properties.
  - Concerns over privacy with first floor windows looking into surrounding gardens.
  - The building will cause a loss of sunlight to neighbouring properties.
  - Concerns over construction traffic causing noise nuisance and disruption.
  - Any hedge removal will impact on the local wildlife that uses the vegetation.
- 2.8 10 letters of support were received in October 2020 several months after the publicity period had ended. These were from residents of the village i.e. Pinfold

Close, The Crescent, Landing Lane, Back lane and Hall Farm close, however none that live directly adjacent to the site. One letter was received from Kelfield. The issues raised in support were as follows:

- Pleased to see something exciting is happening with the site.
- Whatever seems to be done with it at the moment amounts to a tip. When it comes to more building in the village, this particular site is not going to intrude on green space but enhance what is otherwise an eyesore.
- There is a shortage of small home sin Riccall for young people for starter homes.
- I don't think parking is an issue as it's a dead end. Riccall has a good bus service.
- Riccall has excellent links to York and Selby via public transport and cycle tracks which makes it a desirable place to live. This makes good use of waste land and solves the dumping problem.
- The site is brownfield and would benefit a first-time buyer or elderly person wanting to downsize. Riccall has lots of restaurants and is a popular village.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site lies within the village development limits of Riccall.

### **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
- 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
- T1 - Development in relation to the Highway Network
- T2 - Access to Roads

## **5 APPRAISAL**

- 5.1 The main issues for consideration in the determination of this application are:

- The principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highways/ parking issues
- Contamination
- Ecology and Tree Protection
- Flood Risk and Drainage
- Affordable Housing
- Tree protection

### **The principle of development**

- 5.1 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.

- 5.2 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Further, the policy states "Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4".
- 5.3 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits".
- 5.4 In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages - "Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."
- 5.5 The application site is a small brownfield site within the Designated Service Village of Riccall. It was previously used as an oil distribution facility, that used to supply the adjoining residential properties when the original housing estate was constructed in the 1970's. It is now redundant and in separate ownership from that of neighbouring gardens. The proposal is acceptable in principle given the Council's spatial strategy allows for the redevelopment of brownfield sites of an appropriate scale within settlement limits.
- 5.6 It is noted that Policy SP4 (c) of the Core Strategy states "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available".
- 5.7 Therefore, whilst the sites development is acceptable in principle, it will be subject to the considerations of the area's character, and other implications such as design, drainage, ecology, contamination, flooding and the impact on the highways detailed below.

### **Design and Impact on the Character and Appearance of the Area**

- 5.8 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Relevant policies within the NPPF which relate to design include paragraphs 127, 130 and 131.
- 5.9 In terms of overall character, this part of the settlement is almost entirely residential in character, with the dwellings to the north and west all being single storey in nature. The site lies adjacent to the rear garden of No.7 Mount Park and if it wasn't retained for the oil facility, would have been absorbed into the curtilage of No.7, as

the gardens of No.5 follow a similar pattern and layout. The rear gardens of Mount Park form the boundary to Station Road. This consists of mainly green hedges and remains undeveloped, helping to maintain this open and green character to this part of Station Road.

- 5.10 The introduction of a 2-storey dwelling in this location, would severely interrupt this single storey character. The dwelling will appear isolated, relating poorly to the existing built form that surrounds it and appearing shoehorned into this tiny site. The location and siting of the plot, together with its contrived nature and the height (6.45m) of the dwelling, will undoubtedly be harmful to the area's character.
- 5.11 The letters of support mention that the site is a mess and a dumping ground, however this is not a reason for its redevelopment. The most appropriate use of the site would be to fill the whole with inert materials, then regrass and use it as the residential curtilage to No.7.
- 5.12 In terms of design, the bungalows to the west on Mount Park are traditional 1970's styled with simple design features. The property opposite i.e. No .31 is also a simple flat fronted design and single storey. The proposed design is completely at odds with this character. The proposed design is modern, using vertical timber exterior cladding, upvc windows and doors, interlocking roof tiles with solar panels. The main openings exist on the north east elevation meaning the remaining elevations are very bland with small windows owing to the overlooking that would be created if larger openings were formed. Whilst not wishing to stifle modern design, the character, form and design is inappropriate in this particular location.
- 5.13 The site is extremely restricted being 5.8m in width and 9.3m in length at its widest point. The layout plan shows how the dwelling measuring approximately 5.1 x 5.6m almost fills the plot in its entirety. The site has no rear private amenity space, with a small area for bins on the frontage and half a car parking space. The only outlook for occupiers exists to the north east (frontage), as the remaining ground floor windows would be looking directly at a fence within 300mm of the boundaries. This accentuates the contrived nature of the site and will provide a substandard living environment for its occupants, despite the claims of the applicant that it would suit a first-time buyer or a person looking to downsize. Private amenity space, a good outlook should be characteristics of all new development, irrespective of the dwelling size.
- 5.14 Therefore given all of the above factors, the proposal on account of its contrived nature, siting, layout and design means that the proposed dwelling will have a significant detrimental impact on the character and appearance of the area contrary to Policies ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.15 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. 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.

- 5.16 Due to the proximity of neighbouring dwellings the proposals will inevitably impact on the existing amenities of the occupiers of surrounding properties by reason of the physical presence of the building, the associated residential activity and increased vehicle movements to and from the property.
- 5.17 The proposed dwelling is in effect in the rear garden on No.7 Mount Park. Whilst being in separate ownership, its relationship with surrounding dwellings makes it appear that way. The site would be only 8m from the corner of the bungalow of No.7, meaning it would be in full view on their rear elevation windows. This separation is substandard and being over 6m tall, will dominate the outlook from No.7 and No.5. The dwelling will also appear oppressive when viewed from the rear gardens and tower above any other ancillary residential structure in this area.
- 5.18 The design of the proposed dwelling has to some degree taken account of its awkward siting, by limiting openings on the north western and south eastern elevations, where they directly face the properties on 5-7 Mount Park. On the south western elevation, the openings are limited to 2 ground floor windows, one of which is a WC and the other a high-level kitchen window. Whilst not shown on the layout plan, these will presumably be screened by a boundary fence. Any boundary treatment will provide a poor outlook from the kitchen of the proposed dwelling but will maintain the privacy at ground floor level. At first floor an en-suite window is added, which represents no overlooking. Facing north west are a series of small landing windows. Due to their size, these are not considered to create overlooking. The remaining windows face north east with a clear outlook onto Station Road and the A19.
- 5.19 In terms of overshadowing the two-storey nature will create some overshadowing of the rear garden on No.5 due to its position due south. This isn't however to a degree which would warrant refusal in its own right. The proposal for the reasons mentioned above will however harm the outlook from both No.5 and No.7 and be oppressive due to its position effectively in their rear gardens. For this reason the proposal will have a significant adverse effect on the amenities of the occupiers of any neighbouring properties thus contrary to Policy ENV1(1) of the Selby District Local Plan, Core Strategy SP 4 and SP 15 and the advice contained within the NPPF.

### **Highways / Parking Issues**

- 5.20 The site is accessed from Station Road for construction purposes and provides a partial parking space formed by the block paving of the existing grass verge before it meets the road. This was introduced through an amendment as the scheme as originally submitted had no off-street parking.
- 5.21 The applicant describes the site as being highly sustainable and an eco-house, therefore this lessens the need for off street parking. The applicant contends that Station Road has become a cul-de-sac with no parking restriction. Vehicles can easily pass with parked vehicles on the street due to its width. Therefore, on street parking would not necessarily cause a highway safety concern or cause nuisance to other highway users.
- 5.22 The Highway Authority was consulted on the application and raised objections due to a lack of parking shown on the original scheme. The Highways Officer noted that Riccall does have a regular bus service servicing the village, however the lack of car parking in this location is likely to lead to vehicles displacing onto the highway.

The site is adjacent to an alleyway and the crossing point to King Rudding Lane. Any vehicles parking on the highway in this location are likely to impede pedestrian and cycle access to these 2 facilities.

- 5.23 The amended plans showing a partial parking space are currently being considered by the highway authority and the response will be updated in the forthcoming officer update note. Whilst the sustainability credentials are noted this isn't sufficient justification itself not to prove a full standard car parking space. The likely users of the dwelling and visitors will park on the highway, which will cause nuisance and an unnecessary highway safety concern. The sites inability to accommodate a full parking space also highlights the concerns raised in respect of the contrived nature of the site and the lack of overall space to satisfactorily accommodate a dwelling. Therefore, the proposal is contrary to policies ENV 1 (2) T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

### **Contamination**

- 5.24 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.
- 5.25 The application was accompanied by a Landmark Desk Top study, which does not identify any potentially contaminative historical land uses at the site, however it does not include any extracts of the historical maps used. The Landmark report contradicts the planning statement, which states that the application site is a brownfield site consisting of a former heating oil depot.
- 5.26 The Council's Contamination Consultant recommends that as a minimum, a Phase 1 Preliminary Contaminated Land Risk Assessment should be provided, consisting of a desktop study and site walkover completed by competent persons. This could be suitably controlled by condition. The applicants responded by stating that they have owned the site since 1960's when it was bought as a green field building site, so they know its history. The plot was leased to Shell Mex BP for an oil store for the housing site so do not see the need to do a further report or walk over as know what has been there. They consider the ground needs testing for any contamination from the oil tank as a precaution and would agree to a condition in this respect. The conditions suggested by the council's contamination consultant would cover this.
- 5.27 Officers are therefore satisfied that safe development could be brought forward if the above further site investigation measures are suitably undertaken in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Ecology and Tree Protection**

- 5.28 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.
- 5.29 The site is not a protected site for nature conservation but does have a number of shrubs and vegetation within it. The Council's Ecologist states that ordinarily they would expect to see some compensatory planting in line with the NPPF objective of

“minimising impacts on and providing net gains for biodiversity” (para 170d). The Ecologist recognises that in this instance it would be difficult to accommodate suitable native tree/shrub planting on-site (due to its size) so an offsite option would need to be considered. Officers do not feel this is necessary given the scale of the development and therefore if support were offered to the scheme a condition could be imposed which would ensure site clearance only occurs outside the bird breeding season.

- 5.30 Finally, concern has been raised in the representations over the proximity of the development to a tree to the east of the site. This tree is a reasonable sized specimen, covered in ivy and whilst its crown does reach into the site, it is not worthy of any special protection and wouldn't be a reason to withhold the proposal.
- 5.31 The proposal therefore accords 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.

### **Flood Risk and Drainage**

- 5.32 The site lies within Flood Zone 1 and therefore has a low probability of flooding. No sequential or exception test is therefore required. Therefore, having had regard to Policy SP15 (B) it is considered that, subject to appropriately worded planning conditions, the proposal is acceptable.
- 5.33 In terms of drainage the application form suggests foul water will be to the mains, as will the surface water. Surface water discharge to mains is not the normal preferred method, however the site due to its size isn't capable of accommodating a soakaway. Yorkshire Water raised no comment in respect of this and the IDB highlighted the fact that the surface water appears to discharge into a Board maintained watercourse (Riccall Dam (Gosling Marsh Clough) and accordingly, consent will be required from the Board. This is in addition to any consent required from Yorkshire Water. A planning condition could control the need to agree the provision of surface water drainage works.

### **Affordable Housing**

- 5.34 CS Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. However, the subsequent publication of the NPPF 2018 and 2019 is a material consideration. The NPPF states in paragraph 63 “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)”. In the light of this it is not considered that affordable housing contributions should be sought on this application.

## **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 principle of the proposed development is acceptable given it's a brownfield site within the development limits of Designated Service Village of Riccall. Furthermore, the proposals are considered to be acceptable in respect of

flood risk, drainage, nature conservation and protected and land contamination subject to condition.

- 6.2 However the proposal to locate a two storey detached dwelling on this restricted site, will create a contrived residential development, that lacks suitable off street parking, causes harm to the living conditions of neighbouring residents, creates a substandard form of residential development for its future occupiers and will create harm to the character and appearance of the area. The proposal is simply unable to satisfactorily accommodate a single dwelling, thus contrary to Policies ENV1 and T1 & T2 of the Selby District Local Plan and SP19 of Core Strategy and section 12 of the NPPF.

## **7 RECOMMENDATION**

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

1. The proposed development fails to preserve and enhance the character of the local area on account of its contrived nature, design and scale. The dwelling relates poorly to that of the surrounding built form and will appear isolated and over dominate the open and green character of Station Road. The proposal is therefore contrary to Policy ENV1 (1) and (4), of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy and Section 12 of the NPPF.
2. The proposal by virtue of its scale and positioning will be oppressive and dominate the outlook from the rear elevations and gardens of No.5-7 Mount Park. This will cause a reduction in the quality of the living conditions of these residents. Likewise, due to the restricted nature of the site, restricted outlook and lack of amenity space, the development will lead to a substandard living environment for its future occupiers. The proposal is therefore considered to be contrary to policy ENV 1 (1) of the Selby District Local Plan, SP19 of Core Strategy and Section 12 of the NPPF.
3. The proposal fails to provide a satisfactory off street car parking space for its future occupiers. This is likely to lead to vehicles displacing onto the highway, which are likely to impede vehicular, pedestrian and cycle movement on the highway. Therefore, the proposal is contrary to policies ENV 1 (2) T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

## **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**

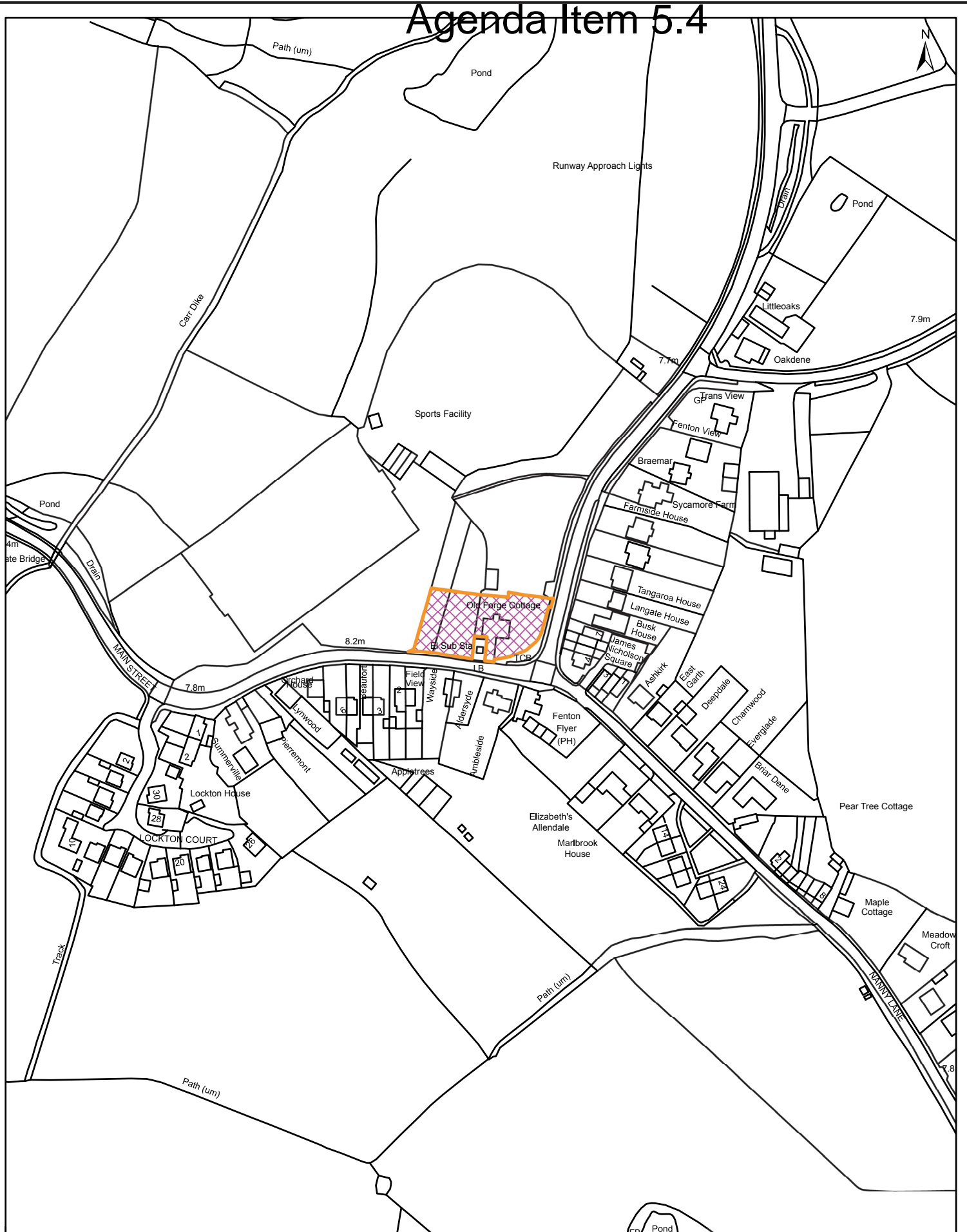
Planning Application file reference 2020/0344/FUL and associated documents.

**Contact Officer:** Gareth Stent (Principal Planning Officer)  
[gstent@selby.gov.uk](mailto:gstent@selby.gov.uk)

**Appendices:** None



# Agenda Item 5.4



## APPLICATION SITE

Old Forge Cottage, Main Street, Church Fenton  
2020/1139/S73

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**Report Reference Number: 2020/1139/S73**

**To: Planning Committee**  
**Date: 25 November 2020**  
**Author: Gareth Stent (Principal Planning Officer)**  
**Lead Officer: Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2020/1139/S73	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr Keith Ellis	VALID DATE: EXPIRY DATE:	20th October 2020 15th December 2020
PROPOSAL:	Section 73 application to vary condition 02 (plans) of approval 2018/0391/HPA Proposed erection of a double garage granted on 07.06.2018		
LOCATION:	Old Forge Cottage Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	MINDED TO GRANT		

This application has been brought before Planning Committee as this application has been made by a District Councillor.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy and is therefore located within the open countryside. In addition, the application site is partly located within the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton.
- 1.2 The application site is located to the north west of the junction between Main Street

and Busk Lane. The application site comprises of Old Forge Cottage and its large garden which extends to the north. A detached triple garage used to occupy part of the garden to the north of the dwelling, however this has been demolished as consent has been granted for a detached dwelling in this location, which is currently under construction.

- 1.3 The adjacent dwelling has been amended on several occasions with the most recent amendment being 2020/0562/S73, which is the permission that is being implemented. The application site fronts Busk Lane to the east, with residential development to the east and south. To the west of the application site are fields.

### **The Proposal**

- 1.4 This is a Section 73 application to vary condition 02 (plans) of approval 2018/0391/HPA, which granted consent for a replacement double garage issued 07.06.2018. The permitted garage has eaves height of 2.4m, ridge of 4m and was 7m x7m in area.
- 1.5 This proposal makes the garage 2m wider, adding a store to the southern elevation. It has eaves height of 2.4m, ridge of 4m and is 7m x 9m in area. The garage is located in an almost identical position to that previously approved i.e. to the north Old Forge Cottage.
- 1.6 The proposed garage would be accessible via the existing driveway, which leads out onto Busk Lane and will be used solely for domestic purposes in connection with Old Forge Cottage.

### **Relevant Planning History**

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

#### Previous approval for the Garage

- 2018/0391/HPA, Proposed erection of a double garage, Old Forge Cottage, Main Street, Church Fenton, Tadcaster, North Yorkshire. Approved 7-JUNE-18.

#### Adjacent single dwelling plot

- 2016/1384/FUL, Proposed erection of 1 No dwelling, Address: Old Forge Cottage, Main Street, Church Fenton, Tadcaster. Approved 09-FEB-17.
- 2019/0793/S73, Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 09 February 2017, Address: Old Forge Cottage, Main Street, Church Fenton, Tadcaster. Approved 29-OCT-19.
- 2019/1186/DOC, Discharge of conditions 02 (materials), 04 (landscaping), 06 (construction method statement), 08 (site investigation), 09 (contaminated land) & 10 (contaminated land) of approval 2019/0793/S73 Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 09 February 2017,

Address: Old Forge Cottage, Main Street, Church Fenton, Decision: 23-DEC-19.

- 2019/1194/MAN2, Non-material amendment of approval 2019/0793/S73 section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL granted on 09 February 2017, Decision Date: 09-DEC-19.
- 2020/0562/S73 - Section 73 application to vary condition 13 (approved plans) of approval 2019/0793/S73 - Section 73 application for proposed erection of 1 No dwelling without complying with condition 15 of approval 2016/1384/FUL as amended by non-material amendment approval 2019/1194/MAN2. Approved 30.7.2020.

## **2. CONSULTATION AND PUBLICITY**

2.1 **Church Fenton Parish Council** – No response received.

2.2 **NYCC Highways** – No response received.

2.3 The application was advertised by site notice and neighbour notification letters. No letters of representation from neighbouring properties have been received.

## **3 SITE CONSTRAINTS**

### **Constraints**

3.1 The application site is located outside the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy and is therefore located within the open countryside. The site is also within a Strategic Countryside Gap, which aims to prevent the coalescence of settlements.

3.2 The application site is located within Flood Zone 2, which has a medium 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  
SP15 – Sustainable Development and Climate Change  
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  
SG1 – Strategic Countryside Gaps

## **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 the Strategic Countryside Gap
- Impact on Highways
- Impact on Residential Amenity
- Contamination
- Flooding
- Conditions

### Principle of 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 This particular section 73 is for the variation of the plans and therefore involves changes to the size and appearance of the garage in question. It is therefore necessary to assess these impacts.

5.4 The application site is located outside of the defined development limits of Church Fenton, which is a Designated Service Village as identified in the Core Strategy and is therefore located within the open countryside. The proposal for a garage in this location has already been agreed by 2018/0391/HPA. There is also nothing in the Development Plan or the NPPF to identify this type of development as being unsustainable, or to preclude in principle development of this type in this location. The proposal therefore remains acceptable in principle being a domestic addition to an existing dwelling.

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

5.5 The proposed garage would be traditional in design with two frontage garage doors and a rear access door, along with a separate door to the store. The proposed materials to be used in the external construction of the garage would be rendered concrete block walls finished in 'old English white' and a clay pantile roof, which would be appropriate to its context and the finish of the host dwelling.

5.6 The garage has a ridge height of 4m and a relatively shallow 23-degree roof pitch, which is relatively shallow and standard for this type of structure. The site is also well screened on the southern and eastern boundaries and the increased massing over and above the 2018 consent is concentrated on the southern elevation of the garage and is a 2m increase in the span of the garage bringing it closer to the host dwelling. Given the site context of the mixed character of the surrounding area it is considered that the size, scale, siting and design of the proposed enlarged garage would respect the character and appearance of the locality.

5.7 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### Impact on the Strategic Countryside Gap

5.8 The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton. Policy SG1 of the Selby District Local Plan states "Proposals for development affecting Strategic

Countryside Gaps, as defined on the proposals map, will not be permitted where there would be an adverse effect on the open character of the countryside or where the gap between settlements would be compromised”.

- 5.9 The supporting text of Policy SG1 states “Proposals for development in these gaps will only be acceptable where there would be no risk of physical intrusion such as certain types of recreational use, or where the overall open character of the land would be enhanced through the removal of existing structures. In such circumstances, any replacement or ancillary buildings would need to be sensitively sited and landscaped in order to minimise any potential intrusive impact.”
- 5.10 This issue was considered in the 2018 submission and it was considered that the proposal for a double garage would have a limited physical intrusion on the SCG on account of its small scale and its proposed siting adjacent to the dwelling. Furthermore, the proposal would only extend 2 metres into the SCG, which represented 28% of the total proposal. This revised submission only adds a further 2m to the floor plan and it extends south parallel with the SCG boundary. Therefore, in this instance, the proposal for an enlarged double garage located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements, and as such a reason for refusal could not be sustained.
- 5.11 Having regard to the above, it is considered that while the proposal is not strictly in compliance with Policy SG1 of the Selby District Local Plan, the scale and ancillary nature of the proposal would not significantly diminish the open character of the countryside. As such only limited weight should be attached to the harm to the form, character and function of the SCG that the proposal would result in.

#### Impact on Highways

- 5.12 At the time of writing the Committee Report NYCC Highways were yet to respond, however no objections were raised, or conditions suggested on the 2018 application. No alterations to the position of the garage or the access are proposed within this submission, therefore it is not envisaged that an adverse response will be forthcoming. As such it is considered that the proposal would not lead to adverse highway conditions in this locality and the proposal is considered to accord with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraphs 108 -109 of the NPPF.

#### Impact on Residential Amenity

- 5.13 To the west of the application site are fields. To the north of the application site is a new detached dwelling under construction. The garage largely maintains the same position as it was previously approved in 2018, albeit it has shifted back (west) by approximately 1m. This sits alongside the blank gable of the new dwelling and a single storey projecting garden room. The proposal therefore has no adverse impact in terms of dominance, outlook, over shadowing or overlooking to this adjacent dwelling.
- 5.14 To the south and east of the application site are the highways Main Street and Busk Lane, with dwellings beyond this. Due to the substantial separation distance between the proposed site and any other neighbouring dwellings, the small scale of the proposal, as well as the tree lined boundary treatment along the eastern

boundary; it is not considered that the proposals would result in any significant adverse effects to the amenities of the occupiers of the neighbouring properties.

- 5.15 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within section 12 of the NPPF.

#### Contamination

- 5.16 The 2018 application identified on the Council's records that the site could potentially be contaminated as a result of the former forge use. The 2018 approval concluded that a condition relating to the potential discovery of contamination during development of the proposal could be imposed to control any unexpected contamination that may arise during construction. This condition is once again carried forward into this new permission.
- 5.17 As such, it is considered that subject to condition the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### Flooding

- 5.18 The application site's flood risk classification has changed from Zone 1 to Zone 2 from 2018 to the present day. Flood Zone 2 is assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 5.19 NPPF paragraph 164 States that "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50". The NPPG defines minor development and includes minor non-residential extensions (industrial/commercial/leisure, etc. extensions) with a footprint less than 250 square metres. A sequential and exception test is therefore not required in this instance.
- 5.20 Finally given the proposed structure is a detached outbuilding and not occupied as part of the main dwelling, it is not necessary to ensure floor levels are maintained. A Flood Risk Assessment and topographical survey do however show the dwelling has a floor level of 7.94 and the proposed garage will have a floor level of 8.43 as confirmed by the applicant. The proposed scheme is therefore in accordance with the advice contained in within the NPPF and NPPG.

#### Conditions

- 5.21 In terms of the existing conditions on the 2018 permission the time limit is adjusted to reflect the time left on the 2018 consent i.e. 7.6.2021 as Section 73 applications cannot extend time implementation periods. Condition 2 is reworded to reflect the plans within this submission. Condition 3 'Materials' has been reworded to reflect the materials shown on the approved plans. Condition 4 concerning any unexpected contamination has been carried forward from the 2018 consent.

## 6 CONCLUSION

- 6.1 The application seeks to vary the list of approved plans to a 2018 consent for a double garage. The main change being the increase in the size of the garage with a 2m extension to the span on the garage and a 1m resisting.
- 6.2 The application is contrary to Policy SG1 of the Selby District Local Plan. The application site is located part within and part outside the Strategic Countryside Gap (SCG) between the east and west sides of Church Fenton and the proposal would result in encroachment by urban form into the SCG. However, in this instance, the proposal for a double garage located part within and part outside the SCG would not be considered to have a significant adverse impact on the open character of the countryside or compromise the gap between settlements.
- 6.3 The proposed development in its enlarged form, would not have a detrimental effect on the character and appearance of the area, on the highway or on the residential amenity of the occupants of neighbouring properties, nor are there any other technical constraints which make the development unacceptable.

## 7 RECOMMENDATION

This application is recommended to be Granted after the expiry of the publicity period which ends 27.11.2020, subject to no new issues being raised. Authority is delegated to the Planning Development Manager to approve this application subject to the imposition of following conditions:

01. The development for which permission is hereby granted shall be begun before the 7.6.2021.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 and adjusted to reflect the original date in which the permission was issued.

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

Drawing No YEW-277-40-30 Rev C - Loc/Lay/Prop Floor/Elev Dated 06/11/20

Reason:

For the avoidance of doubt.

03. The materials to be used in the external construction of the proposal shall be as detailed on the Drawing No YEW-277-40-30 Rev C - Loc/Lay/Prop Floor/Elev Dated 06/11/20 i.e.

Natural clay 'orange' pantiles – Roof  
Old English White painted concrete render - Walls  
Black cast iron effect - Rainwater goods  
Timber effect vertical panels -Garage doors

Reason:

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

04. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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

## **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.

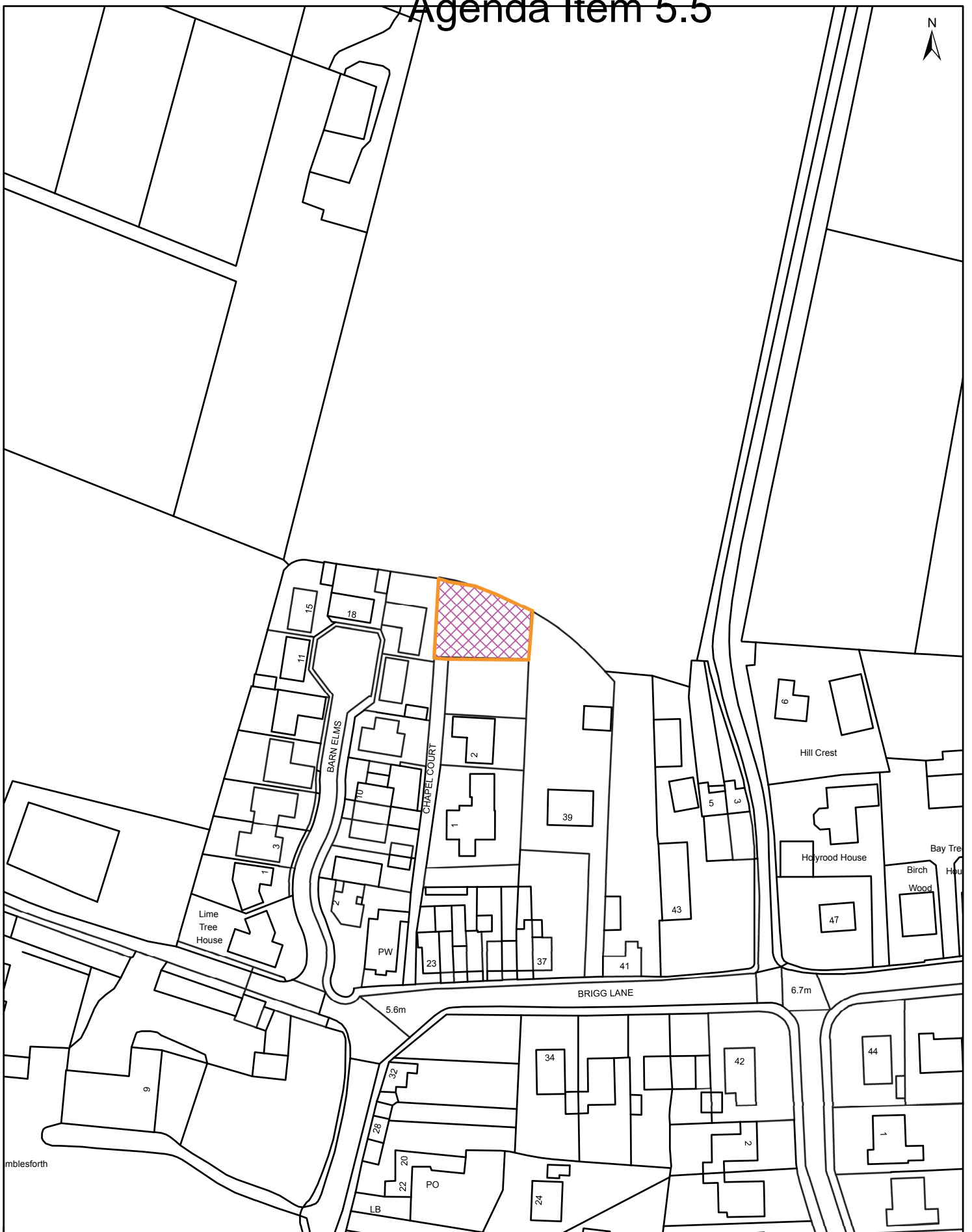
## **10 Background Documents**

Planning Application file reference 2020/1139/S73 and associated documents.

**Contact Officer:** Gareth Stent (Principal Planning Officer)  
[gstent@selby.gov.uk](mailto:gstent@selby.gov.uk)

**Appendices:** None

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## APPLICATION SITE

Land adjacent to 3 Chapel Court, Camblesforth  
2020/0612/FUL

1:1,250



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BUSINESS SUPPORT

- 2 NOV 2020

PROCESSED

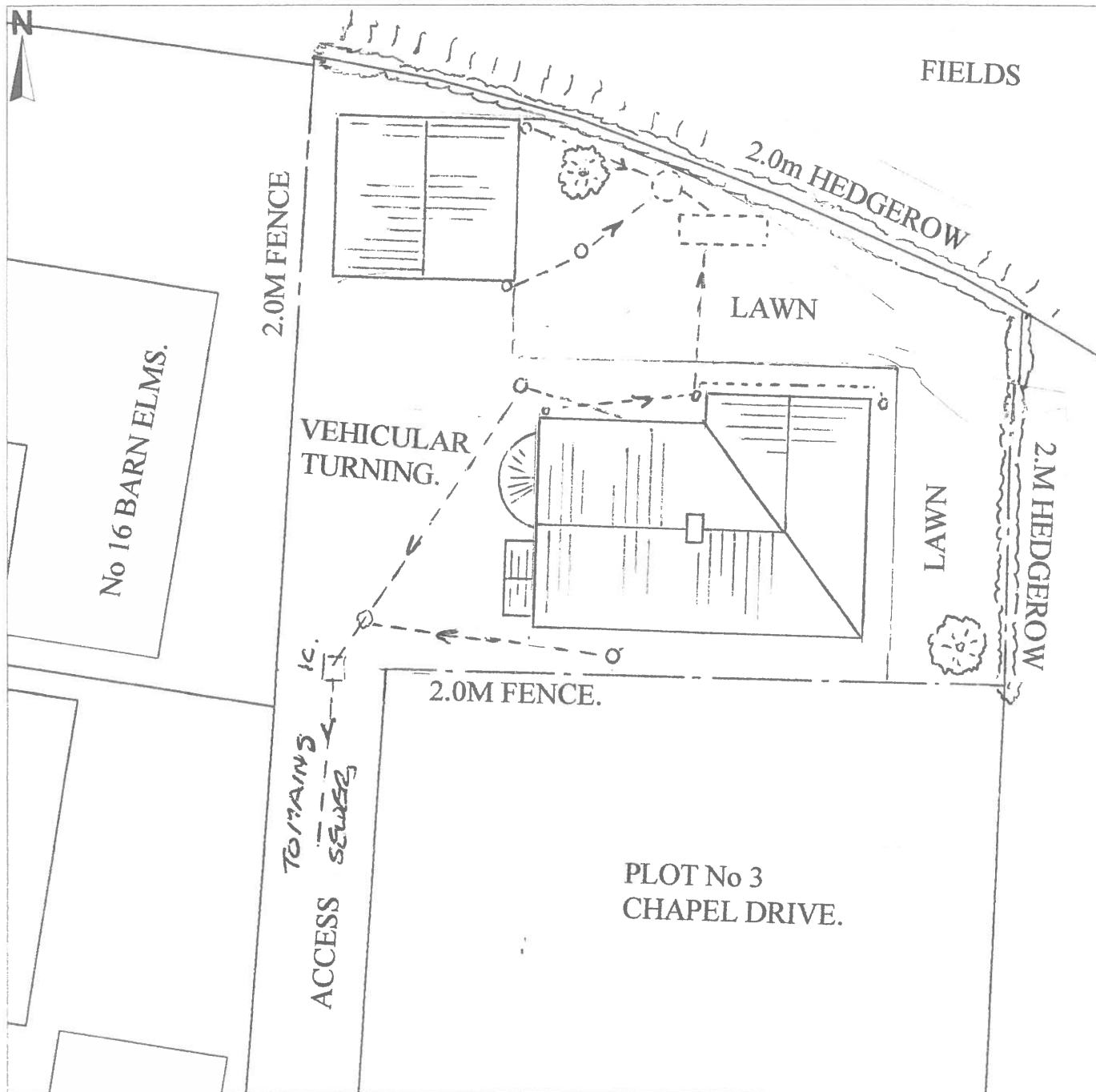
Client: MR MICK BAINES.

Project: PROPOSED DWELLING/ GARAGE.

PROPOSED PLOT PLAN..

SCALE..1:200.

DRAWING No: MC 5.



**AMENDED  
DRAWING**

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**Report Reference Number:** 2020/0612/FUL

**To:** Planning Committee  
**Date:** 25 November 2020  
**Author:** Gary Bell (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0612/FUL	PARISH:	Camblesforth Parish Council
APPLICANT:	Mick Baines	VALID DATE: EXPIRY DATE:	3rd July 2020 27th November 2020
PROPOSAL:	Erection of detached dwelling and garage		
LOCATION:	Land Adjacent to No 3 Chapel Court Camblesforth Selby North Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the Development Plan. However, Officers consider there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located within the development limits of Camblesforth which is identified as a Secondary Village in the Core Strategy.
- 1.2 The site is an untidy piece of land located on the northern edge of the village and is accessed via an unmade private road, Chapel Court, which leads from Brigg Lane. To the west of Chapel Court are the rear gardens of properties on Barn Elms whilst to the right of the road, and served by it, are 2 detached dwellings and a vacant plot (identified as Plot No 3 on the submitted plans) with the application site at the head of the road. Whilst appearing vacant, the application site shows signs of

development having commenced with the excavating of foundations for a garage building evident in the north-west corner of the site.

## **The Proposal**

- 1.3 Permission is sought for the erection of a two-storey dwelling together with a detached garage. The proposed dwelling will be sited approximately 80 metres from Brigg Lane and, due to intervening dwellings and existing hedges, will not be immediately visible from Brigg Lane. The dwelling is traditional in design, featuring gabled roofs, and would be constructed from red brick with a grey tiled roof. The site is contained by 1.8 metre high close boarded timber fencing and hedges to three sides with the northern boundary being more open and at a higher level than agricultural land beyond. A double garage will be located in the north-west corner of the site with vehicle turning to the front of the house and garage.

## **Relevant Planning History**

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

2018/0276/REM: Application for the approval of reserved matters (appearance, landscaping, layout and scale) for erection of 1 detached dwelling and garage following the grant of outline approval 2017/1068 on 4 December 2017 and Discharge of Condition 5 (details of access, parking and manoeuvring) on Outline approval 2017/1068, Land Adjacent to No 3, Chapel Court, Camblesforth, Selby: Decision: PER, 08-AUG-18

2017/1068/OUT: Outline application to include access for the erection of 1 detached dwelling and garage (all other matters reserved), Land Adjacent to No 3 Chapel Court, Camblesforth, Selby: Decision: PER, 04-DEC-17

2005/0400/FUL: Proposed erection of one no detached dwelling at Plot 2, Land Rear of 23 - 29 Brigg Lane, Camblesforth, Selby: Decision: PER, 10-JUN-05

2004/1452/OUT: Outline application for the erection of one detached dwelling (including siting and means of access), Land Rear of 23 - 29 Brigg Lane, Camblesforth, Selby: Decision: PER, 29-MAR-05

CO/2004/0874: Outline application for the erection of one detached dwelling on land to the rear of 23-29 Brigg Lane, Camblesforth, Selby: Decision: REF, 09-SEP-04

CO/2004/0369: Outline application for the erection of a dwelling (siting and means of access included) on land to the rear of 23-29 Brigg Lane, Camblesforth, Selby: Decision: PER, 23-MAY-04

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **Parish Council** - No comments received.

- 2.2 **NYCC Highways** - Reference is made to planning application 2017/1068/OUT which was recommended for refusal by the Highway Authority. Concerns were raised given that; whilst the access was to remain private, it would need to be increased in width to a minimum of 4.1 metres to facilitate simultaneous passage and ensure vehicles do not back up on the highway; the visibility splay to the east

cannot be maintained due to the splay passing over third party land which is outside of the applicants and the Highway Authorities control; on-site turning seems tight and there are doubts as to whether or not the on-site turning manoeuvres are achievable. With this in mind, the Highway Authority would again recommend the refusal of this planning application on the following grounds:

- The Planning Authority considers that the road leading to the site is by reason of its insufficient width considered unsuitable for the traffic which would be likely to be generated by this proposal.
- The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2 metres x 43 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.
- The Planning Authority considers that the proposed access to the development would interfere with the free flow of traffic due to additional vehicles waiting in the carriageway, with consequent danger to highway users.

2.3 **Selby Area Internal Drainage Board** - The IDB provided standard advice with respect to surface water disposal. If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, consent from the IDB would be required in addition to Planning Permission. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

2.4 **Yorkshire Water** - The agent/applicant have stated foul water is to be drained to a private treatment plant system with surface water to soakaway. It is noted that they have not included a Foul Drainage Assessment (FDA) from the EA's website. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. If comments from both EA and Environmental Health are not satisfactory, the applicant has the alternative option of a foul water only connection to the public foul/combined sewer located in Chapel Court.

2.5 **Environmental Health** – Note that the location of the proposed dwelling is in a significantly residential area and therefore disturbance during construction is highly likely. A condition is recommended requiring a Construction Environmental Management Plan to be submitted prior to the commencement of development. The plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and hours of site operation. A further condition is recommended controlling the delivery, loading and unloading of goods and vehicle movements related to the proposed development to the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays with no deliveries on Sundays and Bank Holidays.

2.6 **Contaminated Land Consultant** - The Screening Assessment Form shows that the site has previously been used as a domestic garden. No past industrial activities, fuel storage, asbestos containing materials or waste disposal activities

have been identified onsite or nearby. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required however a planning condition is recommended in respect of any unexpected contamination.

- 2.7 **Neighbour representations** - The application was publicised by site notice and direct notification of nearby residents as a result of which no representation has been received.

### 3 **SITE CONSTRAINTS**

- 3.1 The application site is located within the development limits for Camblesforth. It lies within Flood Zone 1, which has a low probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations.

### 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 (CS)**

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  
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 (SDLP)**

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  
T2 - Access to Roads

## **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 Appearance of the Area
- Impact on Highway Safety
- Impact on Residential Amenity
- Flood Risk and Drainage
- Land Contamination
- Affordable Housing

### **The Principle of the Development**

5.2 CS Policy SP1 states 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. Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.3 The application site lies within the development limits of Camblesforth which is identified as a Secondary Village within the Core Strategy. Secondary Villages are described as “less sustainable or else have no opportunities for continued growth owing to a combination of flood risk and environmental constraints”. Planned growth is not considered to be appropriate although “some housing” may be permitted in defined circumstances. CS Policy SP2A (b) states that ‘Limited amounts of

residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conforms to the provisions of Policy SP4 and Policy SP10.

- 5.4 Reference to Policy SP10 relates to Rural Housing Exception sites, and from the commentary that accompanies Policy SP2, it is not intended that all housing that complies within the criteria in Policy SP4 should be limited to 'rural affordable housing'. Policy SP4 a) states that the following type of development will be acceptable:

"In Secondary Villages - conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversions/redevelopment of farmsteads."

- 5.5 The commentary to Policy SP4 states that it provides "greater clarity about the way proposals for development on non-allocated sites will be managed, by identifying the types of residential development that will be acceptable in different settlement types". The proposed development is clearly not a conversion or a replacement dwelling and the land is not classed as previously developed. The application site is located at the head of a private access road, some considerable distance back from Brigg Lane, beyond which is agricultural land. Whilst there are 2 existing properties on Chapel Court and the rear gardens of dwellings on Barn Elms form the western boundary to the road, this would not constitute "the filling of a small linear gap in an otherwise built up residential frontage". Finally, the proposal does not involve development of a farmstead. Therefore it follows that the development does not fall within any of the categories of development identified as acceptable in Secondary Villages in Policy SP4 a) and is therefore contrary to both Policy SP4 a) and Policy SP2A (b) of the Core Strategy.

- 5.6 As already stated, whilst appearing vacant, the application site shows signs of development having commenced with the excavating of foundations for a garage building evident in the north-west corner of the site. These works are consistent with the development granted outline permission under application number 2017/1068/OUT and the subsequent approval of reserved matters under application number 2018/0276/REM. The agent has confirmed that the works were undertaken within the timescale contained in the conditions attached to the outline planning permission, as witnessed on the officer site visit, and it is therefore considered that the permission has been lawfully implemented and remains extant providing a realistic fallback which itself constitutes a significant material consideration in the assessment of the current application. The current proposal, whilst similar in nature and form, is smaller than the house that could be built under the now implemented and extant permission. It is therefore considered that the extant planning permission outweighs the lack of compliance with CS Policy SP4 and consequently SP2A.

### **Design and Impact on the Appearance of the Area**

- 5.7 The proposal is a 3 bedroom detached dwelling of traditional design combining gabled and hipped roofs and featuring a rounded bay window to the front elevation. The house will be located close to the southern boundary with a lawned garden area running around the house to the east and north. The northern elevation contains a number of windows and a first floor Juliet balcony designed to take advantage of views over open agricultural fields. A detached double garage is proposed to be sited in the north-west corner of the site with turning provision in front and between the garage and house. Surrounding properties to the west and



south are all similarly detached houses sitting in modest gardens. To the east is the large rear garden of another detached dwelling. Existing boundary treatment consisting of 1.8 metre timber fences to the west and south and hedges to the north and east is to be retained.

- 5.8 The proposed dwelling is one that relates well in terms of scale, proportion and detailing to the surrounding properties found in the area. It is therefore concluded that the dwelling will result in a good design that respects the character of the area and as such the proposal accords with SDLP Policy ENV1(1) and (4), CS Policy SP19 and chapter 12 of the NPPF in relation to achieving well designed places.

### **Impact on Highway Safety**

- 5.9 The proposed development will utilise the existing access from Brigg Lane which is a private and partly surfaced road currently serving 2 existing dwellings to the south of the application site. The road is approximately 3.3 metres wide at its junction with Brigg Lane and 3.7 metres on the approach to the site for the propose dwelling. There is a pinch point approximately 2.3 metres wide alongside the rear elevation of 23 Brigg Lane. The Highway Authority has re-iterated comments it previously made in relation to an earlier application (2017/1068/OUT) and considers that the access is inadequate in width and in terms of the available visibility at the junction with Brigg Lane. In considering the earlier application, the Council did not concur with the Highway Authority and the case officer argued that the widening of the access track is not within the gift of the applicant nor is there an ability to improve visibility due to land ownership and on-street parking on Brigg Lane. The application was consequently approved contrary to the recommendation of the Highway Authority. Whilst circumstances have not changed in terms of the width of the access track and the available visibility, the Council has previously accepted that these shortcomings did not amount to a reason for refusal.
- 5.10 As explained earlier in this report, the previous permission has been lawfully implemented and remains extant providing a realistic fallback which itself constitutes a significant material consideration in the assessment of the current application. As such, refusal on highway grounds is not considered to be sustainable.
- 5.11 Subject to appropriately worded conditions in respect of vehicular turning and manoeuvring arrangements and surfacing of the access track, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with SDLP policies ENV1 (2), T1 and T2, CS Policy SP19 and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.12 The proposed dwelling, being located on a previously vacant plot, will inevitably impact on the existing amenities of the occupiers of surrounding properties by reason of the physical presence of the building, the associated residential activity and increased vehicle movements to and from the property.
- 5.13 The dwelling will, however, be located some 8 metres from the western boundary and 12 metres from the property beyond, 16 Barn Elms. The rear elevation will be close to 5 metres from the eastern boundary, marked by a 2 metre high hedge, beyond which is the extensive rear garden of 39 Brigg Lane. The southern side elevation of the proposed dwelling would be approximately 1.5 metres from the

boundary with what is currently a vacant and untidy plot separated by a 1.8 metre high fence. The proposal is not therefore considered likely to result in any harmful impact in terms of overshadowing or dominance.

- 5.14 As originally submitted, the proposed rear elevation contained a first floor bedroom window which, at less than 5 metres from the boundary, would have resulted in overlooking of the neighbouring garden to the east. Following discussions with officers, revised plans were received that provided a different first floor layout effectively removing the problematic window and, thereby, any overlooking. The relationship between the front elevation of the proposed dwelling and the side elevation of 16 Barn Elms is considered to be acceptable given the distance between the two. The vacant plot to the south has the potential to be developed (indeed outline planning permission, now expired, has previously been granted for erection of a dwelling) and the proposed dwelling has a number of tertiary windows on the side elevation that overlook the land to the south. Given the nature of the windows, a condition requiring obscure glazing is considered to offer an appropriate means of mitigation.
- 5.15 A good level of amenity will be afforded to future residents of the proposed dwelling given the space around the building and, particularly, the open aspect available to the north. However, given the existing relationship with neighbouring properties and that the plot is relatively modest, it is considered prudent that a condition removing permitted development rights is attached to any permission.
- 5.16 It is therefore considered that; given the location of the proposed dwelling; the resulting juxtaposition with neighbouring properties; and the use of appropriate conditions, the proposed development will not have an adverse impact on residential amenity. As such, the application is in compliance with the requirements of SDLP Policy ENV1 (1) and chapter 12 of the NPPF.

### **Flood Risk and Drainage**

- 5.17 The submitted information states that foul water will be discharged via a package treatment plant with surface water to soakaway. Yorkshire Water have advised that, in relation to foul drainage, an alternative of connecting into a public sewer in Chapel Court, approximately adjacent to 23 Brigg Lane, is available. Connection into public sewers is considered within the national Planning Practice Guidance to be the “first presumption”. The applicant has confirmed that, on the basis of Yorkshire Water’s confirmation that the public sewer is available, connection will be the means of disposal for foul water.
- 5.18 The Internal Drainage Board has provided comments regarding various ways in which surface water could be discharged, preferring and having no objection in principle to soakaway. The Board goes on to say that percolation testing is necessary to establish whether ground conditions are suitable for soakaway drainage throughout the year. A condition requiring details of a scheme for the provision of surface water drainage works to be agreed prior to any development is recommended.
- 5.19 In terms of flood risk, the site lies within Flood Zone 1 which has a low probability of flooding and no concerns arise as a result of the development proposed. Therefore, having had regard to Policy SP15 (B) it is considered that, subject to appropriately worded planning conditions, the proposal is acceptable.

## **Land Contamination**

- 5.20 The application is supported by a Screening Assessment Form which provides a basic contamination assessment appropriate to the scale of the development and states that the site has previously been used as domestic garden. No past industrial activities, fuel storage, or waste disposal activities have been identified on the site or nearby and the Form does not identify any significant potential contaminant sources. As such, the probability of contamination being present is considered to be a low risk and it is not “suspected” that the site is contaminated to an extent that it could adversely affect the proposed development and/or create new pollutant linkages. On this basis, an intrusive investigation in respect of contamination is not considered to be necessary. It would, however, be prudent to attach a condition regarding the reporting of any unexpected contamination.
- 5.21 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 the advice contained within the NPPF.

## **Affordable Housing**

- 5.22 CS Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. However, the subsequent publication of the NPPF 2018 and 2019 is a material consideration. The NPPF states in paragraph 63 “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)”. In the light of this it is not considered that affordable housing contributions should be sought on this application.

## **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 proposal, whilst being contrary to CS policies SP2 and SP4, is acceptable given that the extant planning permission represents a very significant material consideration that overrides the conflict with development plan policy. Similarly, notwithstanding the objection received from the Highway Authority, the Council as local planning authority has previously concluded that the proposal is acceptable in highway safety terms and with circumstances remaining unchanged this is also a significant material consideration.
- 6.2 Furthermore, the proposal is considered to be acceptable in respect of detailed design, residential amenity, flood risk, drainage, land contamination and affordable housing. The application is therefore considered to be in compliance with Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan, Policies SP1, SP9, SP15, SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

## 7. RECOMMENDATION

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

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

Reason:

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

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

LOC01 - Location Plan

02 - Block/Site Plan

MC5 - Proposed Plot Plan

MC1 - Proposed Floorplans

MC2 - Proposed Elevations (Sheet 1 of 2)

MC3 - Proposed Elevations (Sheet 2 of 2)

MC4 – Proposed Garage

Reason:

For the avoidance of doubt.

03. No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

04. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

Reason:

In the interests of residential amenity and in order to comply with Policy ENV1 of the Selby District Local Plan and national policy contained within the NPPF.

05. The dwelling hereby permitted shall not be occupied until the south elevation windows have been fitted with obscured glazing to a minimum of Pilkington Privacy Level 3 or equivalent, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Reason:

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

06. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and hours of site operation. The construction of the development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

Reason:

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

07. Any delivery, loading and unloading of goods and vehicle movements related to the proposed development shall be restricted to the hours of 8am to 6pm Monday to Friday; and 8am to 1pm on Saturdays with no deliveries on Sundays and Bank Holidays.

Reason:

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

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

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

Reason:

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

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.

10. The dwelling hereby approved shall not be occupied until the unmade part of the access road has been brought up to a surfaced standard in accordance with details that have first been submitted to and approved by the local planning authority.

Reason:

In order to ensure a satisfactory standard of access to the site in the interests of the amenities of the area and in order to comply with Selby District Local Plan Policies T2 and ENV1.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved plan MC5. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with SDLP policies T1 and T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

## **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 2020/0612/FUL and associated documents.

**Contact Officer:** Gary Bell (Principal Planning Officer)  
[gbell@selby.gov.uk](mailto:gbell@selby.gov.uk)

**Appendices:** None

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# 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.

## Planning Committee 2020-21



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