



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 23 DECEMBER 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.

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. Planning Applications Received (Pages 5 - 6)**
 - 4.1. 2019/1232/FUL - Catterton Barn, Moor Lane, Catterton (Pages 7 - 24)**
 - 4.2. 2020/0449/HPA - 2 The Glade, Escrick, York (Pages 25 - 38)**

- 4.3. 2020/0821/FUL - Land Adjacent Village Hall, Main Street, Church Fenton (Pages 39 - 68)
- 4.4. 2020/1168/FUL - Land Adjacent Village Hall, Main Street, Church Fenton (Pages 69 - 98)

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meeting (2.00pm)

Wednesday, 13 January 2021

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Live Streaming

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

Recording at Council Meetings

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

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
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. 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 or Democratic Services on 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

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Agenda Item 4

Items for Planning Committee

23 December 2020

Item No.	Ref	Site Address	Description	Officer	Pages
4.1	2019/1232/FUL	Catterton Barn Moor Lane Catterton	Proposed partial rebuild and change of use of agricultural barn to residential use (C3) to provide holiday accommodation	IRSI	7 - 24
4.2	2020/0449/HPA	2 The Glade Escrick York	Conversion of dormer bungalow to include single and two storey front and rear extensions and front dormer roof extensions complete with internal alterations to create additional living accommodation	JACR	25 - 38
4.3	2020/0821/FUL	Land Adjacent Village Hall Main Street Church Fenton	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF	FIEL	39 - 68
4.4	2020/1168/FUL	Land Adjacent Village Hall Main Street Church Fenton	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF	FIEL	69 - 98

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Agenda Item 4.1

2019/1232/FUL

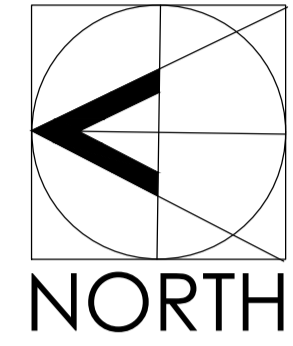
Catterton Barn, Moor Lane, Catterton



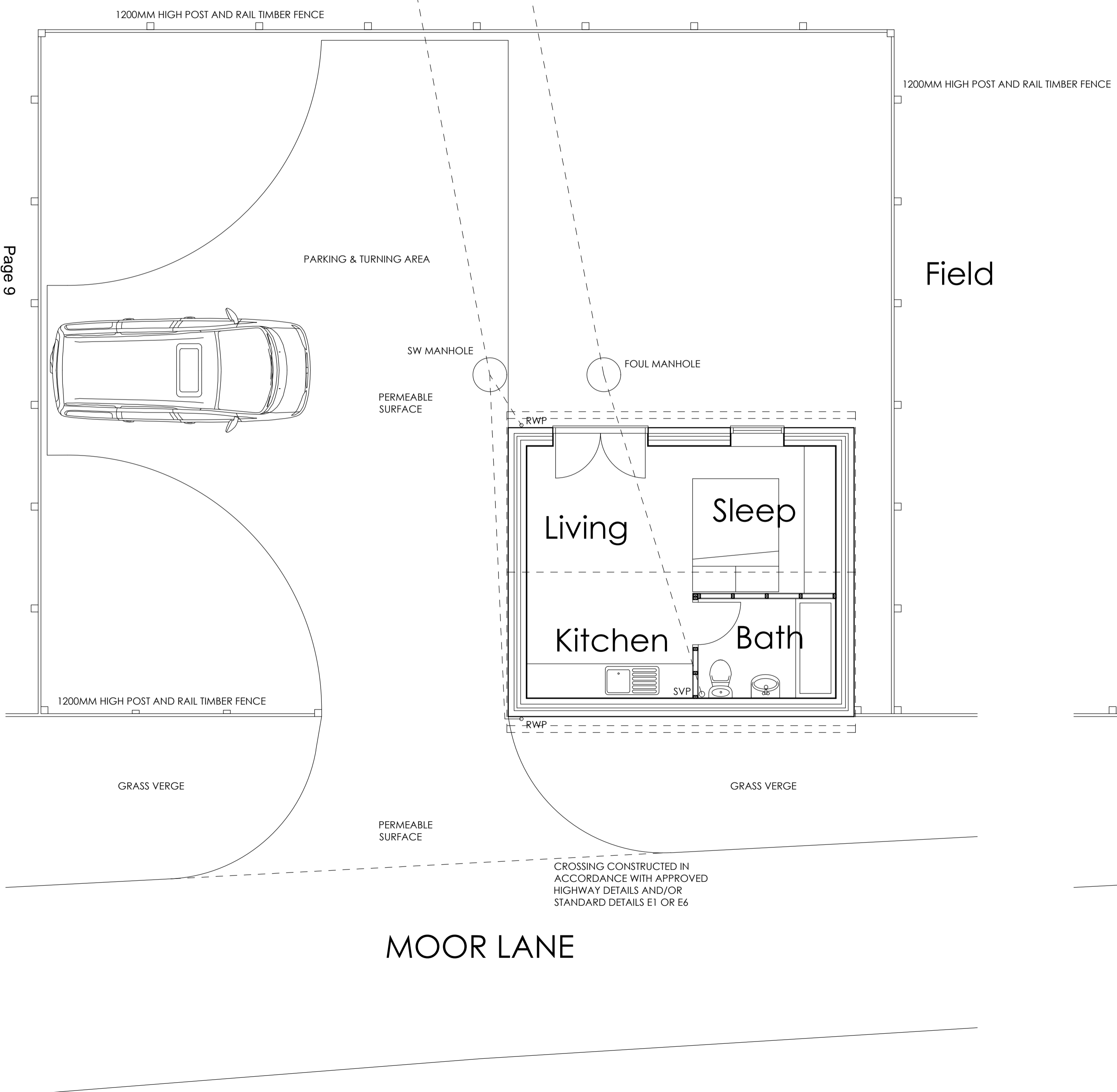
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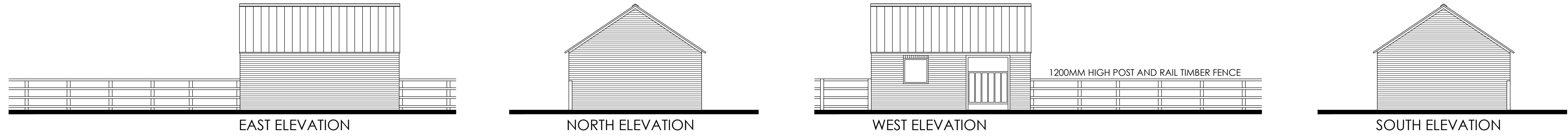


BLOCK PLAN 1:50 (proposed)

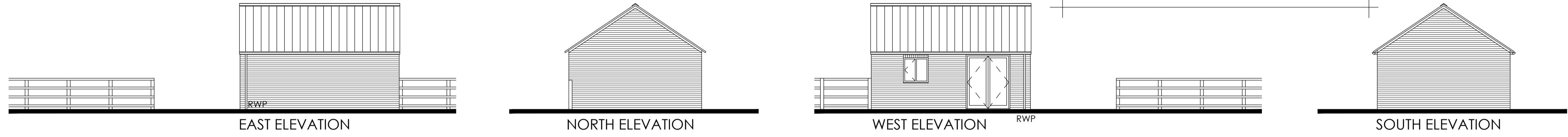


Page 9

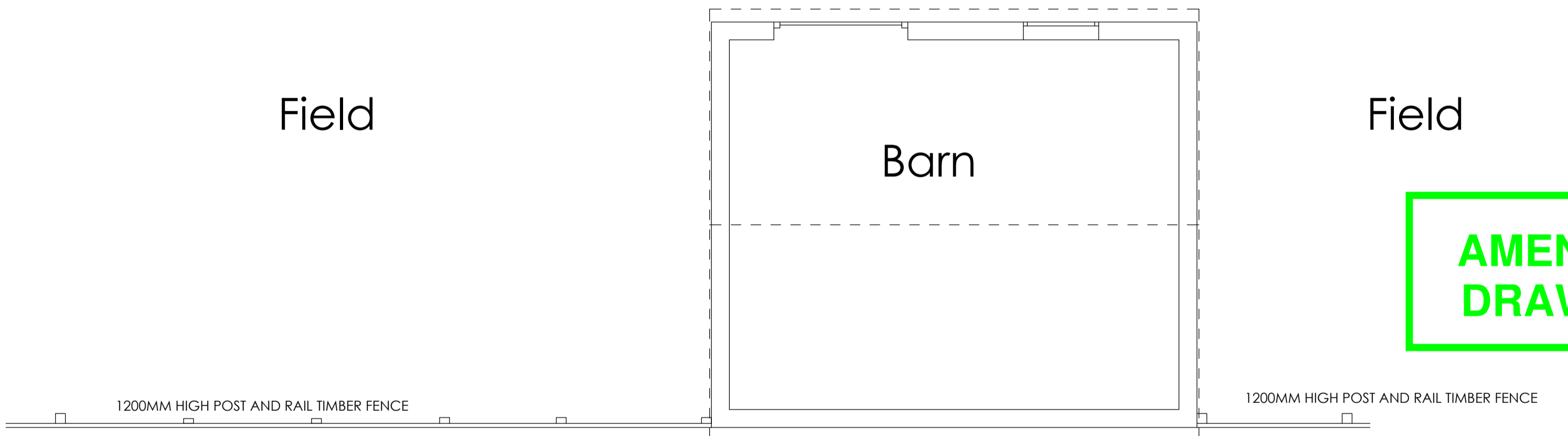
EXISTING ELEVATIONS 1:100



PROPOSED ELEVATIONS 1:100



BLOCK PLAN 1:50 (existing)



**AMENDED
DRAWING**

GRASS VERGE

MOOR LANE

REV. DATE	DESCRIPTION	BY	CHK
A. JAN20	REVISED AS HIGHWAYS REQUIREMENTS		CF
			BT
LOCATION			
Moor Lane Catterton Tadcaster LS24 8DH			
PROJECT			
Proposed Holiday Let for Mr J King			
DRAWING TITLE			
Plans & Elevations			
SCALE & SIZE	DATE		
As Shown @ A1	29.10.19		
DRG No.	JOB No.		
MLB.1.1A	827		
FDP Architectural Solutions Limited 21 Garden Lane, Sherburn in Elmet, LS25 6AT M: 07444 855471 E: chris@fdpas.com			

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Report Reference Number: 2019/1232/FUL

To: Planning Committee
Date: 23 December 2020
Author: Irma Sinkeviciene (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1232/FUL	PARISH:	Catterton Parish Council
APPLICANT:	Mr J King	VALID DATE: EXPIRY DATE:	12 December 2019 Out of time
PROPOSAL:	Proposed partial rebuild and change of use of agricultural barn to residential use (C3) to provide holiday accommodation		
LOCATION:	Catterton Barn Moor Lane Catterton Tadcaster		
RECOMMENDATION:	REFUSE		

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

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to approximately 180 square metres of unused land which is located on agricultural land. The site is located in Catterton village which is small sporadic cluster of houses and farmsteads. The development plan does not define development limits around the hamlet and therefore for the purposes of applying planning policy it is therefore located within the open countryside. The application site is surrounded by the open fields and there are some residential properties further north, further south and across Moor Lane further south west.

- 1.2 The application site is generally flat, and its boundaries are marked by a low post and rail timber fence. Part of the western boundary is formed by part of the rebuilt brick wall of the building which is subject of this application.

The Proposal

- 1.3 The application is described as seeking full planning permission for reconstruction of the building to provide holiday accommodation. However, as the agricultural building has been demolished sometime ago, it is not clear from the submission how much of the original building remained and it is clear that the proposed development would not create a replacement building for agricultural use, the development should more accurately be described as 'The erection of a new dwelling for holiday accommodation'.
- 1.4 The submitted Application Form states that the works have not started however, following a planning history review and site visit by the case officer, it is noted that the original agricultural barn was demolished and a construction of new building has begun but has not been completed.
- 1.5 The site was previously used to house an agricultural barn and the development which has occurred on site is the demolition of this agricultural building and erection of a building which was not completed.
- 1.6 From planning history search it is noted that the former agricultural building had a planning approval 2014/0828/ATD to convert it to a dwelling. However, the conversion did not take place. Instead the agricultural building was demolished and a construction of a new building of a similar size and scale and on a similar footprint as the original began. The partial structure which now exists on site is all new build. There was a number of planning applications submitted for the new building including application 2016/1279/FUL for erection of a dwelling which was refused and dismissed on appeal and the Inspector dealing with the appeal concluded that although there was a previous approval on site, demolition of the barn is likely to extinguish any rights attaching to it. The partial building remaining on site now appears to be the same as when the appeal was dismissed.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
- Prior notification reference 2014/0828/ATD for the change of use of agricultural building to a dwelling house (C3) and associated operational development at detached barn at Moor Lane, Catterton, Tadcaster. It was concluded in the Notice of Decision dated 3 October 2014 that it does not require prior approval and that development is permitted under Class MB subject to conditions.
 - Application Number 2015/1327/FUL for the barn conversion and extension at The Barn, Moor Lane, Catterton was withdrawn in April 2016
 - Application Number 2016/0731/FUL for conversion to residential and extension of barn plus extension to the residential curtilage at The Barn, Moor Lane, Catterton was withdrawn in July 2016.

- Application Number 2016/1279/FUL for the erection of single storey dwelling and to replace recently demolished barn and extension to curtilage at The Barn, Moor Lane, Catterton was refused on 24 January 2017 and dismissed on appeal on 6th September 2017.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd – *First response:*** The site plan shows the car parking space partly within the highway. The verge is highway. Therefore, the Highway Authority cannot support this application and recommended that the applicant relocates the proposed car parking and provides on-site turning. Failure to do so will result in a recommendation of refusal from the Highway Authority.

Second response: Further to the amended plan, showing a car parking space and swept paths MLB.1.1B, original concerns have been addressed and therefore no Highway objections are raised to the proposed development subject to conditions related to construction requirements for private access and provision of approved access, turning and parking areas, and subject to informative advising that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out.

- 2.3 **Yorkshire Water Services Ltd –** No response.

- 2.4 **Yorkshire Wildlife Trust –** No response received.

- 2.5 **County Ecologist – *First response:*** Normally with any barn conversion an assessment of bat roost potential (including a check for presence of Barn Owls) is expected but having read the planning statement, it is unclear as to the state of the existing building. It is referred to as a traditional brick-built barn but also as a "recently demolished barn". If there is no roofed structure there at present, no bat assessment will be necessary. There do not appear to be any other issues regards this site from an ecology point of view.

Second response: Having received no response to our query of 16th December 2019, it is assumed there is no need to comment any further on this application from an ecology point of view, i.e., that the existing building is incomplete and lacks a roof so does not require a survey for bats or Barn Owls.

- 2.6 **Contaminated Land Consultant –** The report shows that the site has previously been used as an agricultural barn. The report states that there are no asbestos containing materials, that there has been no storage of fuels or chemicals on site and no fly-tipping/burning has taken place. No visual or olfactory evidence of contamination is present. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. Recommend that the planning condition related to unexpected contamination is attached to any planning approval.

- 2.7 **North Yorkshire Bat Group –** No response received.

- 2.8 **Ainsty (2008) Internal Drainage Board –** No objections in principle subject to a condition requiring agreeing drainage works.

2.9 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter; a site notice was erected on 3 January 2020 and an advert placed in the local press.

10 supporting letters have been received from members of the public stating that, in summary, the partially built building is an eyesore, and that the approval of this application would improve the street scene of the village.

1 letter objecting to the proposal has been received where the following issues are raised:

- a) That the application fails to meet requirements of Policy RT11 of the Local Plan as the site is not located within close proximity of existing tourist development, does not make the use of the building of architectural or historic interest, not a building which is capable of use without major/structural adaptation, and not an extension to an existing hotel or other type of accommodation.
- b) Conversion to residential use allowed under Prior Notification procedure has not been demonstrated sufficiently to carry significant weight
- c) The applicant has failed to demonstrate the existing structure is 'original' and capable of conversion under the suggested fall-back position and capable of conversion under this route and (if lawful) that this is a likely and viable course of action.
- d) The application site is not previously developed land.
- e) The applicant has provided no information to demonstrate that the proposal will make a positive contribution to the rural economy or the communities.
- f) Temporary and transient nature of employment provided by the construction works associated with this development are so limited as to be immaterial in the consideration.
- g) Proposal is unacceptable in principle and is contrary to Policies SP2 (c), SP10 and SP13 of the Core Strategy and sets out the reasons.
- h) Proposal would have a significant impact upon the character and appearance of the area and would conflict with Policy SP18 of the Core Strategy.
- i) The applicant provided no assessment of either agricultural land quality, nor the lower quality alternatives to the development proposal.
- j) The information submitted is insufficient to adequately base any robust decision.

3 SITE CONSTRAINTS

Constraints

3.1 The site is located in Catterton which is a small village without defined development limits and is therefore located in the open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly, there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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 22 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
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

- 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
 - T2 – Access to Roads
 - RT11 – Tourist Accommodation

5 APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change
- Nature Conservation
- Contamination Issues

The Principle of the Development

5.2 The application site is located outside development limits and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1, SP2 and SP13 of the Core Strategy, RT11 and ENV1 of the Selby District Local Plan and Paragraphs 11, 79, 83 and 84 of the NPPF.

5.3 It is stated in the Planning Statement submitted with the application that the part of the original structure demolished and reconstruction constitutes lawful development. However, there is no evidence for or against this and the applicant would need to consider submitting an application for a Certificate of Lawful Use (Existing) if they feel this can be demonstrated. As such the starting point for the consideration of this application must be that the original agricultural building no longer exists and building work which has commenced on site has no planning permission and is the subject of an appeal which was dismissed. There are no elements of the original building to convert. The proposal is therefore to retain the parts of the structure built without planning permission, to complete the new build structure and to use the resulting building as holiday cottage. In the Planning Statement submitted with the application, it is stated that it is not proposed to seek unfettered C3 residential use but to facilitate the use of the building as "holiday accommodation". A holiday cottage falls within the same use class as a dwelling subject to a condition restricting its use as permanent residential accommodation. The application must therefore be considered on the basis of new residential development in the open countryside with no weight being attributed to the development having already occurred. As such, the proposal has to be considered as a new isolated dwelling in the open countryside in terms of policy context.

5.4 Policy SP1 of the Core Strategy outlines that "*...when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework...*" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.5 Policy SP2A (c) of the Selby District Core Strategy provides that development in the countryside (outside Development Limits) will be limited to, amongst other things, well-designed buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need, or special circumstances. Core Strategy Policy SP2 is broadly consistent with the aims of the NPPF and should therefore be given significant weight. The

proposed development would only comply with SP2 if it can be demonstrated it is a well-designed building which would contribute to the local economy or it would enhance the vitality of the rural community.

- 5.6 Policy SP13 (C) of the Selby District Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including for example the re-use of existing buildings and infrastructure and the development of well-designed new buildings.
- 5.7 Policy RT11 states that proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises will be permitted provided that, if located outside defined development limits, the proposal would represent the use of either a building of either architectural or historic interest, or as existing structurally sound building which is suitable for its proposed function without major rebuilding, or an extension to an existing hotel or other form of accommodation and subject to meeting requirements relating to highway safety, parking and access and subject to its size and scale being appropriate to the locality. Policy RT11 of Selby Local Plan recognises the need of the tourist accommodation in the open countryside subject to meeting listed criteria and is therefore consistent with Paragraph 84 of the NPPF.
- 5.8 It is noted that in the letter dated 2 December 2020 prepared by the agent acting on behalf of the applicant refers to Section 38(6) of Planning and Compulsory Purchase Act 2004 and NPPF and states that *'it is evident that the local planning authority consider that the development as proposed is not in accordance with the development plan and would be a departure from it. We consider there are clear material considerations which justify such a departure.'* The material considerations suggested in this letter are as follows:
- a) The proposal is not for new build development – there was and is an existing structure on the site;
 - b) The existing structure is un-attractive and detrimental to the street scene;
 - c) The structure is part of the historic fabric of the Catterton - as recognised by residents of the area;
 - d) The local planning authority has previously accepted that development delivered through permitted development rights is acceptable in this location [in relation to the tests set out in Class Q of the General Permitted Development Order (GPDO) (as amended)];
 - e) The development will generate additional visitors to this area of Selby District which will in turn assist in supporting the local tourism economy;
 - f) The site is owned by a resident of Catterton who will facilitate the development and manage the accommodation going forward. It is important, in these circumstances to re-iterate that the current owner of the site was not party to previous on-site activities, which were undertaken by the previous owner; and
 - g) The NPPF is an important material consideration. Elements of policy in the NPPF clearly add weight to the credibility of this proposal; namely paragraphs 83 (c) stating that *decisions should enable, amongst other things, sustainable rural tourism and leisure developments which respect the character of the countryside* and 84 of the NPPF stating that *'planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements'*

- 5.9 It is considered that Council's position related to points a) and d) set out in paragraph 5.8 of this report is clear as evident from Paragraphs 1.5 and 5.3 of this report and points b) and c) are assessed further in this report in Design and Impact on the Character and Appearance of the Area section. In terms of point f) it is noted that the ownership has changed however, this is not a material planning consideration.
- 5.10 The area is rural with narrow country lanes and characterised by open fields and farming around the small cluster of buildings in Catterton. The village has no shops or services other than an infrequent bus service. There are no services within walking distance and the nearest service centre is approximately 6 miles away if driving by car.
- 5.11 The proposal is for a holiday cottage which is in effect a new isolated dwelling which is located within the open countryside in an isolated rural location. Paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside and lists circumstances in which the isolated homes could be supported. However, upon review of the proposal, it is not considered that any of the circumstances listed in Paragraph 79 of the NPPF apply in this instance.
- 5.12 In terms of assessment of the proposal against Paragraph 83 of the NPPF, it is noted that it states that decisions should enable sustainable rural tourism and the Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The proposal could potentially bring some economic benefits through the possibility of short-term employment on the construction. However, the economic benefit is limited because the provision of a one-bedroom holiday accommodation at this remote location would not make a significant contribution to the local economy as local spending by future short-term tenants would not be in Catterton as no local services are provided. Moreover, the economic benefits to the local economy arising from one small one-bedroom holiday unit would be limited. In addition to this, there is nothing in the proposal to show that it would enhance or maintain local vitality by contributing to community, health, or cultural well-being, or to environmental matters. As such, it is not considered that the proposal for a single holiday cottage would represent sustainable rural tourism or sustainable development overall.
- 5.13 The applicant argues in the letter received by the Local Planning Authority on 2nd December 2020 that the previous structure and use would be capable of reinstatement as the structure is located on a current agricultural freeholding of greater than 5 hectares and that in these circumstances the permitted development rights accruing to agricultural holdings under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") and that this is a fallback position. However, the erection of an agricultural building for agricultural purposes would only be justified if there was an agricultural business and there was no evidence provided to justify that this can be achieved and as such this is not considered to carry significant weight.
- 5.14 As set out in the above paragraph, the economic benefit of the proposal is limited, there is nothing in the proposal to show that it would enhance or maintain vitality of rural community, the proposal is not for rural affordable housing and there are no special circumstances which could be afforded a significant weight. As such, it is considered that the proposal is therefore contrary to Policies SP2A (c) and SP13 of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.

- 5.15 The proposal is for a non-serviced tourist accommodation and is located outside the defined development limits. Upon review of the proposal, it is not considered that it would constitute use of either a building of either architectural or historic interest, existing structurally sound building or an extension to an existing hotel or other form of accommodation. As such, the proposal would be contrary to Policy RT11 of Selby Local Plan.
- 5.16 It is considered that the proposed development is in an isolated rural location, defined as open countryside and would not represent a sustainable development and as such and having taken into account all of the above it is not considered that limited benefits offered by the provision of one small-scale holiday cottage would not carry significant weight and no material considerations exist which would indicate otherwise. The proposed development would therefore be contrary to Policies SP1, SP2 and SP13 of the Core Strategy, RT11 and ENV1 of the Selby District Local Plan and Paragraph 79 and 83 of the NPPF and it is not considered that material considerations indicating otherwise exist.

Design and Impact on the Character and Appearance of the Area

- 5.17 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 and RT11 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.18 It is noted that the Drawing MLB.1.1A shows existing elevations of the building. However, the elevations shown on the drawing do not fully represent the elevations as the building has not been completed.
- 5.19 In the Planning Statement submitted with the application it is stated that '*...the building will be of an identical scale and height to that previously consented for agricultural use under agricultural permitted development rights. There will be no increase in footprint or height – only the use is proposed to be changed.*' However, the existing structure is unauthorised development starting point for consideration on the impact on character and appearance of the open countryside must be on the basis of a comparison with a green field site.
- 5.20 Although comments made by the public stating that the building as it currently stands is an eyesore are noted, the agricultural barn was demolished, and the existing structure is unauthorised. As such, it is not considered appropriate to assess the impact on the basis of comparison of a completed building next to this uncompleted one.
- 5.21 The site is in open countryside immediately to the east of Moor Lane which runs through Catterton and is surrounded by the open countryside on the north, east and south. The site formed part of agricultural field and there was a small-scale agricultural building present on site with no boundary treatments which was demolished. The land is generally flat and open and the development which has already occurred is creation of access and erection of a building which has not been completed.
- 5.22 The site is located in a prominent location immediately adjacent to Moor Lane and the proposed scheme would be highly visible within the street scene due to its

location and lack of natural screening. Objections related to impact of the proposal on the character and appearance of the area are also noted.

- 5.23 In terms of the impact of the development, given the starting point is the same as a Greenfield site as discussed above, the construction of one new dwelling which would serve as holiday accommodation introduces new development of urban character with a driveway, boundary enclosures and domestication uncharacteristic of the general open countryside. It is a form of development which is normally resisted unless there are special circumstances. The proposed scheme represents a new dwelling in the open countryside that did not exist previously. The development is therefore considered to have a significantly harmful urbanising impact on the character and appearance of this part of the countryside.
- 5.24 In terms of proposed boundary treatments, the addition of fencing around the site is at present prominent and new but is rural in design and appropriate for the location. Planning permission would not be required to subdivide a field and erect field fencing and on this basis the boundary treatment is considered to have a neutral impact on the character of the area.
- 5.25 In terms of the design, the proposed building would not be overly domestic with any porches, conservatories or chimneys. The proposed dwelling would be of simple form and uncomplicated design. It is single storey and low level and generally appropriately designed for a rural location. If the development were acceptable in principle, no objections would be raised in terms of the design or its impacts on the character and appearance of the area.
- 5.26 As such, it is considered that the proposed new development would be acceptable with respect to design and proposed boundary treatments however, as the scheme introduces a new dwelling into the countryside it would result in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies SP13D, SP18 and SP19 of the Core Strategy, with Policy ENV1 and RT11 of the Local Plan and with the NPPF.

Impact on Residential Amenity

- 5.27 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.28 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 5.29 Given the separation distance from the nearest residential properties, and due to the size, scale and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties and it is not considered that any such impacts would be caused to amenities of the occupiers of the proposed holiday cottage.
- 5.30 As such, the proposal would not cause significant adverse impact on the residential amenity of the neighbouring properties and as such would be in accordance with Policy ENV1 and RT11 of the Selby District Local Plan.

Highway Issues

- 5.31 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.32 NYCC Highways have been consulted and raised objections to scheme as originally submitted due to car parking space being partly within the highway. However, the applicant submitted an amended scheme where parking and turning is provided within the site. NYCC Highways have been re-consulted and raised no objections subject to conditions related to construction requirements for private access and provision of approved access, turning and parking areas, and subject to informative advising that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out.
- 5.33 Notwithstanding the fact that the proposal is unacceptable in principle, taking into consideration all of the above and the size, scale and nature of the proposed development and the location of the site, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF subject to conditions.

Flood Risk, Drainage and Climate Change

- 5.34 The application is located in Flood Zone 1 which is at low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 50 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.35 In terms of drainage, the application form states that surface water would be disposed of via soakaway and foul drainage would be disposed of via package treatment plant. Yorkshire Water and Ainsty IDB have been consulted. Whilst Yorkshire Water provided no comments, Ainsty IDB have not raised any objections to the proposal, subject to a condition requiring agreeing drainage works which is considered reasonable and appropriate.
- 5.36 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.37 As such, notwithstanding the fact that the proposal is unacceptable in principle it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF subject to the aforementioned condition.

Nature Conservation

- 5.38 Relevant policies in respect to nature conservation interests include Policy ENV1 (5) of the Selby District Local Plan, and Policy SP18 of the Core Strategy. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.39 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.40 The application has been assessed by the NYCC Ecologist, who advised that if there is no roofed structure there at present, no bat assessment will be necessary and that there do not appear to be any other issues regards this site from an ecology point of view. He further contacted to clarify that given the existing building is incomplete and lacks a roof, no survey for bats or Barn Owls is required.
- 5.41 It is therefore considered that the proposed scheme would not have adverse effect upon wildlife habitat and as such it is considered that the proposal would be in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Contamination Issues

- 5.42 Policy ENV2 (A) states that proposals for development which would give rise to, or would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme and such measures should be carried out before the use of the site commences.
- 5.43 The Contaminated Land Consultant was consulted who advised that the report shows that the site has previously been used as an agricultural barn, states that there are no asbestos containing materials, that there has been no storage of fuels or chemicals on site and no fly-tipping/burning has taken place and that no visual or olfactory evidence of contamination is present. The Contaminated Land Consultant therefore concludes that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended to attach a planning condition related to unexpected contamination. Recommended condition is considered reasonable and appropriate given that the proposed use is residential which would be vulnerable to the presence of contamination
- 5.44 As such, notwithstanding the fact that the proposal is unacceptable in principle, 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 subject to aforementioned condition.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of a new dwelling for holiday accommodation.
- 6.2 The application site is located in Catterton which is a small village without the defined development limits as identified in the Core Strategy and is therefore located within the open countryside. The proposal would not constitute any of the types of development of that area acceptable in principle under Paragraphs 79 and 83 of the NPPF, Policies SP2 and SP13 of the Core Strategy and Policy RT11 of the Selby District Local Plan and would not constitute sustainable development. It is not considered that material considerations exist which would indicate otherwise. The proposal is therefore contrary to the above policies and hence the overall national framework and Spatial Development Strategy for the District.

7 RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

- 7.1 The proposed development represents the erection of an isolated new dwelling for holiday occupation which would be outside the development limits on land in the open countryside. The development would not constitute any of the types of development acceptable in principle in the countryside defined within Policy SP2 of the Core Strategy, nor would it improve or contribute to the local rural economy or enhance the vitality of a rural settlement. It would therefore fail to comply with the aims of Policies SP1, SP2 and SP13 of the Core Strategy and with Policy RT11 of the Selby District Local Plan and with the NPPF.
- 7.2 Although it is considered that the development is acceptable with respect to design and proposed boundary treatments, the scheme still introduces a new dwelling into the countryside which results in a harmful urbanising impact on the character and appearance of the area. This conflicts with the aims of Policies SP13D, SP18 and SP19 of the Core Strategy, with Policy ENV1 and RT11 of the Local Plan and with 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

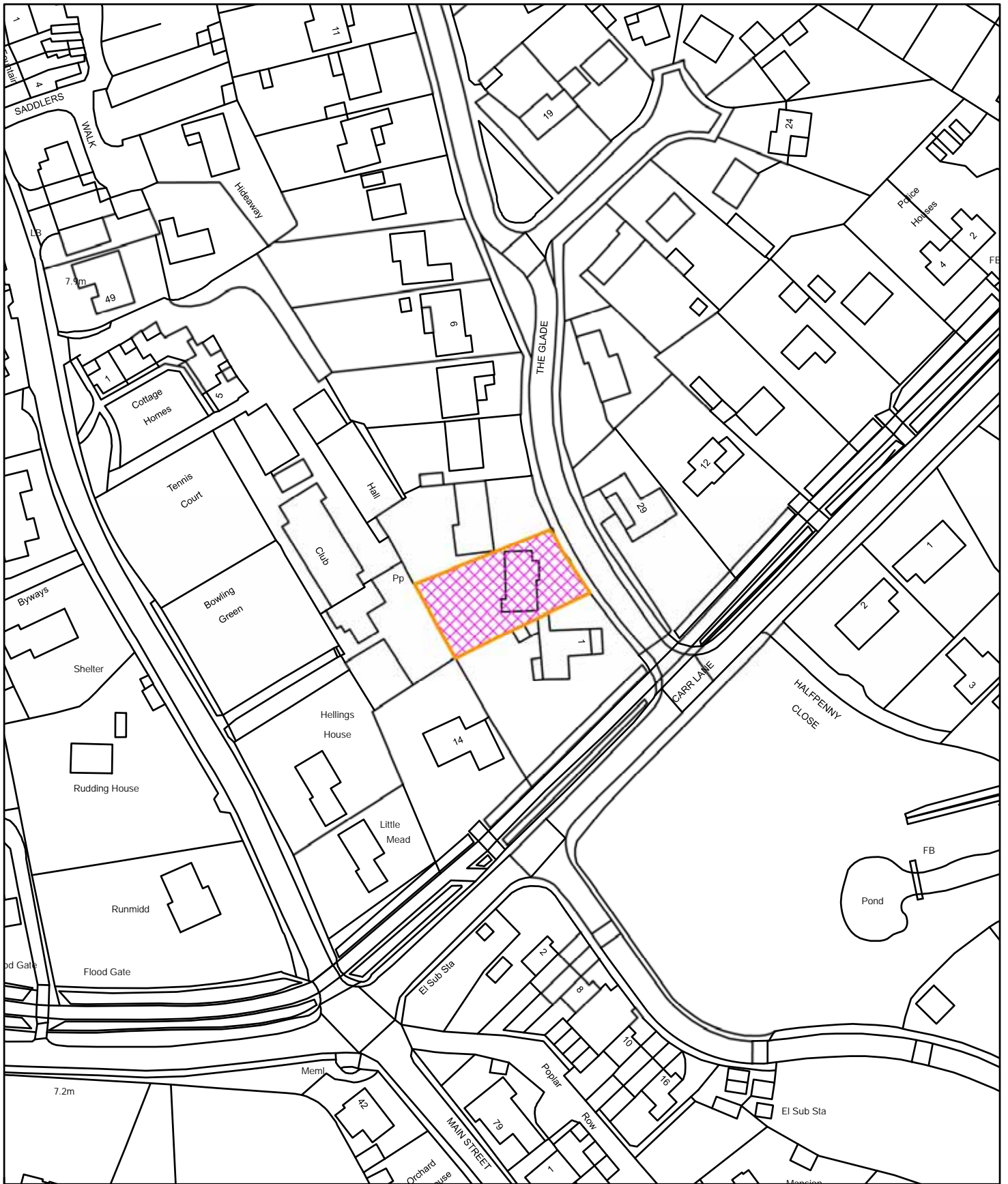
Planning Application file reference 2019/1232/FUL and associated documents

Contact Officer: Irma Sinkeviciene, Planning Officer
isinkeviciene@selby.gov.uk

Appendices: None

Agenda Item 4.2

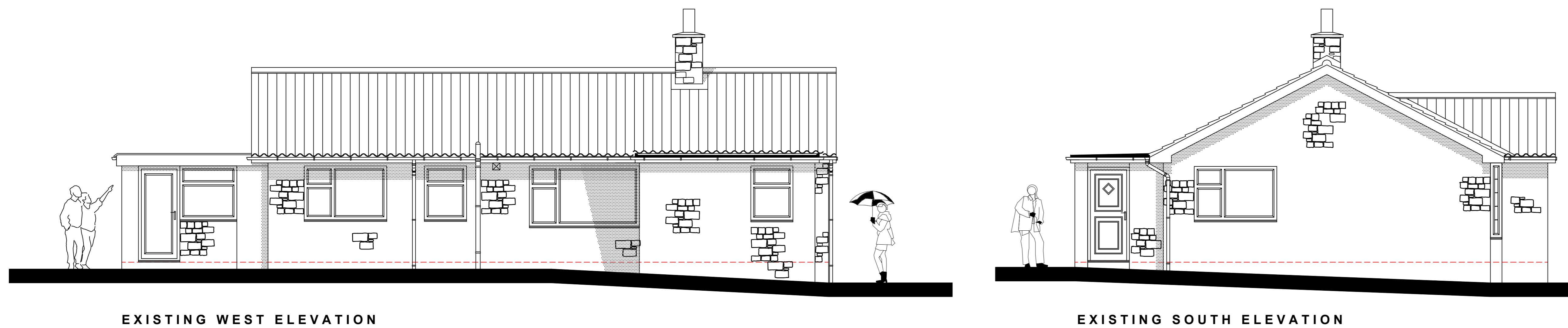
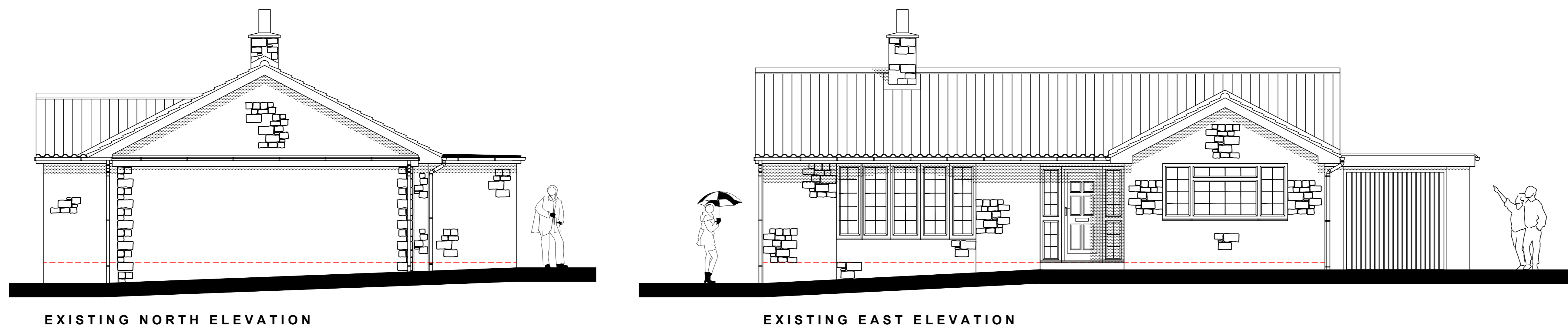
2020/0449/HPA
2 The Glade, Escrick



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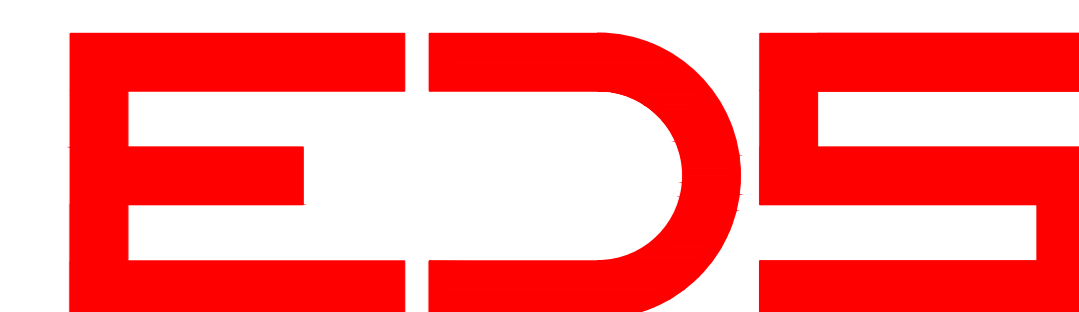
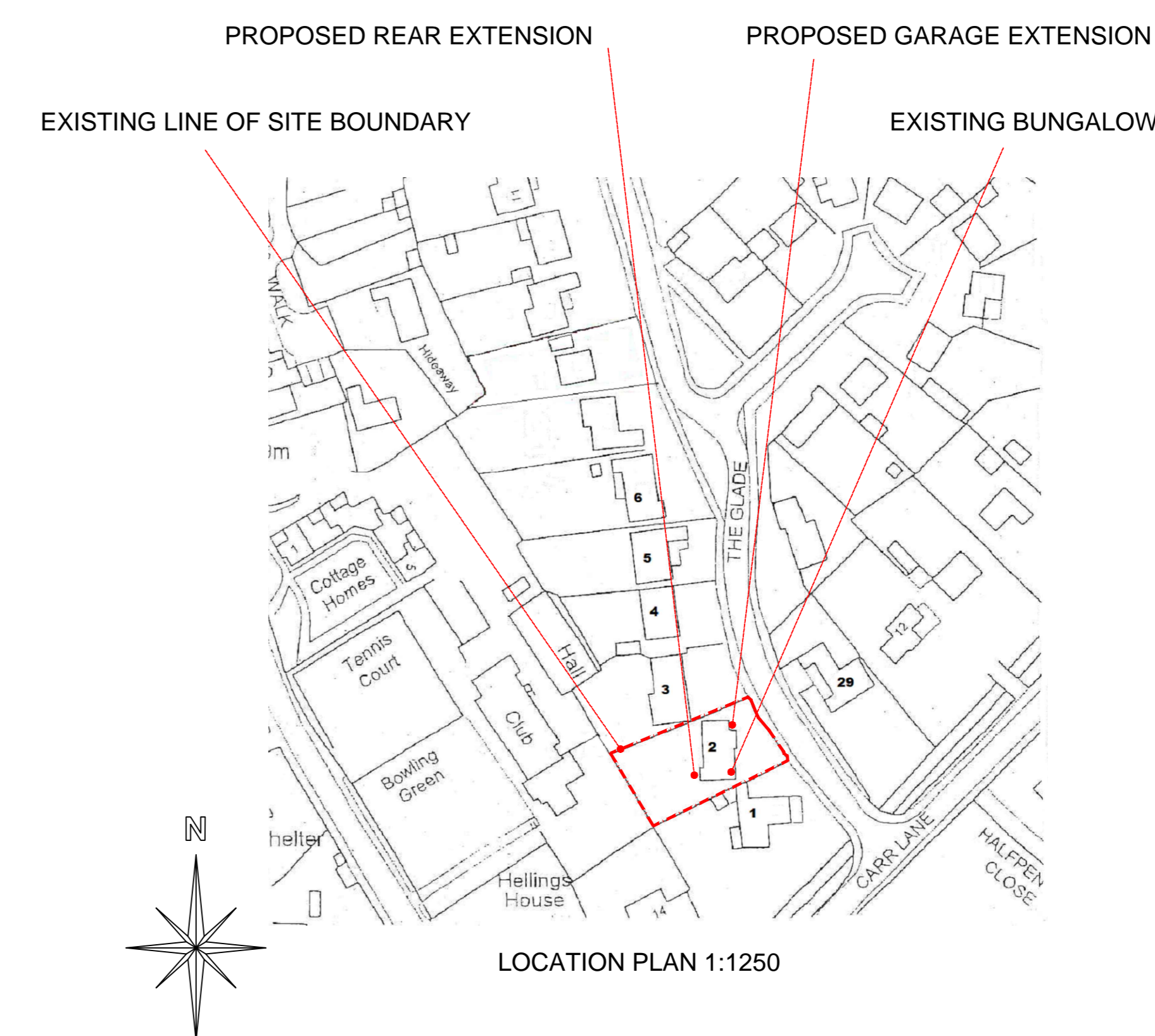
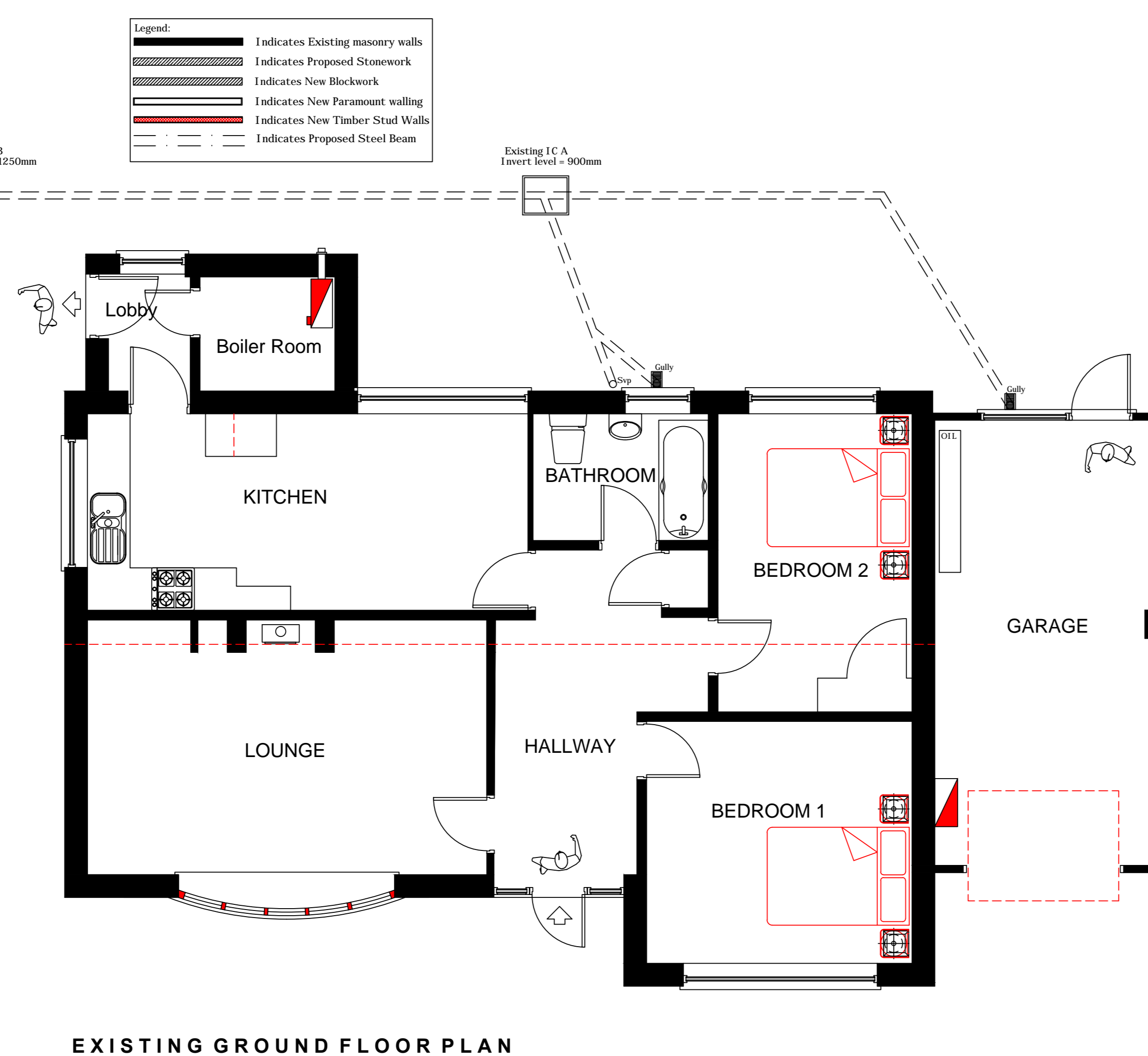
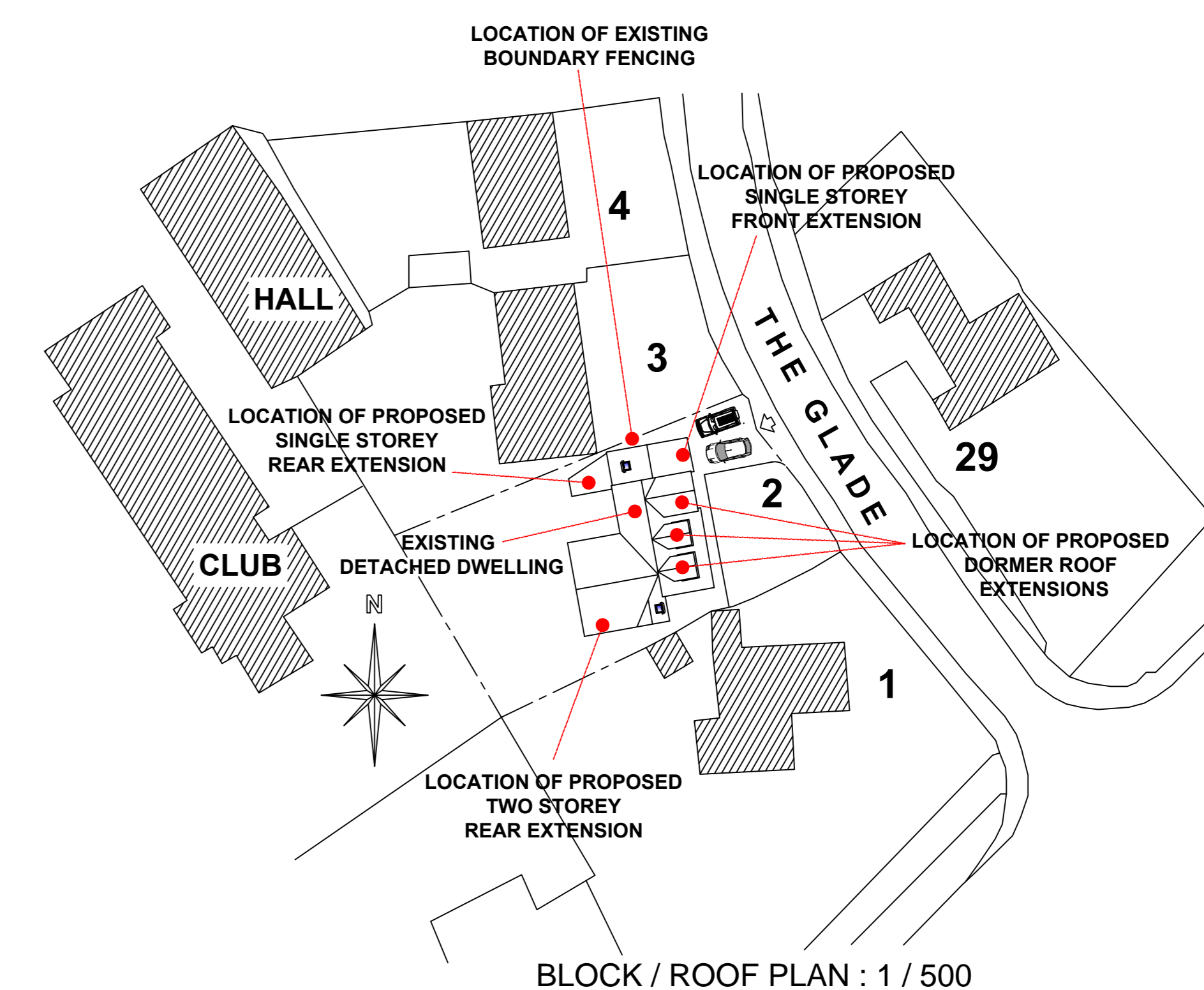
GENERAL NOTES

1. The contractor shall make arrangements with the client to visit the site prior to preparation of the Tender to ascertain existing ground conditions. He shall undertake an exploratory excavation to expose existing foundations and if necessary instruct a licensed geotechnical engineer or registered civil engineer to conduct a soil investigation report. He shall consider the existing water table and the possible requirement for concrete piles. He shall also locate the proximity of existing service utilities / domestic & main sewage drainage, make enquiries and provision with regard to local conditions and the full extent and character of the works in the context of the proposed development. He shall be deemed to have satisfied himself as regards existing conditions and generally to have obtained his own information on all matters affecting the execution of the works and if necessary make provision for engaging specialist consultants / sub-contractors to complete a thorough investigation of the proposed site.
2. All sizes shown on this drawing are in millimeters and should be checked on site to verify prior to ordering and fabrication of materials. Do not scale dimensions from this drawing. Work to figured dimensions in all cases.
3. All materials to be of a suitable nature and quality.
4. The contractor must establish the position of all incoming services and include for any modifications and or renewal of services affected by the alterations and include for all costs involved. Any works to be carried out in strict accordance with Statutory Authority requirements.
5. All work to be in accordance with the current Building Regulations and Approved Documents and to be to the satisfaction and approval of the Local Authority. A Building Notice should be submitted to the Local Authority Building Control Dept, with relevant fees no less than 48 hours prior to starting work on site.
6. All structural timber used to be C16 stress graded.
7. All electrical work to conform to N.I.C.E.I. regulations and to meet the requirements of Part P (Electrical Safety). All work to be designed, installed, inspected and tested by a member of the competent person scheme or a registered electrician who can issue a Certificate of Compliance of the works. Positions and number of fittings to be agreed with the client prior to the installation.

8. If new heating system is installed, new installation is to be of condensing boiler type class A or B and have a minimum efficiency SEDBURK rating of 86% for mains natural gas. Installations are to be carried out by approved and registered Engineers. Comp. Registered for gas installations or OFTEC for oil installations. New installations are to conform to Part L of the Building Regulations and should also meet E5540 and be in accordance with Part L2 of the Building Regulations. Full specification for heating system to be provided to the Building Inspector if required.
9. All new windows to be purpose made UPVC casement type, style to match existing houses with a high hinged opening light on security case opening stay to be agreed with the client. All glazing in windows to be 24mm double glazed sealed units (6/16/4) with a 16mm air filled gas and Low-E coating having a U-value of min. 1.8 with 2k and to comply with Part L of the Building Regulations. All rooms to have a min. 1/20th of the floor area in operable windows. Trickle ventilation is to be provided to give background ventilation of 800mm² to habitable rooms and 400mm² to non-habitable rooms. All glazing to critical locations (less than 900mm above floor level) is to be toughened safety glass and satisfy the requirements of Class C of BS6200.
10. The contractor shall accept all liability in using any information from this drawing, which has been produced to obtain planning permission if required and/or act in tendering the proposed works.
11. The contractor shall accept all liability when working on and adjacent to the neighbouring property, preparing for and ensuring that all necessary work shall be completed in a safe and secure manner and taking all appropriate measures to maintain a clean and weather tight environment. Any damage to the clients property or to neighbouring properties caused by the contractor or as a result of the contractors neglect shall be rectified immediately by the contractor and to a standard acceptable to the client / neighbour. Any disturbance to the client or the neighbours caused by the contractor shall also be rectified immediately.

NOTES FOR PLANNING APPLICATION:

1. ALL MATERIALS USED IN CONSTRUCTION OF PROPOSED PROPERTY TO THE APPROVAL OF LOCAL AUTHORITY PLANNING & DEVELOPMENT DEPT.
2. WORKING SAMPLES OF ALL MATERIALS TO BE PROVIDED ON REQUEST FROM LOCAL AUTHORITY.
3. MATERIALS TO BE INCORPORATED IN CONSTRUCTION OF EXTERNAL APPEARANCE INCLUDE THE FOLLOWING:-
 - A. STONEMWORK : PROPOSED NATURAL STONEMWORK WALLS TO MATCH EXISTING STONEMWORK INCL.
 - 4 COURSES OF RED ENGBRICKWORK TO DPC.
 - 4. NATURAL FLUSH POINTED MORTAR.
 - B. ROOF TILE: "MARLEY" CONCRETE INTERLOCKING TILE TO MATCH EXISTING. (SMOOTH BROWN)
 - C. DOORS & WINDOWS: UPVC (WHITE) STYLE TO MATCH EXISTING COMPLETE WITH DOUBLE GLAZED SEALED UNITS.
 - D. FACIAS & SOFFIT BOARDS : STAINED SOFTWOOD OR UPVC COLOUR : WHITE
 - E. RAINWATER GOODS : "HINTER" UPVC SQUARE : WHITE TO MATCH EXISTING.



Client:
MR & MRS M. THOMAS

Site Address :
2, THE GLADE,
ESCRICK,
NR. SELBY
YO19 6JH.

Project:
PROPOSED TWO / SINGLE STOREY FRONT
& REAR EXTENSIONS, ROOF EXTENSIONS
& INTERNAL ALTERATIONS.

Drawing Title:
GENERAL ARRANGEMENT : (PLANNING)
PROPOSED GENERAL ARRANGEMENT OF
FLOOR PLANS & ELEVATIONS.

Drawing Scale : Date :
1:50, 1:500 & APRIL 2020
1:1250

Drawing Number: Rev:
H.CON.05.20.01 -

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Report Reference Number: 2020/0449/HPA

To: Planning Committee
Date: 23 December 2020
Author: Jac Cruickshank (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0449/HPA	PARISH:	Escrick Parish Council
APPLICANT:	Mr Milton Thomas	VALID DATE: EXPIRY DATE:	6 May 2020 1 July 2020
PROPOSAL:	Conversion of dormer bungalow to include single and two storey front and rear extensions and front dormer roof extensions complete with internal alterations to create additional living accommodation		
LOCATION:	2 The Glade Escrick York YO19 6JH		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the application has been called in by the local ward Member.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of the settlement of Escrick.
- 1.2 The application site comprises of a single storey detached dwelling, which has a driveway to the side of the property and garden areas to the front and rear. The host dwelling benefits from a flat-roofed garage, which is attached to the side (north) elevation. The dwelling is located on The Glade, which is residential in nature.

The Proposal

- 1.3 The application is seeking householder full planning permission for various works to the host dwelling. These include:
- Roof lift and loft conversion
 - Two storey and single storey rear extension
 - Two storey side extension to the south elevation
 - Single storey side extension to the north elevation
 - Erection of 2no. dormer windows to the principle elevation.

Relevant Planning History

- 1.4 There are no historical applications that are considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour Comments** – This application has been advertised by site notice and neighbour letter resulting in four letters of representation being received. Three of which were from the same representor. The letters of objection raised concerns over:

- Size of development is not in keeping with the street.
- The roofline will be completely out of line with adjoining neighbours.
- Potential overshadowing.
- Converting a two-bedroom bungalow into a 5-bedroom, 6-bathroom house is contrary to both demand and requirement for bungalows within the village.
- Lack of adequate parking provision.
- Potential for a business to be run from the dwelling.
- Increase in overlooking because of the development at first floor level.

- 2.2 **Parish Council** – The Parish Council were consulted on each of the revised schemes and raised a number of concerns over the proposed development. A summary of the concerns is as follows:

'This is basically a redevelopment of a small bungalow in a slightly elevated position into a substantial (now) 4 bed (although the 'dressing room' is a similar size to beds 3 and 4, and the 1st floor accessed roof void room includes a full window - so 5/6 bed?) 2 storey house. Lying amongst and forming part a streetscape of a group of other bungalows.

Housing mix - The current housing mix in Escrick village is unbalanced and becomes increasingly so when applications to redevelop the occasional small dwelling into a substantial family dwelling means the loss of those smaller dwellings to the wider community.

Detailed Design - This proposal, given that it is essentially an increase in height for a massively enlarge footprint of 2m over and above that of the existing dwelling, would be totally out of keeping in the streetscape, overbearing and too large for its plot.

External amenity - *Adjoining properties would be substantially affected. Neighbours have raised concerns re loss of amenity due to overbearing mass, overshadowing and loss of privacy within their own houses and gardens. Not only will the neighbours in The Glade be affected, but also the managers of Escrick Club live in single storey accommodation to the rear, and the proposed 2 storey 6.4m high dwelling will also overlook and overshadow their accommodation and amenity area, with adverse privacy and overbearing amenity implications.*

Additional Parish Council concerns - *This is another example of what residents are objecting to and why they are supporting the current NDP work. NDP consultation responses have highlighted the demand for a mix of housing in the village, which currently has mainly 4 and 5 bed detached family homes. There is a definite shortage and demand for bungalows to enable residents to stay in the village once they need single storey / smaller homes. Notwithstanding the adverse environmental impact on the streetscape of bungalows which forms its own character in this quiet street, the amenity of neighbours would be severely impacted by the overbearing oppressive nature of the proposals on their living space and private gardens. Whilst a small dormer window extension within the existing roof space would potentially be acceptable, with potentially a small rear single storey garden room extension, the proposals as currently drafted which seek to quadruple the size of the current dwelling are totally unacceptable and must be rejected. Likewise, the bringing into a small cul de sac in a rural village of a business designed to attract visitors is totally inappropriate in the current circumstances and should also be rejected.*

There remain valid concerns regarding danger from cars parking on the roadway (or blocking footpaths), causing reduced visibility and potential accidents. As a quiet cul de sac, children do play within it and this is also a potential hazard.

There are also concerns with regards to running a business from home. We have no concerns re home working and expect that to become the norm for many due to the coronavirus. However, the proposal for an acupuncturist practice or any other similar business that requires visitors to the property expands the potential for unregulated visitors to the property and its surroundings with associated risks.'

2.3 **NYCC Highways** – No objections to the proposal. Recommended conditions relating to verge crossing and a small site construction management plan is attached to any permission granted.

2.4 **Internal Drainage Board** – No objections to the proposal. Recommended a condition relating to drainage is attached to any permission granted.

3 SITE CONSTRAINTS

Constraints

3.1 The application site is located within the defined development limits of Escrick, which is a Designated Service Village with defined Development Limits as identified in the Core Strategy.

3.2 The application site is located part within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

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

5 APPRAISAL

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

- 1) The principle of the development
- 2) Design and impact on the character and appearance of the area
- 3) Impact on residential amenity
- 4) Highways
- 5) Flooding

The Principle of the Development

5.2 The application site is located within the defined development limits of Escrick and the application is seeking consent for the erection of a two storey and single storey extension to the rear elevation, two storey side extension, single storey side extension, roof lift and loft conversion, which would include the formation of 2no. dormer windows to the principle elevation. There is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

Design and impact on the character and appearance of the area

- 5.3 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. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 127, 130 and 131.
- 5.4 The host dwelling has a pitched roof with eaves to a maximum height of 2.8 metres and ridge to a height of 4.6 metres from ground level. The host dwelling benefits from a flat-roofed garage, which is attached to the side elevation and a small flat-roofed extension to the rear.
- 5.5 The proposed development includes a roof lift to the host dwelling and loft conversion, which would include the erection of 2no. dormer windows to the principal elevation and a cat-slide dormer to the rear elevation. The development would also include the erection of a two-storey and single storey rear extension, a two-storey side extension and a single storey side extension to replace the existing garage.
- 5.6 The proposed roof lift would increase the ridge height of the bungalow from approximately 4.4 metres to 6.2 metres. The roof lift would include the conversion of the existing attic to form additional living space at first floor level. The roof lift would also include the formation of 2no. dormer windows to the front elevation and a cat slide dormer to the rear elevation. The proposed two-storey extension would have a shallow pitched roof with a ridge height of 6.3 metres and eaves to 5.4 metres. The two-storey extension would project out from the rear elevation of the host dwelling by approximately 3.5 metres. The single storey element of the rear extension would have a flat roof and would extend out from the two-storey extension by an additional 2.5 metres. The two-storey side extension would project out from the south elevation of the host dwelling by 2.8 metres. The extension would have a maximum height of 6.9 metres and would be set back from the principal elevation by approximately 4 metres. The single storey extension to the north elevation would

replace the existing garage with a new garage and store. The proposed extension would have a pitched roof with a ridge height of 5.7 metres. The proposed garage would project out from the side elevation of the host dwelling by 3.2 metres. The store element would have a flat roof and would project out from the rear elevation of the proposed garage by 4 metres.

- 5.7 It is noted that amendments were sought during the application process. The amended plans omitted the proposed treatment room and reception area from the proposed plans and reduced the ridge height of the proposed development by approximately 1 metre. The subsequent revised plans have reduced the height of the two-storey extension by approximately 1 metre and reduced its projection at first floor level by 1.9 metres. The revised plans have also omitted 1no. dormer window from the principal elevation.
- 5.8 In considering the impact the proposed development would have on the character of the local area, it is noted that the neighbouring properties to the north of the application site are relatively uniform in size and scale and are set higher than the dwellings on the opposite side of the highway. The neighbouring dwelling immediately to the south, 1 The Glade, is a two-storey detached dwelling. The dwelling benefits from a corner plot and is set lower than the single-storey dwellings along The Glade, which partly offsets the height difference between the two-storey dwelling and the single-storey dwellings.
- 5.7 The proposed roof lift would raise the overall height of the dwelling by approximately 1.8 metres and would introduce no.2 dormers and 2no. roof lights to the principal elevation of the dwelling. The increase in roof height would result in the dwelling being taller than the dwellings to the north but this would partly be off-set by the adjacent two-storey dwelling, which would be similar in overall height. It is noted that there are examples of roof lights and dormer windows within the street scene. The size, position and number of dormers has been revised during the application process and the amended dormers are considered to be acceptable. The proposed side extensions to the north and to the south elevations would be stepped down by approximately 0.5 metres from the proposed ridge height. The extension to the south elevation would also be stepped back from the principal elevation. Both side extensions would appear subordinate to the host dwelling and would have a limited impact upon the street scene. The extensions to the rear would include the erection of a two-storey extension. The two-storey extension was reduced in length as it was considered that the extension would dominate the host dwelling, when viewing the dwelling from the north. The height and pitch of the roof of the two-storey extension were also reduced to lessen the extension's impact on the street scene. The development to the rear at ground floor level would be obscured by the existing boundary treatments and would not impact upon the street scene.
- 5.8 Having regard to the above, it is considered that, by virtue of its size and scale, the proposal would be visually dominant and would have a significant impact on the character and appearance of the area. As such, the proposals fail to comply with policy SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.
- 5.9 Having regard to the above, it is considered that the proposals are of an appropriate design and given their size and siting would not have a significant impact on the character and appearance of the area. The proposals are therefore in compliance

with policy SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.9 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.10 With regards to overlooking, it is noted that the occupier of 29 The Glade raised concerns over potential overlooking. The proposed development would introduce 2no dormer windows at first floor level to the principal elevation and 5no openings at first floor level to the rear. The openings to the principal elevation would face towards the highway and the garden area of 29 The Glade. The separation distance between the openings and the garden area would be approximately 21 metres and as such it is not considered that the openings to the principal elevation would have detrimental impact on overlooking. The openings to the rear would face out towards the rear garden of the host dwelling and would only provide limited potential for overlooking.
- 5.11 With regards to overshadowing and oppression, the proposed development would bring the dwelling closer to the shared boundary with no.1 The Glade. However, during the site visit it was noted that the shared boundary benefitted from mature tree planting, which would partly offset any potential for overshadowing. The two-storey extension would be set away from no.3 so would have limited impact on the property. However, it is considered that the increase in roof height would have some impact upon the occupiers of no.3 The Glade.
- 5.12 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Highways

- 5.13 The proposed development initially included replacing the existing garage with a treatment room and increasing the number of bedrooms at the property. The Highways Officer was consulted and raised concerns over parking provision and the proposed business use at the dwelling. The amended plans submitted, replaced the treatment room with a garage and, as such would provide 3no parking spaces on site, which would comply with NYCC parking standards for a 4no bedroom dwelling.
- 5.14 The proposals are therefore considered to be acceptable as they would not result in any impact on highway safety and are in accordance with Policies ENV1, T1 and T2 of the Local Plan.

Flooding

- 5.15 The application site is located within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

- 5.16 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.
- 5.17 A FRA was submitted with the proposal which states that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. The FRA is considered to be acceptable. The proposed scheme is therefore in accordance with the advice contained in within the NPPF and NPPG.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

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 listed below.

H.CON.05.20.02E	Proposed Plans and Elevations Dated	09/10/2020
H.CON.05.20.01	Existing Plans and Elevations Dated	05/05/2020

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

04. The development must not be brought into use until the access to the site at The Glade has been set out and constructed in accordance with the "Specification

for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements: The existing access must be extended to give a minimum carriageway width of 4.5metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E50 and the following requirements. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges. All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

05. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ouse & Derwent 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).
- 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 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 year 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.

INFORMATIVES:

Highways Informative:

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

<https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20street>

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Drainage Informative:

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. The Board's comments have been made following consideration of the information provided by the applicant through the Planning Authority. Should these details change the Board would wish to be re-consulted.

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.

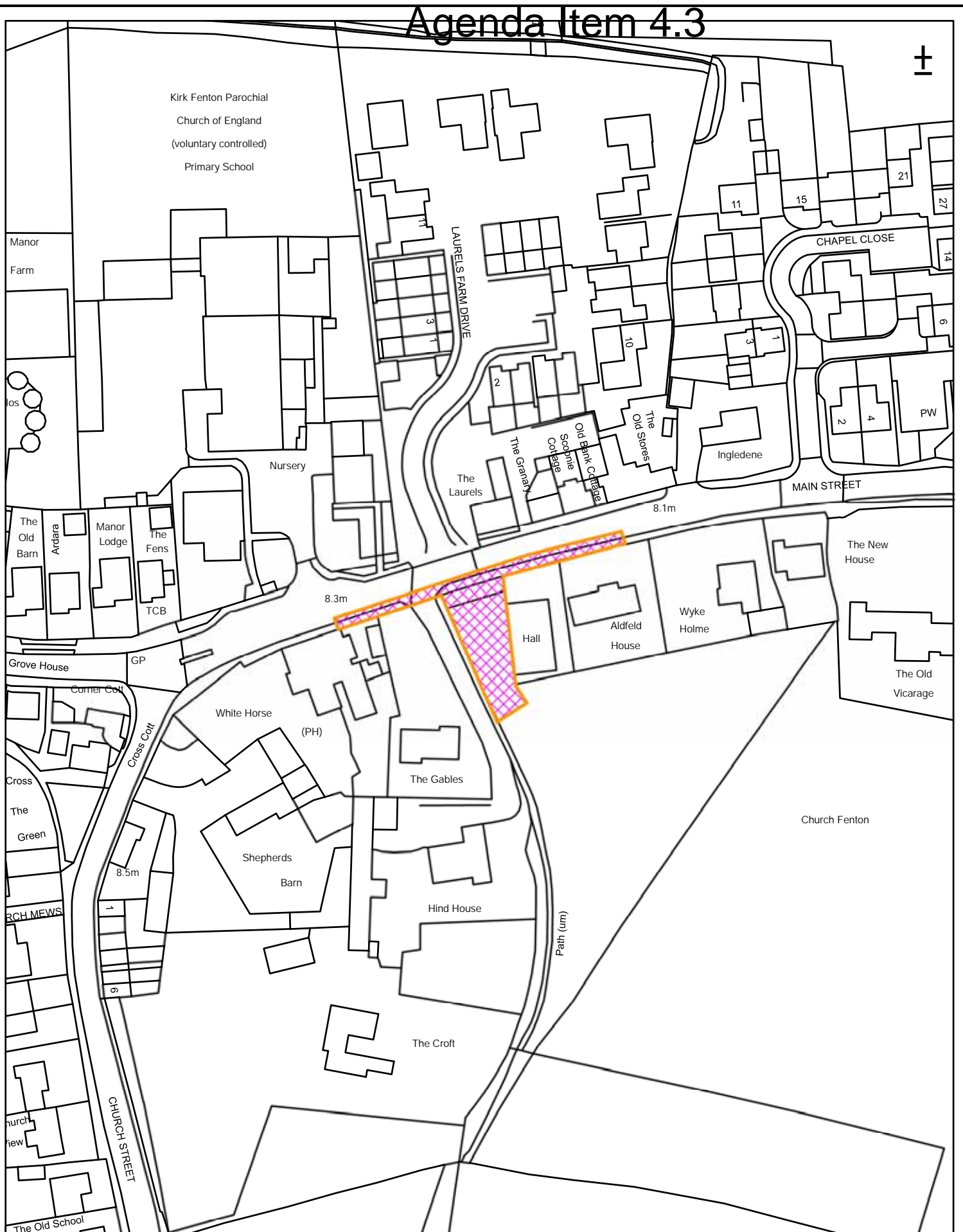
10 Background Documents

Planning Application file reference 2020/0449/HPA and associated documents

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

Appendices: None

Agenda Item 4.3



APPLICATION SITE

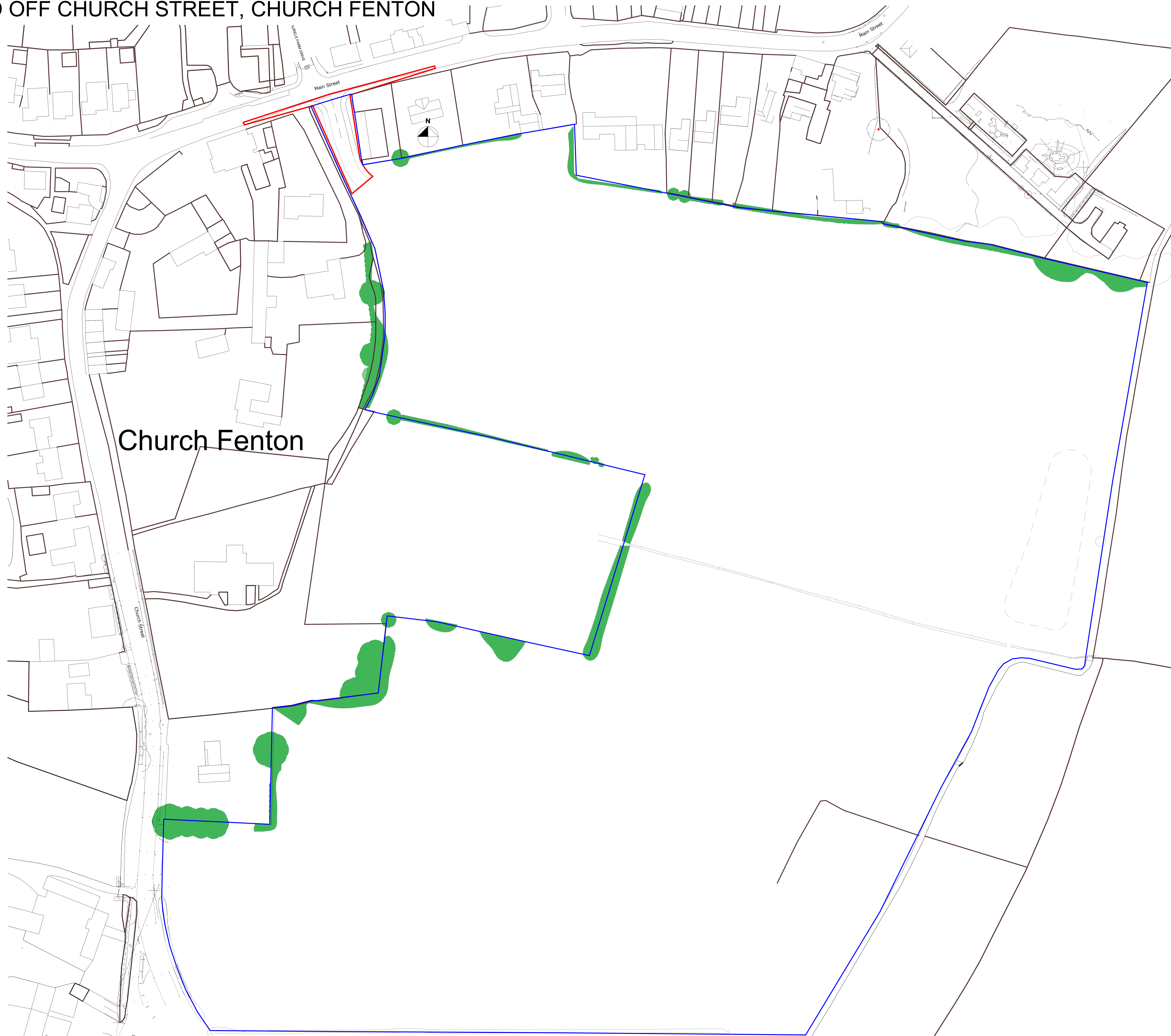
Land adjacent to Village Hall, Main Street, Church Fenton
2020/0821/FUL

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LAND OFF CHURCH STREET, CHURCH FENTON



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Scale : 1/500 @ A0 | Drawn by : SW | Date : 08 July 2020

Project : LAND OFF CHURCH STREET, CHURCH FENTON

Drawing : ALTERNATIVE ROAD ENTRANCE PLANNING LAYOUT

Drawing Number : 18-CF-BH-01 | Revision : L

Planning Ref : N.A.

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Report Reference Number: 2020/0821/FUL

To: Planning Committee
Date: 23 December 2020
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0821/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	10 August 2020 5 October 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	Minded to APPROVE		

1.0 Introduction

- 1.1 The above application was reported to the Planning Committee Meeting of 9 December 2020 with a recommendation for 'Minded to Approve' subject to a unilateral undertaking and subject to conditions. A copy of the Officer's report is attached as Appendix A. A copy of the Officers update is attached at Appendix B.
- 1.2 At the Committee meeting Members were minded to refuse the application and resolved to defer the application to allow Officers to consider the indicative reasons suggested at the meeting and to bring back to Committee detailed reasons for refusal. The indicative reasons for refusal were based on the adverse impact of the

new access on highway safety and on the character and appearance of the area. Therefore, the following reasons for refusal below are suggested for Member's consideration:

2.0 Suggested reasons for Refusal

01. The proposed development would not provide a safe and suitable access and would unacceptably reduce highway safety conditions in the vicinity of Main Street, Church Fenton due to the volume of traffic it could generate, the conflict with other users and the relative position of other accesses and junctions. The development would therefore conflict with the aims of Policies ENV1, T1 and T2 of the Local Plan, Policy SP1 and SP19 of the Core Strategy and with the NPPF
02. The proposed access would have a materially harmful impact on the character and appearance of the locality due to the loss of a green and undeveloped gap in the frontage which provides a pleasant open link to the rural land and public footpaths to the south of main street and due to the scale and volume of the traffic which would be associated with its use. It would conflict with the aims of policies ENV1 of the Local Plan, SP1 and SP19 of the Core Strategy and with the NPPF.

3.0 Recommendation

That Members resolve the approach they are MINDED to take on this application.

APPENDIX A (REPORT FROM 9 DECEMBER 2020)

APPLICATION NUMBER:	2020/0821/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	10 August 2020 5 October 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	Minded to APPROVE.		

This application has been brought before Planning Committee as the development would function to serve a reserved matters scheme (2017/0736/REMM) for residential development relating to under outline planning permission reference 2015/0615/OUT. The reserved matters was refused by the Planning Committee on 4 March 2020 and is now the subject of a planning appeal.

An appeal has also been lodged against non- determination of this access application and the two appeals have been linked for concurrent determination by the Planning Inspectorate via a Public Inquiry.

This application is not presented for determination by Members but is to seek their views on what recommendation they would be minded to give. This will then form the basis for the Councils appeal case on this application.

A separate re-submitted application for the alternative access is also before Members today for determination.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The red line application site relates to a small strip of land between the village hall and the dwelling known as the Gables on main street.
- 1.2 The reserved matters application red line site relates to a series of agricultural fields south of Main Street and East of Church Street, Church Fenton. The site sweeps

round from Church Street around the rear of St Marys Church up to the rear of the parish hall on Main Street and along the rear of the properties along Main Street. The site then follows the dyke south from the Pumping Station and then steps in before sweeping back on Church Street. The fields are laid to crops.

- 1.3 Access was agreed at the outline planning stage and provided for a long sweeping access from Church Street south of St Mary's Church. The proposal is meant to be an alternative access to serve the residential development area as submitted under the reserved matters application.

The Proposal

- 1.5 This is a full planning application for the construction of a new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF. The applicant has indicated they will provide a Unilateral Undertaking not to implement the original access should this access be approved.

Relevant Planning History

- 1.6 The following historical applications are relevant to the determination of this application.
- 1.7 2015/0615/OUT- Permitted 03/12/2015

Outline application to include access for a residential development on land to the south of Main Street, Church Fenton was granted subject to 30 conditions and a Section 106 agreement to secure the following:

- Affordable Housing - 40% (unless an alternative figure is justified in accordance with the Affordable Housing SPD and agreed by the Council). Tenure split- 30-50% Intermediate housing and 50-70% Rented Housing/ Allocation of the units and delivery.
- Waste and recycling contribution - Amount and Phasing of payment
- Education contribution - towards Kirk Fenton Primary School, and
- Open Space – Extent/Layout/Delivery/Maintenance and Management

The application was approved at a time when the Council did not have a five-year land supply.

- 1.8 A Deed of Variation to the S106 was completed on 19 September 2016 which amended the wording to the definition of the term 'Application' to exclude reference to the number of dwellings.
- 1.9 2016/0463/MAN- Permitted 15/04/2016

Non-material Amendment to approval 2015/0615/OUT which amended the conditions referencing plans. The change resulted in reference to the location plan only which is a red edge plan around the application and to remove the inclusion of the indicative layout plan which should not have been included in the list of plans.

1.20 2017/0736/REMM- Refused 05/03/2020

Reserved matters application relating to appearance, layout and scale for the erection of 50 dwellings of outline approval 2015/0615/OUT for residential development including means of access.

The application was refused by the Planning Committee for the following reasons;

1. The design details of this reserved matters submission would, due to the lack of integration with the quality and characteristics of its surroundings, the use repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging fail to have regard to the local character, identity, the context of the village and the historic surroundings, and would also fail to contribute to enhancing community cohesion through high quality design. The details would therefore conflict with the aims of Policies ENV1 of the Local Plan and with Policy SP19 of the Core Strategy and with the NPPF.

2. The design details of this reserved matters submission would due to the lack of integration with the quality and characteristics of its surroundings, the use of repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging, would be harmful to the setting of the Church of St Mary, other nearby listed buildings and would diminish the established historic links between them. The details submitted would therefore fail to have the "Special regard" required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would conflict with the aims of Policies SP18 and SP19 of the CS and with the NPPF.

1.3 2020/1168/FUL- Re-submission of 2020/0821/FUL - This application is also on the agenda today.

2. CONSULTATION AND PUBLICITY

2.1 Church Fenton Parish Council: First response

1. The outline permission for the application in question 2015/0615/OUT has expired as 2x Reserved Matters have been applied for and refused within 3 years. (*Officer note- there has only been one reserved matters application*)
2. Highways Dept need to note the proposed road layout reduces to 4.8m wide at the corner of the village hall. This could be a potential pinch point for 2-way traffic into and out of the estate on a blind bend. The Title Deeds of the village hall on that side do follow the line of the wall and then provide around 2m access behind the village hall. The narrowest part of this access road will be where there is a building next to it - this could potentially cause problems.
3. The technical note from Bryan G Hall makes reference to the stagger distances for the junctions and actually references one in Church Fenton (Fieldside Court and Brockley Close - 11.3m). However, they do not mention, that within a few meters either side, that they have private accesses from either a dwelling or the village hall, wanting to join the road at more or less the same juncture. Laurel Farm Drive (serving 28 dwellings) is 5.2m away and the recommended distance for a staggered junction is 3 times more. When stood on Main Street looking at

these 2 junctures, it does look like this will effectively become a crossroads on an extremely busy stretch of road.

4. The proximity to the Public House, the Community Village Hall, Primary School, Methodist Chapel & Hall and Nursery have not been considered along with an island bollard and at least 10 private access roads within a few meters of a potential new road for 50 properties (at least 100 cars), directly opposite a housing development of 25 homes. All of this is within a 40m stretch of road. Staggered junctions - the recommended distance is 15m - the new access will be 5.3m from Laurel Farm Drive (serving 28 properties) with the new access serving 50 homes, this will be almost 80 properties accessing the local distribution road (Main Street). Notwithstanding and most importantly, the comparative junction referred to in the application does not have the same level of local amenities. Eg Pub, School, Nursery, Community Amenity, 28 homes (Laurel Hall Drive) and 18 homes (Chapel Close) as well as 12 private driveways ALL WITHIN a 40 m stretch of road. Village Hall carpark - as the car park for the village hall is directly in front of the building, this creates a physical barrier in terms of visibility splay when turning right into Main Street.
5. In the application, a Traffic survey had taken place in the school holidays during a govt lockdown. This should be re-done during September when the children are back in school and nursery; also, when local gatherings are potentially taking place as venues such as the Village Hall, the Chapel, Jigsaw Nursery, the primary school or the White Horse Public House.
6. On the planning application from they have incorrectly filled in question 22. The site is clearly visible from the public highway.
7. AAH planning consultants advise the Neighbourhood Plan should not be given any weight in consideration; due to how incomplete it is. This is not the case, it was at submission stage in early March and due to Covid19, SDC are not receiving plans at this point.
8. How can the introduction of the road allow the reserved matters to relate better to the character of the area and negate the need for development to wrap round the Grade I Listed Church. There are still Grade I listed buildings on Main Street. *(Officer note - there are Grade II LB's on Main Street, but the church is the only Grade I LB in the vicinity)*
9. Sink Hole - during works to complete the development on Laurel Farm Drive (opposite the proposed access road), in August 2017; Main Street was closed for a number of weeks due to a sink hole that was created with the highway works to create a new access road for the new development. This demonstrates that the area is predisposed to sinking sand and sink holes which will clearly inhibit the costs and progression of any roadworks in this area.
10. The RM application was refused because the design was not suitable due to the standardised design of the homes and no individuality, which does not fit within the village, particularly in that area. Also, if the road does not pass the Church; a development of this size would still affect the nearby listed buildings particularly the Old Vicarage which would clearly back onto this; assuming that the loss of the public footpath from the Church to the Old Vicarage has been dealt with previously. CFPC suggest that the following material considerations are affected: Overbearing nature of the proposal, Design and appearance, Layout

and density of buildings, Effect on listed buildings, Access or highways safety, Flood risk.

2.2 Church Fenton Parish Council: Second response received

1. The outline PP requires an appropriate highway to an adoptable standard. Therefore, the adoptable standard of a road width of 5.5m is not achievable.
2. Concerned about the structural stability and subsidence regarding any highways work so close to the village hall. Plan suggests it will be <2m from the building.
3. Concerned with proximity of drainage and inspection chamber running along the boundary of the village hall site, (within 1m of the suggested road) and a gas pipe which runs along the external wall of the village hall (about 75cm high). Currently, this creates no problem as it is adjacent to a disused piece of land. However, this could create a potential problem should new works take place within 2m of this gas pipe.
4. This main drain sewer runs across the front of the village hall and diagonally across this proposed access towards Church Street. needs consideration for any potential access to cross the land.
5. The boundary to the west of the village hall is 0.9144m from the hall wall. An inspection chamber and drainage for the toilets and kitchen amenities along the length of the hall wall within this 1yd parameter. This would reduce the potential road access width to 3.8m at the narrowest point (at the back westerly corner of the hall building) and 4.5m back towards the local distribution road (Main Street). With a recommended road width minimum of 5.5m, this would make the new road 1.7m below the recommended.
6. The Parish Council have on file a copy of a ST1 (Statement of Truth for Adverse Possessory Title) dated 4/7/12 and signed by the planning applicant (G Bradley). The PC are aware that land ownership is not required for a planning application. However, the PC have historical title deeds dating to 1922 which indicate the applicants will not achieve Absolute Title on this piece of land where the proposed access road will run. Impact on Planning app: the applicants will potentially not achieve absolute title to this land prior to the deadline of July 2024 and therefore the rightful owners may not give consent to the proposed access road.
7. Request Highways Case Officer visit at a time where this section of Main Street is busiest eg 8.50am on a Monday or Friday morning now school is back in. Allowing the Highways Officer to see the parking at school and nursery drop-off and pick-up times would clearly demonstrate how busy this stretch of road is.
8. Public Rights of Way - Footpath no4 runs alongside the proposed access and has a separate title deed that the planning applicants do not own. This will be drastically reduce the proposed width available for an access road.
9. The 2017 REM application which has been refused has a site plan which delineates an emergency access road of 3.2m width. The applicants are now suggesting that this can be converted to the only double width road access to the proposed new development of 5.5m road width and 2x footpaths of 2m

width each. This width can only be achieved by using Parish Council land and footpath land (neither of which are owned by the planning applicants).

2.3 NYCC Highways

The applicant provided a highway note to address issues associated around the proposed access and its location. A speed survey was carried out on the 15 July 2020 which recorded speeds of 30 mph to the right and 26 mph to the left. Given the current restrictions in place on the UK NYCC would normally want to have seen speeds surveys carried out when all children had returned to school. However it is noted that the speeds recorded to the right do comply with the 30mph speed limit, and whilst the speeds to the left were recorded as slightly lower, which could be accurate given the mini roundabouts location to the site. NYCC would not require another speed survey being undertaken given that Manual for Streets would allow for the visibility splay to the left to be measured to the centre line, given the proximity of the proposed access to the mini roundabout and the zigzag markings adjacent. Therefore, achieving the 43 metres required for a 30mph speed limit if measured to the centre line.

No alternative emergency access is acceptable since the development is not to exceed 50 dwellings. If more dwellings are proposed at a later date, then an emergency access would have to be provided.

The staggered junction distance is below the 15metres required for a Major Access Road but has advised the access road to the site is in fact a Minor Access Road. Whilst this is not disputed, the road in question (Main Street) is in fact a Local Distributor Road and as such the stagger distances do need to be taken into consideration. The applicant has however provided 2 case studies for similar situations, one in Church Fenton, both of which have not resulted in accidents associated with the stagger lengths. Therefore, whilst this situation is not ideal, it is acknowledged that a recommendation of refusal based around the stagger length is unlikely to be substantiated at an appeal. Therefore, no Local Highway Authority objections are raised to the proposed access subject to recommended conditions relating to:

- New and altered private access or verge crossing requirements
- New and altered private access or verge crossing requirements (licence requirements for works in the public highway)
- Visibility splays

2.4 Yorkshire Water Services Ltd

Comments made and conditions recommended:

- 1) On the Statutory Sewer Map, there is a 225 mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
 - i) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.
 - ii) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).

iii) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2) The developer is proposing to discharge surface water to SUDS however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

3) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

2.5 Selby Area Internal Drainage Board

Makes comments/recommendations:

If surface water via a soakaway system- advise that the ground may not be suitable and percolation tests are essential.

If surface water via mains -no objection, 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 and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

2.6 Environmental Health

No objections.

2.7 The Environment Agency

No comments received.

2.8 Village Hall Committee

No comments received.

2.9 Conservation Officer

The original access was an unusually long, sweeping road leading from Church Street that was considered to be harmful to the setting of the grade I listed church and the Grade II Croft and Vicarage to its north. The principle of securing an alternative access to the possible housing development would be highly beneficial in terms of the impact on the heritage assets (and to the scheme generally).The

new access, off Main Street, is a gap site between the village hall and the frontage to the adjoining property. This was previously proposed as the location of a pedestrian access. It comprises part field and part PROW. The location of the access here essentially contains it within the development and so there is a better relationship. There doesn't seem to be any direct impact on designated heritage assets, over and above the impact of the development generally (though there are NDHA's located on the street nearby).

Concerned that the space for the access appears incredibly tight and whether a good quality access into the site could be achieved. It would be tight up against the village hall and would highly change the character of the PROW (and harm what would have been a pleasant pedestrian route into the development).

Conclude, if it were possible to create a well-designed and safe access here, even if slightly comprised, there would still be the significant benefit of having been able to omit the previous access from Church Street. Consideration of the implications of the alternative access for the layout of the housing development would need to be made (particularly taking into account the southern edge of the site and how it affects the setting of the listed buildings).

2.10 Urban Designer

No comments received.

2.11 Public Rights of Way Officer

Comments that a PROW is within the application site. If affected permanently a Path order/diversion order is required. If affected temporarily during the works a temporary closure order is needed. Details given of where to apply are given. No objections raised.

2.12 Contaminated Land Consultant

No land contamination concerns.

2.24 Neighbour Summary

The application was advertised by site notice and neighbour notification resulting in responses from 42 individuals. Comments are summarised below:

- The application would create an access to a development which the council have refused and it should therefore be refused
- Site visit needed before committee makes a decision
- Stagger distances don't mention the individual accesses either side
- This would make a crossroads with Laurel farm Drive
- Safety issues due to proximity to school and nursery not considered
- Barrier to village hall car park visibility
- Traffic survey was in the summer holidays, when usage of the road was low and not representative and should be when the children are back
- Pedestrian safety reduced
- Noise and nuisance to surrounding properties
- Proximity to bus stop and roundabout

- Visibility will be reduced due to parked cars
- Neighbourhood plan not given sufficient weight
- Construction where there is known running sand and gypsum
- Urbanisation of the historic core of the village
- Advise Conservation Officer and Heritage Consultants are consulted
- Main street is busy, narrow and vehicles exceed the speed limit
- There is already a petition to make the speed limit 20mph
- Planning application made during the month the PC don't meet therefore disadvantaging the residents
- School and nursery were not consulted
- Goes against the principles of promoting children walking to school
- Potentially 100 cars using the new access
- Increased car pollution
- This will also be a works entrance with HGV's making it worse
- Some properties not consulted
- Emergency vehicles/ refuse/large vehicles would potentially have to reverse onto the main road due to the pinch point
- There have been near misses for accidents
- Public footpath not taken into account
- Query whether there is sufficient width
- Not in keeping with the character and style of the village
- Submitting the design of a new access during the appeal process should not be allowed
- A refusal on nearby Hillagarth pointed to the problems with the nature of the road and 3 dwellings on that site were not acceptable
- The land doesn't belong to the applicants
- Development south of Main Street is at odds with the linear nature of the village
- Adverse impact on the church
- Ornamental ponds on the site and associated birds could cause bird strike
- Village infrastructure, sewer, leisure, school cant cope
- Sewage is at a capacity
- Insufficient leisure area
- Loss of the copse over Carr Dyke and hedgerows and loss of associated wildlife
- Loss of PROW
- Gas Pipe and sewer pipe under the access

3 SITE CONSTRAINTS

- 3.1 The majority of the red line of the application site lies within the development limits of Church Fenton which runs tight along the back of the village hall. The southern tip of the red line site is just outside the development limits.
- 3.2 Nearby Listed Buildings include the 'Old Vicarage' to the east of the village hall and 'The Croft' to the south west. St Mary's Church is located south west of this access site and is a Grade I Listed Building.
- 3.3 A Public Right of Way (PROW) runs through the site linking Main Street to the open land to the south. It links in with a Prow leading to the old vicarage and to a Prow

running south past the Croft and linking into the Prow leading to the church from the east.

- 3.4 The land is within Flood Zone 2.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 **The relevant Core Strategy Policies are:**

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP9 - Affordable Housing
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
- ENV3 - Light Pollution
- H2 - Location of New Housing Development
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- T8 - Public Rights of Way

Church Fenton Neighbourhood Development Plan

- 4.8 At the time of writing this report the Church Fenton Neighbourhood Plan (NP) has been subject to the pre-submission consultation stage (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012) and in preparation for this the Council has undertaken a screening report to determine whether or not the contents of the draft Church Fenton Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA). In line with the SEA requirements the Council has undertaken a six-week consultation from 20 December 2018 to 31 January 2019 with the relevant consultation bodies (Environment Agency, Historic England and Natural England).
- 4.9 In October 2020 the Parish Council submitted their NP to Selby District Council under Regulation 15. At the time of writing this report the Council await some additional information before proceeding with Regulation 16 Consultation.
- 4.10 Although, the Plan has been subject to pre-submission consultation (Reg 14) and is proceeding to the next stage, it is considered that limited weight can be given to the Neighbourhood Plan at this stage as it is still subject to consultation, examination and referendum and therefore may still be subject to significant change.

5 APPRAISAL

5.1 The main issues when assessing this application are:

- The Principle of the Amended Access
- Impact on Highway Safety and PROW's
- Impact on the Character and Appearance of the Area and on Heritage Assets
- Impact on Residential Amenity
- Flood Risk
- Affordable Housing
- Other matters raised

The Principle of the Amended Access

5.2 Policy SP1 of the Core Strategy sets out the presumption in favour of sustainable development. Applications which accord with the development plan should be approved unless material considerations indicated otherwise. Policy SP2 sets out the spatial development strategy for the district. Under SP2 Church Fenton is a Designated Service Village which has some scope for additional residential and small-scale employment growth to support rural sustainability. Policy SP4 allows,

within development limits, conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land and conversions/redevelopment of farmsteads).

- 5.3 The site is an undeveloped greenfield strip of land mostly within the development limits. As such there is nothing within the development plan which would identify this type of development as being unsustainable or preclude in principle development of this type in this location
- 5.4 The current planning history position is also a material consideration.
- 5.5 This application seeks full permission for an alternative means of access to replace the long access south of the Church approved under 2015/0615/OUT. A full application was necessary since the time for submitting a revised reserved matters layout has expired.
- 5.6 The principle of development and the means of access were established under the outline planning permission (reference 2015/0615/OUT). Reserved Matters were submitted within the required timescale but were refused by this Council on 5th March 2020. An appeal has been lodged and therefore a final decision on the reserved matters has yet to be made and due to this the planning permission for the site is in effect still 'live'.
- 5.7 This application gives the opportunity for an alternative means of access to the long access from the south which wraps around the east side of properties and the Church of St Marys on Church Street. As such it is necessary to make a comparison between the approved access and the access now proposed and to determine whether there would be less or more material harm to acknowledged interests if this application were supported.
- 5.8 The impacts of the proposal are considered in the following sections of this report based on a comparison with the approved access.
- 5.9 The applicant has indicated they will provide a Unilateral Undertaking not to implement the original access should this access be approved.

Impact on Highway Safety and PROW's

- 5.10 The proposed access occupies the position of the emergency access which was to be provided on the reserved matters submission. This would have been necessary in addition to the main access from Church Street when more than 50 dwellings were proposed. As the scheme progressed and was amended it was reduced to only 50 dwellings. In these circumstances, the emergency access would not be necessary and could have been removed. The indicative layout on the outline scheme showed it only as a pedestrian access.
- 5.11 The Applicants have submitted a technical note which sets out this access would be in the form of a priority T-junction from main Street into the site. The junction would be approximately 75 meters to the east of the existing Main Street/Station Road/Church Street mini-roundabout junction. The proposed access will have an initial carriageway width of 5.5 metres and will also include 2.0-metre-wide footways formed on both sides of the access road. Due to site constraints, the carriageway will then be reduced in width after 20 metres from the junction with Main Street to a minimum width of 4.8 metres, after which the width of the access increases again to

5.5 metres. The two footways either side of the carriageway will be maintained at 2.0 metres. The Parish Council (PC) consider this could be a potential pinch point for 2-way traffic into and out of the estate on a blind bend. However, this would meet the requirements of the NYCC Residential design Guide which does allow a reduction in width provided the first 20metres width is maintained. The Highway Authority raise no concerns in this respect.

- 5.12 In terms of visibility a speed survey was undertaken in July 2020 to determine the prevailing speeds of vehicles along Main Street in the vicinity of the proposed site access. The results showed vehicle speeds of westbound 30mph and eastbound 26mph. In accordance with the Manual for Streets (MfS) guidance, visibility splays at the proposed access with Main Street should be 2.4 metres x 43.0 metres to the right for an 85th percentile wet weather speed of 30 mph, and 2.4 metres x 35.4 metres to the left for an 85th percentile speed of 26 mph.
- 5.13 The PC raise concerns that the traffic survey took place in the school holidays during a govt lockdown and should be re-done during September when the children are back in school and nursery; also, when local gatherings are potentially taking place as venues such as the Village Hall, the Chapel, Jigsaw Nursery, the primary school or the White Horse Public House.
- 5.14 The Applicants point out that, there is guidance by Highways England relating to measuring vehicle speeds, in the Design Manual for Roads and Bridges document “CA185 – Vehicle Speed Measurement”. Whilst this document is relating to the requirement for measurement of vehicle speeds on trunk roads and therefore have some points that would not be applicable in this situation, it is a useful document to follow. Fundamentally, the speed measurements should be taken of vehicles in free flow conditions. These being conditions where a driver can actually drive at a speed of their own choice and is not impeded by the proximity of other vehicles in front or obstructions in the road layout. It goes on to state at paragraph 2.8.2 that “Speed measurements should be undertaken outside of peak traffic flow periods” and these are defined as “Non-peak periods are typically between 10am and noon and 2pm and 4pm. In some cases, these times need to be varied to take account of site-specific circumstance e.g., if a school is nearby that closes at 3pm”. The rationale behind this is to avoid conditions that could impact upon the free flow of vehicles along the road, i.e., slow them down, such as vehicles reducing their speeds in busy conditions, or vehicle slowing down to look for a parking space near a school etc. As a result, it is considered that carrying out the speed surveys, outside of the peak hours, and not within school drop off or pick-up times provides a robust picture of the speeds and if these were to be repeated at these times it is likely that they would be lower.
- 5.15 The Highway Authority are satisfied with the visibility and do not require another speed survey. In terms of visibility the proposed access is therefore considered acceptable.
- 5.16 The PC raise concerns regarding the proximity to other accesses and mention many examples. Moreover, the comparative junction referred to in the application does not have the same level of local amenities within a short stretch of road. In addition, they point out that the village hall car park creates a physical barrier in terms of visibility splay when turning right into Main Street.
- 5.17 The Applicant acknowledged that the stagger distance is less than the stagger for a major access road configuration, both the side roads are minor access roads, and

given the relatively few dwellings served by Laurels Farm Drive, 25 units, and the proposed access, 50 units, it is considered that this reduced stagger distance is satisfactory as the 15 metre stagger distance suggested by NYCC is for potentially much larger developments in the order of 400 dwellings on each of the side roads. Reference is made to the proposal not being untypical in village settings and examples of others such Fieldside Court and Brockley Close in Church Fenton as well as others in other villages.

- 5.18 Highways do not dispute the Applicants report but point out that Main Street is a local Distributor Road and as such the stagger distances do need to be taken into consideration. They acknowledge the situation is not ideal but consider that a recommendation for refusal based around the stagger length would be unlikely to be substantiated at an Appeal. The Highway Authority therefore support the proposed access subject to conditions.
- 5.19 The PC raise concerns that the public footpath running alongside the proposed access has a separate title deed that the planning Applicants do not own. This they say would drastically reduce the proposed width available for an access road. They also suggest the Applicants do not fully own the access land.
- 5.20 The Agent confirms that the applicant has absolute title over the land with the boundary being the western wall face of the village hall. A copy of the land registry was provided and a letter from the Applicant's solicitor, confirming they have absolute title over the land. The red line of the application site does not incorporate any additional land over and above what was included at the outline and reserved matter stages. Even if land ownership was not proven, it is not necessary to own the land to apply for permission.
- 5.21 Comments received from the PROW Officer give the procedure for a Path diversion order which would be required. If affected temporarily during the construction works a temporary closure order is needed. Details given of where to apply are given. No objections raised. Given that the emergency access in this position on the previous layout plan incorporated the PROW along the line of the footpath and raised no objections from the PROW Officer, it is considered that this access would not alter that position. The footpath route is maintained but along the footpaths to the side of the access road and would link into the existing footpaths leading on towards the church and to the old vicarage.
- 5.22 The previously approved access onto Church Lane would also have been a safe access. Both are acceptable from a Highway Viewpoint.
- 5.23 Overall the proposed access is of a satisfactory standard subject to conditions and would not lead to a reduction in road safety requirements. Given the above it is considered that the proposed development of 50 residential dwellings can be satisfactorily accessed via a newly constructed priority T-junction from Main Street in place of the consented access. In this respect the development would comply with Policy ENV1, T1 and T2 of the Local Plan and with the NPPF

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

- 5.24 Relevant policies within the NPPF which relate to development affecting the setting of heritage assets include paragraphs 189 to 198.

- 5.25 Paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. This wording reflects the statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 5.26 Whilst considering proposals for development which affects a Listed Building or its setting, the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.27 The site is located adjacent to a Grade I Listed Building (St Mary’s Church). In addition, there are Grade II Listed Buildings adjoining the site, the Croft to the west and the Vicarage to the north. The application site forms part of the setting of the listed buildings and contributes to their significance. The impact of the proposal on the setting of the Listed Buildings is therefore a fundamental issue and is intrinsically linked to the impact on the character and form of the surrounding area.
- 5.29 In terms of the impact on the setting of the Grade 1 Listed Church of St Mary’s, the revised access would be an improvement. The original approved access swept around the church through open fields to the south and would intrinsically change the quiet rural open character with the provision of an urban access road of some considerable length. This proposal would enable the areas to the west and south of the church to remain undeveloped and little changed. The refused scheme contained an emergency access road in the position of this proposal. Although wider than the emergency road, visually there would not be a significant difference with a hard-surfaced estate character road in this position.
- 5.30 In terms of the impacts on the Heritage Assets, the Conservation Officer considered the original access to be harmful to the setting of the grade I listed church and the Grade II Croft and Vicarage to its north. The Conservation Officer considers the principle of securing an alternative access to the possible housing development would be highly beneficial in terms of the impact on the heritage assets (and to the scheme generally).
- 5.31 The location of the access in this position essentially contains the development within the northern part of the outline application site. Officers concur with the Conservation Officer that if it were possible to create a satisfactorily-designed and safe access here, even if slightly comprised, there would still be the significant benefit of having been able to omit the previous access from Church Street and the impact on the Heritage Assets, particularly to the Grade I Church overall would be reduced.
- 5.32 There would be some increased harm to the character of the street scene as the green space between the village hall would be lost and replaced with an urban estate road. It would be tight up against the village hall and would change the character of the green and pleasant pedestrian route into the development. However, when weighed against the harm from the previous access to the character of the area and the rural setting of the village there would again be considerable benefit.

- 5.33 The access will result in some minor changes to the housing layout and the applicant's agent has submitted these to the Inspector for consideration. The details of these are not a matter for consideration here moreover, it is not known at this stage whether the Inspector will accept these as part of the appeal process.
- 5.34 When weighed against the public benefits of the reduced harm to the substantially larger open setting around the Grade I church, any minor disbenefits to the character of the street scene are justified. Other than this there would be no additional harm to the setting of the Listed Buildings beyond that which would be associated with the outline application and which was assessed on the reserved matters application. Overall, it is considered that the access would have significantly less harmful impacts on the Heritage Asset and on the character and appearance of the areas than the approved access.
- 5.35 In this respect the development would comply with Policy ENV1 of the Local Plan, SP18 and SP19 of the Core Strategy and with the NPPF

Impact on Residential Amenity

- 5.36 The access road has the potential to have the greatest impact on any dwellings flanking its route due to increased noise and disturbance associated with the comings and goings of vehicles movements associated with 50 dwellings. The east side is flanked by the village hall beyond which other houses front the main street. These include Aldfeld House and Wyke Holme whose gardens back on to the outline application site. These don't directly flank the access and their gardens back onto the intended open space area. Given the position and distance and current ambient noise levels from traffic on main street, which is nearer their boundaries, it is not considered the vehicle movements would give rise to undue levels of noise and disturbance.
- 5.37 On the west side of the proposed new access two properties flank the site. These include The Gables and Hind House. These are set well back from the main road where the noise of vehicles stopping and manoeuvring in and out of the junction would be the greatest. Moreover, between the access site and the dwellings and their gardens there is the buffer of their long driveway which runs in parallel serving Hind House. The gardens to both dwellings have well established trees and hedges to the east boundaries. Given the position and distance, boundary treatments. It is not considered the vehicle movements would give rise to undue levels of noise and disturbance.
- 5.38 In addition to the above considerations, the reserved matters layout for the development would already result in a degree of vehicle movements around these dwellings. However, the proposed access would provide a point of concentration for vehicles moving in and out of the new development in a different position to the previously approved access. In terms of residential amenity, the main vehicle movements would be drawn away from the existing residential development surrounding the outline permission site towards the southern access. In this respect, the proposed access would generally increase the noise and disturbance associated with the development by concentrating vehicular movements in and out of the site nearer to existing dwellings.
- 5.39 Overall the proposed access would not improve the residential amenity for the occupants of nearby dwellings when compared with the previously approved access

position. However, given the juxtaposition of the nearest dwellings as described above and the fact that Main Street is already a busy road with other similar junctions leading from it, the degree of additional noise and disturbance from the use of this access is not considered to result in sufficient harm to substantiate a refusal.

Flood Risk and drainage

- 5.40 Since the approval of outline consent when the site was in Flood Zone 1, remodelling of the floodplain has been conducted on behalf of the Environment Agency. The modelling exercise increases the extent of Flood Zone 2, this now encompasses the entire outline application site including this current planning application site. Flood Zone 2 has an Annual Exceedance Probability (AEP) of flooding between 1.0% and 0.1% and denotes an undefended floodplain.
- 5.41 The proposed access is located within Flood Zone 2 which means that the proposed access is at a medium risk of flooding. Core Strategy Policy SP15, 'Sustainable Development and Climate Change' commits Selby District Council to:
- Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere
 - Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding, and biodiversity and amenity improvements.
- 5.42 Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix outlines the flood risk vulnerability classification of land. The proposed access classification is 'Essential infrastructure' defined as 'Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk'. The access would serve the wider 'More vulnerable' consented residential development which would be occupied by residential dwellings (Classified within Table 2 as; Buildings used for dwelling houses). Development of both Essential Infrastructure and More Vulnerable uses within Flood Zone 2 is an acceptable principle in accordance with the NPPF and demonstrable by the existing outline consent.
- 5.43 The proposed development site and its surroundings are all located within Flood Zone 2, and there are no other possible locations for the access which are situated outside of the flood zone. In addition, it will tie into existing ground levels and therefore will not impact flood plain storage or lead to an increase in flood risk elsewhere.
- 5.44 There is no sequential benefit to the position of the approved or proposed highway access points on to Church Street and Main Street respectively. Both access locations are within Flood Zone 2 and have a low ground level in the order of 7.8m AOD as denoted by the site topographic survey attached to this TN in Appendix B. Therefore, in Flood Risk terms there is no benefit or disbenefit from the revised access position.
- 5.45 Therefore, it is considered that the proposed access is in accordance with Policy SP15 of Selby District Core Strategy.

Affordable Housing

- 5.46 The outline scheme and associated Section 106 agreement secured 40% on site provision of affordable housing, with a tenure split of 30-50% Intermediate and 50-70% Rented. Clauses within the S106 also require confirmation of the phasing plan for delivery and set the parameters for the allocation of units to occupiers.
- 5.47 On the reserved matters application the quantity of Affordable Housing provision was a matter for negotiation and the Council sought the advice of the District Valuer (DV). Due to several reasons, there were abnormal building costs on this site including the substantial length of access road relative the number of houses provided. The DV advised that the development could support the provision of only 5 units which amounted to 10% provision.
- 5.48 If the appeal is allowed based on this revised access, it is likely that its cost would be significantly less than the cost of the lengthy access running through open fields from Church Street. Whatever its potential cost, a fresh viability assessment would be needed to determine the level of affordable housing provision. If more affordable housing could be provided due to lower costs, then there would be greater public benefits associated with this revised access position.
- 5.49 This scheme for a revised access clearly has implications for the level of provision but are not a matter to resolve through this application. The affordable housing requirements are a requirement of the Section 106 Agreement on the outline permission and the amount of provision has yet to be agreed and will depend on what layout is approved.

Other matters raised

- 5.50 Objectors refer to the land not being within the Applicants ownership. The Applicants say that it is entirely within their ownership as such the correct notices have been served. As such the question of ownership is a civil matter outside the scope of this application.
- 5.51 Objectors request that a committee site visit is made. This is a matter for the Planning Committee to decide.

6 CONCLUSION

- 6.1 The Council has refused the reserved matters application for the reasons given in the planning history section of this report. These relate to the quality and design of the scheme and this position is not changed by an opinion on this application.
- 6.2 This proposed revised access if approved subject to a UU would reduce the harm to the setting of the Listed Buildings from the removal of the long access road which would sweep around the church, carve up agricultural fields and urbanise the setting of the Church. The creation a well-designed and safe access here, even if slightly comprised in highway safety, would still be the significant benefit of having been able to omit the previous access from Church Street and the harmful impact on the Heritage Assets, particularly to the Grade I Church and, on the character and form of the village setting overall would be reduced.

- 6.3 In terms of residential amenity the proposal would not improve the amenity over and above the previously approved access since there would be more vehicle movements closer to existing dwellings but on balance would not result in sufficient harm to warrant a refusal on the grounds of residential amenity.
- 6.4 The development is acceptable in terms of flood risk and highway safety.
- 6.5 In terms of affordable housing, this would need to be re-negotiated and the section 106 still requires up to 40% based on viability.
- 6.6 Overall it is considered that the benefits in terms of the reduction in harm to Heritage Assets and potentially the provision of additional affordable housing due to removing the southern access and replacement with this northern access justify supporting this scheme.

7 RECOMMENDATION

That members be **MINDED TO APPROVE** the application subject to receiving a satisfactory Unilateral Undertaking to secure the original access not being implemented and subject to the following conditions;

01-Time period to follow the outline permission 2015/0615/OUT and reserved matters

Reason

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

To be inserted

Reason

For the avoidance of doubt.

03- The development must not be brought into use until the access to the site at Land Adjacent the Village Hall, Main Street, Church Fenton has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 20 metres into the site must be constructed in accordance with Standard Detail number A1 and the following requirements;
- (i) Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- (ii) Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
- (iii) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

04. There must be no access or egress by any vehicles between the highway and the application site at Land Adjacent the Village Hall, Main Street, Church Fenton until splays are provided giving clear visibility of 43 metres measured along the north eastern vehicle track and 43 metres measured along the southwestern centre line of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained, clear of any obstruction, and retained for their intended purpose at all times.

Reason

In the interests of highway safety.

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

Reason

In the interest of satisfactory and sustainable drainage.

- 06 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

INFORMATIVES

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

PROW

Applicant should contact the County Councils Countryside Access services at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up to date information regarding the route of the way and to discuss 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 2020/0821/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer
fellwood@selby.gov.uk

Appendices: None

APPENDIX B OFFICERS UPDATE NOTE

Report Reference Number 2020/0821/FUL

Agenda Item No: 5.2

Pages: 37-62

APPLICATION NUMBER:	2020/0821/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE:	10 August 2020
		EXPIRY DATE:	5 October 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	Minded to APPROVE		

Report Reference Number 2020/1168/FUL

Agenda Item No: 5.3

Pages:63-88

APPLICATION NUMBER:	2020/1168/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE:	4 November 2020
		EXPIRY DATE:	30 December 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	APPROVE subject to a UU and Conditions		

Update for both reports

1. Errors/corrections in the report

- Para 1.3 should refer to 2020/0821/FUL not 9821
- Some para numbers out of sync – apologies for any confusion here.

2. Construction management condition to be added as follows;

No development shall take place [, including any works of demolition], until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: [delete or add items as necessary]

- I. the parking of vehicles of site operatives and visitors;
- II. Hours of construction working
- III. loading and unloading of plant and materials;
- IV. storage of plant and materials used in constructing the development;
- V. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- VI. wheel washing facilities;
- VII. measures to control the emission of dust and dirt during construction;
- VIII. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- IX. delivery, demolition and construction working hours>.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

3. Further comments received since writing the report.

Since writing the report a further 21 Letters of representation including from the Village Hall Management Committee and a representative of the Local Ramblers association. Many of the points raised in the letters repeat those that are already reported and covered in the committee report. Other points not covered in the report include:

- Concerns over the Impact on the structural integrity of the village hall
- Queries whether the applicants have made correct statements about the footpath diversions and advising the LPA to consult NYCC regarding the matter.
- Previous objectors to the Outline application not re-consulted
- Church Fenton Primary School and the Nursery have not been consulted
- Mention made of proposal to provide a car park behind the village hall. This small number will have little impact on vehicle congestion/parking when the Hall is being used for a large event. Furthermore, it will significantly increase the traffic problems and the potential for injury during school drop off and collection and school events, with parents turning into the road junction in the hope of finding a parking space only to have to turn round again or back out when one is not available.
- Vehicles parked at the Village Hall car park at the front of the Hall would create a physical barrier in terms of visibility splay when turning right into Main Street.
- The land is close to a pond in church street that is known for crested newts – no newt assessment has taken place as part of this report.
- Other comments going back to the principle of the development

- No up to date flood risk assessment provided.
- Lack of site notice for 2020/1168/FUL

4. Site Notice for 2020/1168/FUL- The site notices for the second application have not been erected so the recommendation needs to be amended to:

That authority to APPROVE the application be delegated to officers (subject to the expiry of a site notice and subject to no new issues being raised which would warrant reconsideration by planning committee) AND subject to the receiving a satisfactory Unilateral Undertaking to secure the original access not being implemented and subject to the following conditions.

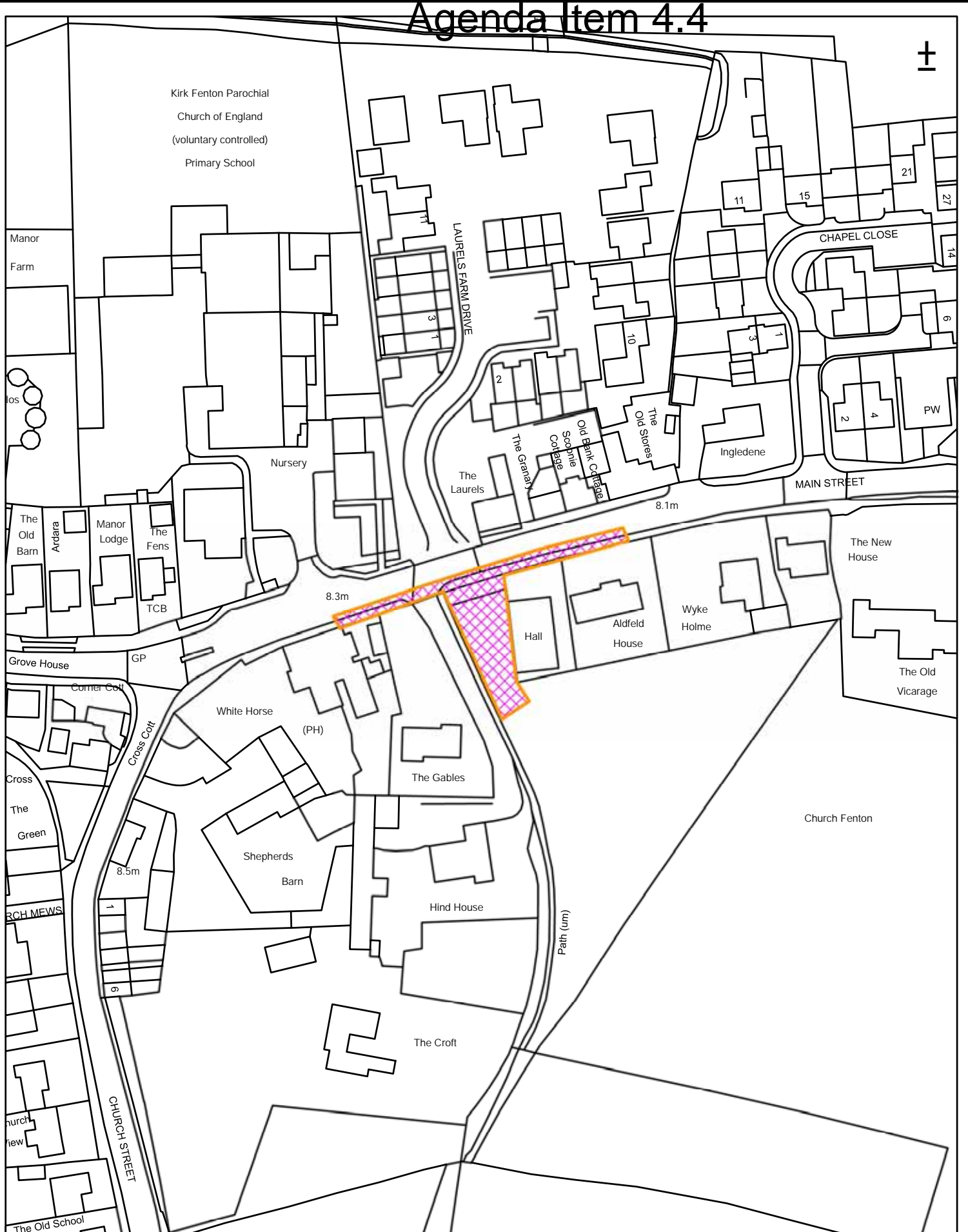
Verbal Officer Update

Further points raised since the update:

- Not sustainable development and contrary to ENV1
- Harm to Heritage Assets
- Should not be considered before the planning appeal.

Suggestion a further condition to include a repeat of condition 24 of 2015/0615/OUT in relation to Ecological Mitigation measures

Agenda Item 4.4



APPLICATION SITE

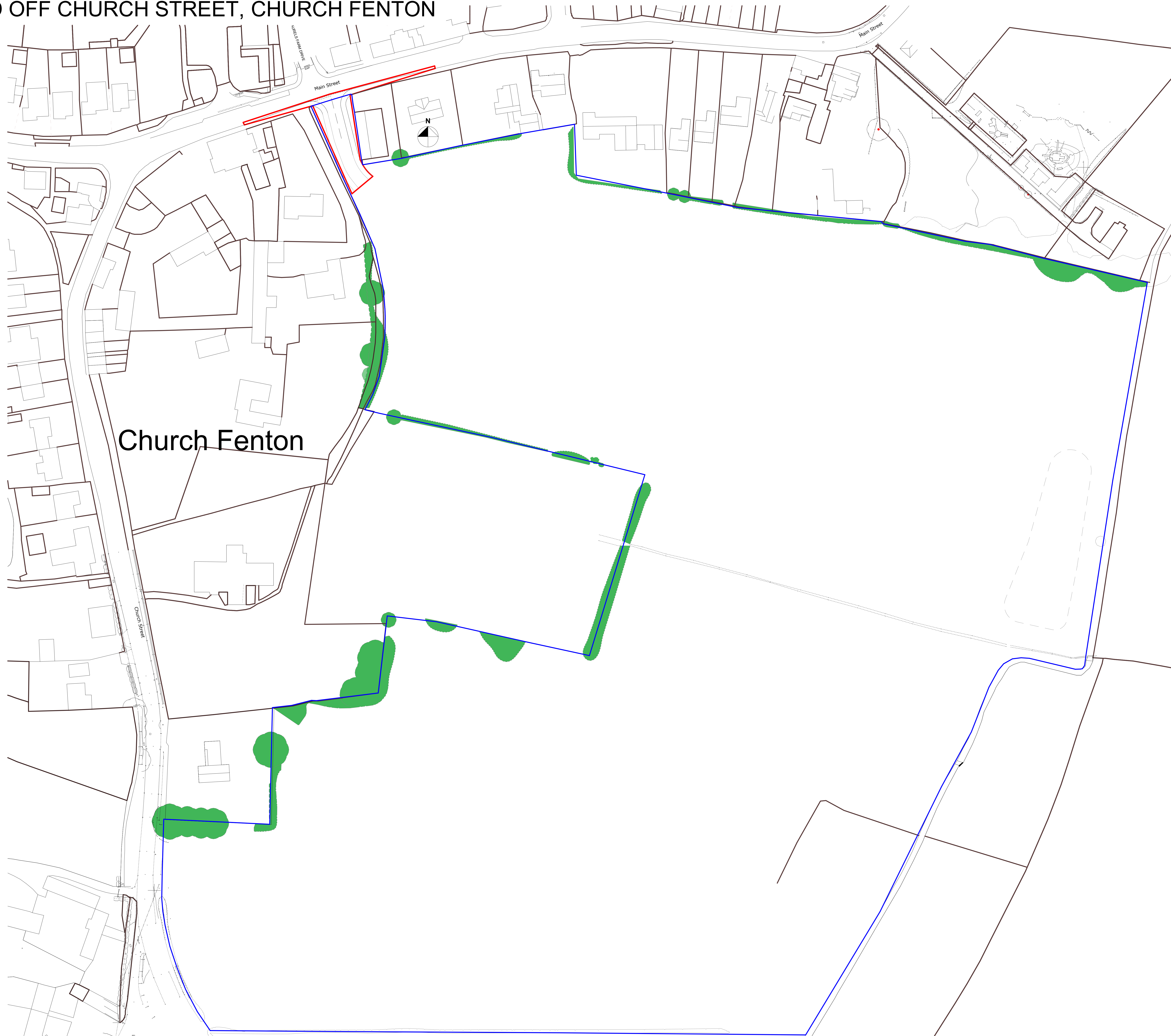
Main Street, Church Fenton
2020/1168/FUL

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Scale : 1/500 @ A0 | Drawn by : SW | Date : 08 July 2020

Project : LAND OFF CHURCH STREET, CHURCH FENTON

Drawing : ALTERNATIVE ROAD ENTRANCE PLANNING LAYOUT

Drawing Number : 18-CF-BH-01 | Revision : L

Planning Ref : N.A.

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Report Reference Number: 2020/1168/FUL

To: Planning Committee
Date: 23 December 2020
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1168/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	4 November 2020 30 December 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	GRANT subject to a UU and Conditions		

1.0 Introduction

- 1.1 The above application was reported to the Planning Committee Meeting of 9 December 2020 with a recommendation to 'Approve' subject to a unilateral undertaking and subject to conditions. A copy of the officer's report is attached as Appendix A. A copy of the Officers update is attached at Appendix B
- 1.2 At the Committee meeting Members were minded to refuse the application and resolved to defer the application to allow Officers to consider the indicative reasons suggested at the meeting and to bring back to Committee detailed reasons for

refusal. The indicative reasons for refusal were based on the adverse impact of the new access on highway safety and on the character and appearance of the area. Therefore, the following reasons for refusal below are suggested for Member's consideration:

2.0 Suggested reasons for Refusal

01. The proposed development would not provide a safe and suitable access and would unacceptably reduce highway safety conditions in the vicinity of Main Street, Church Fenton due to the volume of traffic it could generate, the conflict with other users and the relative position of other accesses and junctions. The development would therefore conflict with the aims of Policies ENV1, T1, T2 and T8 of the Local Plan, Policy SP1 and SP19 of the Core Strategy and with the NPPF
02. The proposed access would have a materially harmful impact on the character and appearance of the locality due to the loss of a green and undeveloped gap in the frontage which provides a pleasant open link to the rural land and public footpaths to the south of main street and due to the scale and volume of the traffic which would be associated with its use. It would conflict with the aims of policies ENV1 of the Local Plan, SP1 and SP19 of the Core Strategy and with the NPPF.

3.0 Recommendation

That Members resolve to determine the application.

APPENDIX A (REPORT FROM 9 DECEMBER 2020)

Report Reference Number: 2020/1168/FUL

To: Planning Committee
Date: 9 December 2020
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1168/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	4 November 2020 30 December 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	GRANT subject to a UU and Conditions.		

This application has been brought before Planning Committee as the development would function to serve a reserved matters scheme (2017/0736/REMM) for residential development relating to under outline planning permission reference 2015/0615/OUT. The reserved matters was refused by the Planning Committee on 4 March 2020 and is now the subject of a planning appeal.

An Appeal has also been lodged against non-determination of an identical application under reference 2020/0821/FUL and the two appeals have been linked for concurrent determination by the Planning Inspectorate via a Public Inquiry. This precedes this item on the agenda today and seeks Members views on how they would be minded to determine it.

This application is for determination by Members today.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The red line application site relates to a small strip of land between the village hall and the dwelling known as the Gables on main street.

- 1.2 The reserved matters application red line site relates to a series of agricultural fields south of Main Street and East of Church Street, Church Fenton. The site sweeps round from Church Street around the rear of St Marys Church up to the rear of the parish hall on Main Street and along the rear of the properties along Main Street. The site then follows the dyke south from the Pumping Station and then steps in before sweeping back on Church Street. The fields are laid to crops.
- 1.3 Access was agreed at the outline planning stage and provided for a long sweeping access from Church Street south of St Mary's Church. The proposal is meant to be an alternative access to serve the residential development area as submitted under the reserved matters application.

The Proposal

- 1.5 This is a full planning application for the construction of a new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF. The applicant has indicated they will provide a Unilateral Undertaking not to implement the original access should this access be approved.

Relevant Planning History

- 1.6 The following historical applications are relevant to the determination of this application.
- 1.7 2015/0615/OUT- Permitted 03/12/2015

Outline application to include access for a residential development on land to the south of Main Street, Church Fenton was granted subject to 30 conditions and a Section 106 agreement to secure the following:

- Affordable Housing - 40% (unless an alternative figure is justified in accordance with the Affordable Housing SPD and agreed by the Council). Tenure split- 30-50% Intermediate housing and 50-70% Rented Housing/ Allocation of the units and delivery.
- Waste and recycling contribution - Amount and Phasing of payment
- Education contribution - towards Kirk Fenton Primary School, and
- Open Space – Extent/Layout/Delivery/Maintenance and Management

The application was approved at a time when the Council did not have a five-year land supply.

- 1.8 A Deed of Variation to the S106 was completed on 19 September 2016 which amended the wording to the definition of the term 'Application' to exclude reference to the number of dwellings.
- 1.9 2016/0463/MAN - Permitted 15/04/2016
Non-material Amendment to approval 2015/0615/OUT which amended the conditions referencing plans. The change resulted in reference to the location plan

only which is a red edge plan around the application and to remove the inclusion of the indicative layout plan which should not have been included in the list of plans.

1.20 2017/0736/REMM- Refused 05/03/2020

Reserved matters application relating to appearance, layout and scale for the erection of 50 dwellings of outline approval 2015/0615/OUT for residential development including means of access.

The application was refused by the Planning Committee for the following reasons:

1. The design details of this reserved matters submission would, due to the lack of integration with the quality and characteristics of its surroundings, the use repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging fail to have regard to the local character, identity, the context of the village and the historic surroundings, and would also fail to contribute to enhancing community cohesion through high quality design. The details would therefore conflict with the aims of Policies ENV1 of the Local Plan and with Policy SP19 of the Core Strategy and with the NPPF.

2. The design details of this reserved matters submission would due to the lack of integration with the quality and characteristics of its surroundings, the use of repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging, would be harmful to the setting of the Church of St Mary, other nearby listed buildings and would diminish the established historic links between them. The details submitted would therefore fail to have the "Special regard" required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would conflict with the aims of Policies SP18 and SP19 of the CS and with the NPPF.

1.3 2020/9821/FUL- -This application is also on the agenda today

2. CONSULTATION AND PUBLICITY

2.1 Church Fenton Parish Council: First response

1. The outline permission for the application in question 2015/0615/OUT has expired as 2x Reserved Matters have been applied for and refused within 3 years. (*officer note- there has only been one reserved matters application*)
2. Highways Dept need to note that the proposed road layout reduces to 4.8m wide at the corner of the village hall. This could be a potential pinch point for 2-way traffic into and out of the estate on a blind bend. The Title Deeds of the village hall on that side do follow the line of the wall and then provide around 2m access behind the village hall. The narrowest part of this access road will be where there is a building next to it - this could potentially cause problems.
3. The technical note from Bryan G Hall makes reference to the stagger distances for the junctions and actually references one in Church Fenton (Fieldside Court and Brockley Close - 11.3m). However, they do not mention, that within a few meters either side, that they have private accesses from either a dwelling or the

village hall, wanting to join the road at more or less the same juncture. Laurel Farm Drive (serving 28 dwellings) is 5.2m away and the recommended distance for a staggered junction is 3 times more. When stood on Main Street looking at these 2 junctures, it does look like this will effectively become a crossroads on an extremely busy stretch of road.

4. The proximity to the Public House, the Community Village Hall, Primary School, Methodist Chapel & Hall and Nursery have not been considered along with an island bollard and at least 10 private access roads within a few meters of a potential new road for 50 properties (at least 100 cars), directly opposite a housing development of 25 homes. All of this is within a 40m stretch of road. Staggered junctions - the recommended distance is 15m - the new access will be 5.3m from Laurel Farm Drive (serving 28 properties) with the new access serving 50 homes, this will be almost 80 properties accessing the local distribution road (Main Street). Notwithstanding and most importantly, the comparative junction referred to in the application does not have the same level of local amenities. E.g., Pub, School, Nursery, Community Amenity, 28 homes (Laurel Hall Drive) and 18 homes (Chapel Close) as well as 12 private driveways ALL WITHIN a 40 m stretch of road. Village Hall carpark - as the car park for the village hall is directly in front of the building, this creates a physical barrier in terms of visibility splay when turning right into Main Street.
5. In the application, a Traffic survey had taken place in the school holidays during a govt lockdown. This should be re-done during September when the children are back in school and nursery; also, when local gatherings are potentially taking place as venues such as the Village Hall, the Chapel, Jigsaw Nursery, the primary school or the White Horse Public House.
6. On the planning application from they have incorrectly filled in question 22. The site is clearly visible from the public highway.
7. AAH planning consultants advise the Neighbourhood plan should not be given any weight in consideration; due to how incomplete it is. This is not the case, it was at submission stage in early March and due to Covid19, SDC are not receiving plans at this point.
8. How can the introduction of the road allow the reserved matters to relate better to the character of the area and negate the need for development to wrap round the Grade I Listed Church. There are still Grade I listed buildings on Main Street. *(Officer note- there are Grade II LB's on Main Street but the church is the only Grade I LB in the vicinity)*
9. Sink Hole - during works to complete the development on Laurel Farm Drive (opposite the proposed access road), in August 2017; Main Street was closed for a number of weeks due to a sink hole that was created with the highway works to create a new access road for the new development. This demonstrates that the area is predisposed to sinking sand and sink holes which will clearly inhibit the costs and progression of any roadworks in this area.
10. The RM application was refused because the design was not suitable due to the standardised design of the homes and no individuality, which does not fit within the village, particularly in that area. Also if the road does not pass the Church; a development of this size would still affect the nearby listed buildings particularly the Old Vicarage which would clearly back onto this; assuming that the loss of

the public footpath from the Church to the Old Vicarage has been dealt with previously. CFPC suggest that the following material considerations are affected: Overbearing nature of the proposal, Design and appearance, Layout and density of buildings, Effect on listed buildings, Access or highways safety, Flood risk.

2.2 Church Fenton Parish Council: Second response received

1. The outline PP requires an appropriate highway to an adoptable standard. Therefore, the adoptable standard of a road width of 5.5m is not achievable.
2. Concerned about the structural stability and subsidence regarding any highways work so close to the village hall. Plan suggests it will be <2m from the building.
3. Concerned with proximity of drainage and inspection chamber running along the boundary of the village hall site, (within 1m of the suggested road) and a gas pipe which runs along the external wall of the village hall (about 75cm high). Currently, this creates no problem as it is adjacent to a disused piece of land. However, this could create a potential problem should new works take place within 2m of this gas pipe.
4. This main drain sewer runs across the front of the village hall and diagonally across this proposed access towards Church Street. Needs consideration for any potential access to cross the land.
5. The boundary to the west of the village hall is 0.9144m from the hall wall. An inspection chamber and drainage for the toilets and kitchen amenities along the length of the hall wall within this 1yd parameter. This would reduce the potential road access width to 3.8m at the narrowest point (at the back westerly corner of the hall building) and 4.5m back towards the local distribution road (Main Street). With a recommended road width minimum of 5.5m, this would make the new road 1.7m below the recommended.
6. The Parish Council have on file a copy of a ST1 (Statement of Truth for Adverse Possessory Title) dated 4/7/12 and signed by the planning applicant (G Bradley). The PC are aware that land ownership is not required for a planning application. However, the PC have historical title deeds dating to 1922 which indicate the applicants will not achieve Absolute Title on this piece of land where the proposed access road will run. Impact on Planning app: the applicants will potentially not achieve absolute title to this land prior to the deadline of July 2024 and therefore the rightful owners may not give consent to the proposed access road.
7. Request Highways Case Officer visit at a time where this section of Main Street is busiest e.g., 8.50am on a Monday or Friday morning now school is back in. Allowing the Highways Officer to see the parking at school and nursery drop-off and pick-up times would clearly demonstrate how busy this stretch of road is.
8. Public Rights of Way - Footpath no4 runs alongside the proposed access and has a separate title deed that the planning applicants do not own. This will be drastically reduce the proposed width available for an access road.
9. The 2017 REM application which has been refused has a site plan which delineates an emergency access road of 3.2m width. The applicants are now

suggesting that this can be converted to the only double width road access to the proposed new development of 5.5m road width and 2x footpaths of 2m width each. This width can only be achieved by using Parish Council land and footpath land (neither of which are owned by the planning applicants).

2.3 NYCC Highways

The applicant provided a highway note to address issues associated around the proposed access and its location. A speed survey was carried out on the 15 July 2020 which recorded speeds of 30 mph to the right and 26 mph to the left. Given the current restrictions in place on the UK NYCC would normally want to have seen speeds surveys carried out when all children had returned to school. However, it is noted that the speeds recorded to the right do comply with the 30mph speed limit, and whilst the speeds to the left were recorded as slightly lower, which could be accurate given the mini roundabouts location to the site. NYCC would not require another speed survey being undertaken given that Manual for Streets would allow for the visibility splay to the left to be measured to the centre line, given the proximity of the proposed access to the mini roundabout and the zigzag markings adjacent. Therefore, achieving the 43 metres required for a 30mph speed limit if measured to the centre line.

No alternative emergency access is acceptable since the development is not to exceed 50 dwellings. If more dwellings are proposed at a later date, then an emergency access will have to be provided.

The staggered junction distance is below the 15metres required for a Major Access Road but has advised the access road to the site is in fact a Minor Access Road. Whilst this is not disputed, the road in question (Main Street) is in fact a Local Distributor Road and as such the stagger distances do need to be taken into consideration. The applicant has however provided 2 case studies for similar situations, one in Church Fenton, both of which have not resulted in accidents associated with the stagger lengths. Therefore, whilst this situation is not ideal, it is acknowledged that a recommendation of refusal based around the stagger length is unlikely to be substantiated at an appeal. Therefore, no Local Highway Authority objections are raised to the proposed access subject to recommended conditions relating to;

- New and altered private access or verge crossing requirements
- New and altered private access or verge crossing requirements (licence requirements for works in the public highway)
- Visibility splays

2.4 Yorkshire Water Services Ltd.

Comments made and conditions recommended:

- 1) On the Statutory Sewer Map, there is a 225 mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
 - i) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.
 - ii) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).

iii) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2) The developer is proposing to discharge surface water to SUDS however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

3) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

2.5 **Selby Area Internal Drainage Board**

Makes comments/recommendations:

If Surface water via a soakaway system- advise that the ground may not be suitable and percolation tests are essential.

If surface water via mains - no objection, 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 and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

2.6 **Environmental Health**

No objections.

2.7 **The Environment Agency**

No comments received.

2.8 **Village Hall Committee**

No comments received.

2.9 **Conservation Officer**

The original access was an unusually long, sweeping road leading from Church Street that was considered to be harmful to the setting of the grade I listed church and the Grade II Croft and Vicarage to its north. The principle of securing an alternative access to the possible housing development would be highly beneficial in terms of the impact on the heritage assets (and to the scheme generally). The

new access, off Main Street, is a gap site between the village hall and the frontage to the adjoining property. This was previously proposed as the location of a pedestrian access. It comprises part field and part PROW. The location of the access here essentially contains it within the development and so there is a better relationship. There doesn't seem to be any direct impact on designated heritage assets, over and above the impact of the development generally (though there are NDHA's located on the street nearby).

Concerned that the space for the access appears incredibly tight and whether a good quality access into the site could be achieved. It would be tight up against the village hall and would highly change the character of the PROW (and harm what would have been a pleasant pedestrian route into the development).

Conclude, if it were possible to create a well-designed and safe access here, even if slightly comprised, there would still be the significant benefit of having been able to omit the previous access from Church Street. Consideration of the implications of the alternative access for the layout of the housing development would need to be made (particularly taking into account the southern edge of the site and how it affects the setting of the listed buildings).

2.10 Urban Designer

No comments received.

2.11 Public Rights of Way Officer

Comments that a PROW is within the application site. If affected permanently a Path order/diversion order is required. If affected temporarily during the works a temporary closure order is needed. Details given of where to apply are given. No objections raised.

2.12 Contaminated Land Consultant

No land contamination concerns.

2.24 Neighbour Summary

The application was advertised by site notice and neighbour notification resulting in responses from 42 individuals. Comments are summarised below:

- The application would create an access to a development which the council have refused and it should therefore be refused
- Site visit needed before committee makes a decision
- Stagger distances don't mention the individual accesses either side
- This would make a crossroads with Laurel farm Drive
- Safety issues due to proximity to school and nursery not considered
- Barrier to village hall car park visibility
- Traffic survey was in the summer holidays, when usage of the road was low and not representative and should be when the children are back
- Pedestrian safety reduced
- Noise and nuisance to surrounding properties
- Proximity to bus stop and roundabout

- Visibility will be reduced due to parked cars
- Neighbourhood plan not given sufficient weight
- Construction where there is known running sand and gypsum
- Urbanisation of the historic core of the village
- Advise Conservation Officer and Heritage Consultants are consulted
- Main street is busy, narrow and vehicles exceed the speed limit
- There is already a petition to make the speed limit 20mph
- Planning application made during the month the PC don't meet therefore disadvantaging the residents
- School and nursery were not consulted
- Goes against the principles of promoting children walking to school
- Potentially 100 cars using the new access
- Increased car pollution
- This will also be a works entrance with HGV's making it worse
- Some properties not consulted
- Emergency vehicles/ refuse/large vehicles would potentially have to reverse onto the main road due to the pinch point
- There have been near misses for accidents
- Public footpath not taken into account
- Query whether there is sufficient width
- Not in keeping with the character and style of the village
- Submitting the design of a new access during the appeal process should not be allowed
- A refusal on nearby Hillagarth pointed to the problems with the nature of the road and 3 dwellings on that site were not acceptable.
- The land doesn't belong to the applicants
- Development south of Main Street is at odds with the linear nature of the village
- Adverse impact on the church
- Ornamental ponds on the site and associated birds could cause bird strike
- Village infrastructure, sewer, leisure, school can't cope
- Sewage is at a capacity
- Insufficient leisure area
- Loss of the copse over Carr Dyke and hedgerows and loss of associated wildlife
- Loss of PROW
- Gas Pipe and sewer pipe under the access

3 SITE CONSTRAINTS

- 3.1 The majority of the red line of the application site lies within the development limits of Church Fenton which runs tight along the back of the village hall. The southern tip of the red line site is just outside the development limits.
- 3.2 Nearby Listed Buildings include the 'Old Vicarage' to the east of the village hall and 'The Croft' to the south west. St Mary's Church is located south west of this access site and is a Grade I Listed Building.
- 3.3 A Public Right of Way (PROW) runs through the site linking Main Street to the open land to the south. It links in with a Prow leading to the old vicarage and to a Prow

running south past the Croft and linking into the Prow leading to the church from the east.

- 3.4 The land is within Flood Zone 2.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 **The relevant Core Strategy Policies are:**

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP9 - Affordable Housing
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
- ENV3 - Light Pollution
- H2 - Location of New Housing Development
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- T8 - Public Rights of Way

Church Fenton Neighbourhood Development Plan

- 4.8 At the time of writing this report the Church Fenton Neighbourhood Plan (NP) has been subject to the pre-submission consultation stage (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012) and in preparation for this the Council has undertaken a screening report to determine whether or not the contents of the draft Church Fenton Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA). In line with the SEA requirements the Council has undertaken a six-week consultation from 20 December 2018 to 31 January 2019 with the relevant consultation bodies (Environment Agency, Historic England and Natural England).
- 4.9 In October 2020 the Parish Council submitted their NP to Selby District Council under Regulation 15. At the time of writing this report the Council await some additional information before proceeding with Regulation 16 Consultation.
- 4.10 Although, the Plan has been subject to pre-submission consultation (Reg 14) and is proceeding to the next stage, it is considered that limited weight can be given to the Neighbourhood Plan at this stage as it is still subject to consultation, examination and referendum and therefore may still be subject to significant change.

5 APPRAISAL

5.1 The main issues when assessing this application are:

- The Principle of the Amended Access
- Impact on Highway Safety and PROW's
- Impact on the Character and Appearance of the Area and on Heritage Assets
- Impact on Residential Amenity
- Flood Risk
- Affordable Housing
- Other matters raised

The Principle of the Amended Access

5.2 Policy SP1 of the Core Strategy sets out the presumption in favour of sustainable development. Applications which accord with the development plan should be approved unless material considerations indicated otherwise. Policy SP2 sets out the spatial development strategy for the district. Under SP2 Church Fenton is a Designated Service Village which has some scope for additional residential and small-scale employment growth to support rural sustainability. Policy SP4 allows,

within development limits, conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land and conversions/redevelopment of farmsteads).

- 5.3 The site is an undeveloped greenfield strip of land mostly within the development limits. As such there is nothing within the development plan which would identify this type of development as being unsustainable or preclude in principle development of this type in this location
- 5.4 The current planning history position is also a material consideration.
- 5.5 This application seeks full permission for an alternative means of access to replace the long access south of the Church approved under 2015/0615/OUT. A full application was necessary since the time for submitting a revised reserved matters layout has expired.
- 5.6 The principle of development and the means of access were established under the outline planning permission (reference 2015/0615/OUT). Reserved Matters were submitted within the required timescale but were refused by this Council on 5th March 2020. An appeal has been lodged and therefore a final decision on the reserved matters has yet to be made and due to this the planning permission for the site is in effect still 'live'.
- 5.7 This application gives the opportunity for an alternative means of access to the long access from the south which wraps around the east side of properties and the Church of St Marys on Church Street. As such it is necessary to make a comparison between the approved access and the access now proposed and to determine whether there would be less or more material harm to acknowledged interests if this application were supported.
- 5.8 The impacts of the proposal are considered in the following sections of this report based on a comparison with the approved access.
- 5.9 The applicant has indicated they will provide a Unilateral Undertaking not to implement the original access should this access be approved.

Impact on Highway Safety and PROW's

- 5.10 The proposed access occupies the position of the emergency access which was to be provided on the reserved matters submission. This would have been necessary in addition to the main access from Church Street when more than 50 dwellings were proposed. As the scheme progressed and was amended it was reduced to only 50 dwellings. In these circumstances, the emergency access would not be necessary and could have been removed. The indicative layout on the outline scheme showed it only as a pedestrian access.
- 5.11 The Applicants have submitted a technical note which sets out this access would be in the form of a priority T-junction from main Street into the site. The junction would be approximately 75 meters to the east of the existing Main Street/Station Road/Church Street mini-roundabout junction. The proposed access will have an initial carriageway width of 5.5 metres and will also include 2.0 metre wide footways formed on both sides of the access road. Due to site constraints, the carriageway will then be reduced in width after 20 metres from the junction with Main Street to a minimum width of 4.8 metres, after which the width of the access increases again to

5.5 metres. The two footways either side of the carriageway will be maintained at 2.0 metres. The Parish Council (PC) consider that this could be a potential pinch point for 2-way traffic into and out of the estate on a blind bend. However, this would meet the requirements of the NYCC Residential design Guide which does allow a reduction in width provided the first 20metres width is maintained. The Highway Authority raise no concerns in this respect.

- 5.12 In terms of visibility a speed survey was undertaken in July 2020 to determine the prevailing speeds of vehicles along Main Street in the vicinity of the proposed site access. The results showed vehicle speeds of westbound 30mph and eastbound 26mph. In accordance with the Manual for Streets (MfS) guidance, visibility splays at the proposed access with Main Street should be 2.4 metres x 43.0 metres to the right for an 85th percentile wet weather speed of 30 mph, and 2.4 metres x 35.4 metres to the left for an 85th percentile speed of 26 mph.
- 5.13 The PC raise concerns that the traffic survey took place in the school holidays during a govt lockdown and should be re-done during September when the children are back in school and nursery; also, when local gatherings are potentially taking place as venues such as the Village Hall, the Chapel, Jigsaw Nursery, the primary school or the White Horse Public House.
- 5.14 The Applicants point out that, there is guidance by Highways England relating to measuring vehicle speeds, in the Design Manual for Roads and Bridges document “CA185 – Vehicle Speed Measurement”. Whilst this document is relating to the requirement for measurement of vehicle speeds on trunk roads and therefore have some points that would not be applicable in this situation, it is a useful document to follow. Fundamentally, the speed measurements should be taken of vehicles in free flow conditions. These being conditions where a driver can actually drive at a speed of their own choice and is not impeded by the proximity of other vehicles in front or obstructions in the road layout. It goes on to state at paragraph 2.8.2 that “Speed measurements should be undertaken outside of peak traffic flow periods” and these are defined as “Non-peak periods are typically between 10am and noon and 2pm and 4pm. In some cases, these times need to be varied to take account of site-specific circumstance e.g., if a school is nearby that closes at 3pm”. The rationale behind this is to avoid conditions that could impact upon the free flow of vehicles along the road, i.e., slow them down, such as vehicles reducing their speeds in busy conditions, or vehicle slowing down to look for a parking space near a school etc. As a result, it is considered that carrying out the speed surveys, outside of the peak hours, and not within school drop off or pick-up times provides a robust picture of the speeds and if these were to be repeated at these times it is likely that they would be lower.
- 5.15 The Highway Authority are satisfied with the visibility and do not require another speed survey. In terms of visibility the proposed access is therefore considered acceptable.
- 5.16 The PC raise concerns regarding the proximity to other accesses and mention many examples. Moreover, the comparative junction referred to in the application does not have the same level of local amenities within a short stretch of road. In addition, they point out the village hall car park creates a physical barrier in terms of visibility splay when turning right into Main Street.
- 5.17 The Applicant acknowledged that the stagger distance is less than the stagger for a major access road configuration, both the side roads are minor access roads, and

given the relatively few dwellings served by Laurels Farm Drive, 25 units, and the proposed access, 50 units, it is considered that this reduced stagger distance is satisfactory as the 15 metre stagger distance suggested by NYCC is for potentially much larger developments in the order of 400 dwellings on each of the side roads. Reference is made to the proposal not being untypical in village settings and examples of others such as Fieldside Court and Brockley Close in Church Fenton as well as others in other villages.

- 5.18 Highways point do not dispute the applicants report but point out that Main Street is a local Distributor Road and as such the stagger distances do need to be taken into consideration. They acknowledge the situation is not ideal but consider that a recommendation for refusal base around the stagger length would be unlikely to be substantiated at an Appeal. The Highway Authority therefore support the proposed access subject to conditions.
- 5.19 The PC raise concerns that the public footpath running alongside the proposed access has a separate title deed that the Applicants do not own. This they say would drastically reduce the proposed width available for an access road. They also suggest the Applicants do not fully own the access land.
- 5.20 The Agent confirms that the applicant has absolute title over the land with the boundary being the western wall face of the village hall. A copy of the land registry was provided and a letter from the Applicant's solicitor, confirming they have absolute title over the land. The red line of the application site does not incorporate any additional land over and above what was included at the outline and reserved matter stages. Even if land ownership was not proven, it is not necessary to own the land to apply for permission.
- 5.21 Comments received from the PROW Officer give the procedure for a Path diversion order which would be required. If affected temporarily during the construction works a temporary closure order is needed. Details given of where to apply are given. No objections raised. Given that the emergency access in this position on the previous layout plan incorporated the PROW along the line of the footpath and raised no objections from the PROW Officer, it is considered that this access would not alter that position. The footpath route is maintained but along the footpaths to the side of the access road and would link into the existing footpaths leading on towards the church and to the old vicarage.
- 5.22 The previously approved access onto Church Lane would also have been a safe access. Both are acceptable from a Highway Viewpoint.
- 5.23 Overall the proposed access is of a satisfactory standard subject to conditions and would not lead to a reduction in road safety requirements. Given the above it is considered that the proposed development of 50 residential dwellings can be satisfactorily accessed via a newly constructed priority T-junction from Main Street in place of the consented access. In this respect the development would comply with Policy ENV1, T1 and T2 of the Local Plan and with the NPPF

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

- 5.24 Relevant policies within the NPPF which relate to development affecting the setting of heritage assets include paragraphs 189 to 198.

- 5.25 Paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. This wording reflects the statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 5.26 Whilst considering proposals for development which affects a Listed Building or its setting, the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.27 The site is located adjacent to a Grade I Listed Building (St Mary’s Church). In addition, there are Grade II Listed Buildings adjoining the site, the Croft to the west and the Vicarage to the north. The application site forms part of the setting of the listed buildings and contributes to their significance. The impact of the proposal on the setting of the Listed Buildings is therefore a fundamental issue and is intrinsically linked to the impact on the character and form of the surrounding area.
- 5.29 In terms of the impact on the setting of the Grade 1 Listed Church of St Mary’s, the revised access would be an improvement. The original approved access swept around the church through open fields to the south and would intrinsically change the quiet rural open character with the provision of an urban access road of some considerable length. This proposal would enable the areas to the west and south of the church to remain undeveloped and little changed. The refused scheme contained an emergency access road in the position of this proposal. Although wider than the emergency road, visually there would not be a significant difference with a hard-surfaced estate character road in this position.
- 5.30 In terms of the impacts on the Heritage Assets, the Conservation Officer considered the original access to be harmful to the setting of the grade I listed church and the Grade II Croft and Vicarage to its north. The Conservation Officer considers the principle of securing an alternative access to the possible housing development would be highly beneficial in terms of the impact on the heritage assets (and to the scheme generally).
- 5.31 The location of the access in this position essentially contains the development within the northern part of the outline application site. Officers concur with the Conservation Officer that if it were possible to create a satisfactorily-designed and safe access here, even if slightly comprised, there would still be the significant benefit of having been able to omit the previous access from Church Street and the impact on the Heritage Assets, particularly to the Grade I Church overall would be reduced.
- 5.32 There would be some increased harm to the character of the street scene as the green space between the village hall would be lost and replaced with an urban estate road. It would be tight up against the village hall and would change the character of the green and pleasant pedestrian route into the development. However, when weighed against the harm from the previous access to the character of the area and the rural setting of the village there would again be considerable benefit.

- 5.33 The access will result in some minor changes to the housing layout and the applicant's agent has submitted these to the Inspector for consideration. The details of these are not a matter for consideration here moreover, it is not known at this stage whether the Inspector will accept these as part of the appeal process.
- 5.34 When weighed against the public benefits of the reduced harm to the substantially larger open setting around the Grade I church, any minor disbenefits to the character of the street scene are justified. Other than this there would be no additional harm to the setting of the Listed Buildings beyond that which would be associated with the outline application and which was assessed on the reserved matters application. Overall, it is considered that the access would have significantly less harmful impacts on the Heritage Asset and on the character and appearance of the areas than the approved access.
- 5.35 In this respect the development would comply with Policy ENV1 of the Local Plan, SP18 and SP19 of the Core Strategy and with the NPPF.

Impact on Residential Amenity

- 5.36 The access road has the potential to have the greatest impact on any dwellings flanking its route due to increased noise and disturbance associated with the comings and goings of vehicles movements associated with 50 dwellings. The east side is flanked by the village hall beyond which other houses front the main street. These include Aldfeld House and Wyke Holme whose gardens back on to the outline application site. These don't directly flank the access and their gardens back onto the intended open space area. Given the position and distance and current ambient noise levels from traffic on main street, which is nearer their boundaries, it is not considered the vehicle movements would give rise to undue levels of noise and disturbance.
- 5.37 On the west side of the proposed new access two properties flank the site. These include The Gables and Hind House. These are set well back from the main road where the noise of vehicles stopping and manoeuvring in and out of the junction would be the greatest. Moreover, between the access site and the dwellings and their gardens there is the buffer of their long driveway which runs in parallel serving Hind House. The gardens to both dwellings have well established trees and hedges to the east boundaries. Given the position and distance, boundary treatments. It is not considered the vehicle movements would give rise to undue levels of noise and disturbance.
- 5.38 In addition to the above considerations, the reserved matters layout for the development would already result in a degree of vehicle movements around these dwellings. However, the proposed access would provide a point of concentration for vehicles moving in and out of the new development in a different position to the previously approved access. In terms of residential amenity, the main vehicle movements would be drawn away from the existing residential development surrounding the outline permission site towards the southern access. In this respect, the proposed access would generally increase the noise and disturbance associated with the development by concentrating vehicular movements in and out of the site nearer to existing dwellings.
- 5.39 Overall the proposed access would not improve the residential amenity for the occupants of nearby dwellings when compared with the previously approved access

position. However, given the juxtaposition of the nearest dwellings as described above and the fact that Main Street is already a busy road with other similar junctions leading from it, the degree of additional noise and disturbance from the use of this access is not considered to result in sufficient harm to substantiate a refusal.

Flood Risk and drainage

- 5.40 Since the approval of outline consent when the site was in Flood Zone 1, remodelling of the floodplain has been conducted on behalf of the Environment Agency. The modelling exercise increases the extent of Flood Zone 2, this now encompasses the entire outline application site including this current planning application site. Flood Zone 2 has an Annual Exceedance Probability (AEP) of flooding between 1.0% and 0.1% and denotes an undefended floodplain.
- 5.41 The proposed access is located within Flood Zone 2 which means that the proposed access is at a medium risk of flooding. Core Strategy Policy SP15, 'Sustainable Development and Climate Change' commits Selby District Council to:
- Ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test; and ensure that where development must be located within areas of flood risk that it can be made safe without increasing flood risk elsewhere
 - Support sustainable flood management measures such as water storage areas and schemes promoted through local surface water management plans to provide protection from flooding, and biodiversity and amenity improvements.
- 5.42 Table 2 of the National Planning Policy Framework (NPPF) Flood Risk and Coastal Change Matrix outlines the flood risk vulnerability classification of land. The proposed access classification is 'Essential infrastructure' defined as 'Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk'. The access would serve the wider 'More vulnerable' consented residential development which would be occupied by residential dwellings (Classified within Table 2 as; Buildings used for dwelling houses). Development of both Essential Infrastructure and More Vulnerable uses within Flood Zone 2 is an acceptable principle in accordance with the NPPF and demonstrable by the existing outline consent.
- 5.43 The proposed development site and its surroundings are all located within Flood Zone 2, and there are no other possible locations for the access which are situated outside of the flood zone. In addition, it will tie into existing ground levels and therefore will not impact flood plain storage or lead to an increase in flood risk elsewhere.
- 5.44 There is no sequential benefit to the position of the approved or proposed highway access points on to Church Street and Main Street respectively. Both access locations are within Flood Zone 2 and have a low ground level in the order of 7.8m AOD as denoted by the site topographic survey attached to this TN in Appendix B. Therefore, in Flood Risk terms there is no benefit or disbenefit from the revised access position.
- 5.45 Therefore, it is considered that the proposed access is in accordance with Policy SP15 of Selby District Core Strategy.

Affordable Housing

- 5.46 The outline scheme and associated Section 106 agreement secured 40% on site provision of affordable housing, with a tenure split of 30-50% Intermediate and 50-70% Rented. Clauses within the S106 also require confirmation of the phasing plan for delivery and set the parameters for the allocation of units to occupiers.
- 5.47 On the reserved matters application the quantity of Affordable Housing provision was a matter for negotiation and the Council sought the advice of the District Valuer (DV). Due to several reasons, there were abnormal building costs on this site including the substantial length of access road relative the number of houses provided. The DV advised that the development could support the provision of only 5 units which amounted to 10% provision.
- 5.48 If the appeal is allowed based on this revised access, it is likely that its cost would be significantly less than the cost of the lengthy access running through open fields from Church Street. Whatever its potential cost, a fresh viability assessment would be needed to determine the level of affordable housing provision. If more affordable housing could be provided due to lower costs, then there would be greater public benefits associated with this revised access position.
- 5.49 This scheme for a revised access clearly has implications for the level of provision but are not a matter to resolve through this application. The affordable housing requirements are a requirement of the Section 106 Agreement on the outline permission and the amount of provision has yet to be agreed and will depend on what layout is approved.

Other matters raised

- 5.50 Objectors refer to the land not being within the applicant's ownership. The applicants say that it is entirely within their ownership as such the correct notices have been served. As such the question of ownership is a civil matter outside the scope of this application.
- 5.51 Objectors request that a committee site visit is made. This is a matter for the Planning Committee to decide.

6 CONCLUSION

- 6.1 The Council has refused the reserved matters application for the reasons given in the planning history section of this report. These relate to the quality and design of the scheme and this position is not changed by an opinion on this application.
- 6.2 This proposed revised access if approved subject to a UU would reduce the harm to the setting of the Listed Buildings from the removal of the long access road which would sweep around the church, carve up agricultural fields and urbanise the setting of the Church. The creation a well-designed and safe access here, even if slightly comprised in highway safety, would still be the significant benefit of having been able to omit the previous access from Church Street and the harmful impact on the Heritage Assets, particularly to the Grade I Church and on the character and form of the village setting overall would be reduced.

- 6.3 In terms of residential amenity the proposal would not improve the amenity over and above the previously approved access since there would be more vehicle movements closer to existing dwellings but on balance would not result in sufficient harm to warrant a refusal on the grounds of residential amenity.
- 6.4 The development is acceptable in terms of flood risk and highway safety.
- 6.5 In terms of affordable housing, this would need to be re-negotiated and the section 106 still requires up to 40% based on viability.
- 6.6 Overall it is considered that the benefits in terms of the reduction in harm to Heritage Assets and potentially the provision of additional affordable housing due to removing the southern access and replacement with this northern access justify supporting this scheme.

7 RECOMMENDATION

That members **APPROVE** the application subject to receiving a satisfactory Unilateral Undertaking to secure the original access not being implemented and subject to the following conditions:

01-Time period to follow the outline permission 2015/0615/OUT and reserved matters

Reason

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

To be inserted

Reason

For the avoidance of doubt.

03- The development must not be brought into use until the access to the site at Land Adjacent the Village Hall, Main Street, Church Fenton has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 20 metres into the site must be constructed in accordance with Standard Detail number A1 and the following requirements:
 - (i) Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - (ii) Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
 - (iii) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

04. There must be no access or egress by any vehicles between the highway and the application site at Land Adjacent the Village Hall, Main Street, Church Fenton until splays are provided giving clear visibility of 43 metres measured along the north eastern vehicle track and 43 metres measured along the southwestern centre line of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained, clear of any obstruction, and retained for their intended purpose at all times.

Reason

In the interests of highway safety.

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

Reason

In the interest of satisfactory and sustainable drainage.

- 06 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

(o ensure that no surface water discharges take place until proper provision has been made for its disposal

INFORMATIVES

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website;

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

PROW

Applicant should contact the County Councils Countryside Access services at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up to date information regarding the route of the way and to discuss 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 2020/0821/FUL and associated documents.

Contact Officer: Fiona Ellwood, Principal Planning Officer
fellwood@selby.gov.uk

Appendices: None

APPENDIX B OFFICERS UPDATE NOTE

Report Reference Number 2020/0821/FUL

Agenda Item No: 5.2

Pages: 37-62

APPLICATION NUMBER:	2020/0821/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	10 August 2020 5 October 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	Minded to APPROVE		

Report Reference Number 2020/1168/FUL

Agenda Item No: 5.3

Pages:63-88

APPLICATION NUMBER:	2020/1168/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr & Mrs G Bradley And Mrs B Bradley	VALID DATE: EXPIRY DATE:	4 November 2020 30 December 2020
PROPOSAL:	Construction of new access off Main Street, Church Fenton to serve outline planning permission under application reference 2015/0615/OUT, Main Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RF		
LOCATION:	Land Adjacent Village Hall Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	APPROVE subject to a UU and Conditions		

Update for both reports

1. Errors/corrections in the report

- Para 1.3 should refer to 2020/0821/FUL not 9821
- Some para numbers out of sync – apologies for any confusion here.

2. Construction management condition to be added as follows:

No development shall take place [, including any works of demolition], until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: [delete or add items as necessary]

- I. <the parking of vehicles of site operatives and visitors;
- II. Hours of construction working
- III. loading and unloading of plant and materials;
- IV. storage of plant and materials used in constructing the development;
- V. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- VI. wheel washing facilities;
- VII. measures to control the emission of dust and dirt during construction;
- VIII. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- IX. delivery, demolition and construction working hours>.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

3. Further comments received since writing the report.

Since writing the report a further 21 Letters of representation including from the Village Hall Management Committee and a representative of the Local Ramblers association. Many of the points raised in the letters repeat those that are already reported and covered in the committee report. Other points not covered in the report include:

- Concerns over the Impact on the structural integrity of the village hall
- Queries whether the applicants have made correct statements about the footpath diversions and advising the LPA to consult NYCC regarding the matter.
- Previous objectors to the Outline application not re-consulted
- Church Fenton Primary School and the Nursery have not been consulted
- Mention made of proposal to provide a car park behind the village hall. This small number will have little impact on vehicle congestion/parking when the Hall is being used for a large event. Furthermore, it will significantly increase the traffic problems and the potential for injury during school drop off and collection and school events, with parents turning into the road junction in the hope of finding a parking space only to have to turn round again or back out when one is not available.

- Vehicles parked at the Village Hall car park at the front of the Hall would create a physical barrier in terms of visibility splay when turning right into Main Street.
- The land is close to a pond in church street that is known for crested newts – no newt assessment has taken place as part of this report.
- Other comments going back to the principle of the development
- No up-to-date flood risk assessment provided.
- Lack of site notice for 2020/1168/FUL

4. Site Notice for 2020/1168/FUL- The site notices for the second application have not been erected so the recommendation needs to be amended to;

That authority to APPROVE the application be delegated to officers (subject to the expiry of a site notice and subject to no new issues being raised which would warrant reconsideration by planning committee) AND subject the receiving a satisfactory Unilateral Undertaking to secure the original access not being implemented and subject to the following conditions:

Verbal Officer Update

Further points raised since the update

- Not sustainable development and contrary to ENV
- Harm to Heritage Assets
- Should not be considered before the planning appeal.

Suggestion a further condition to include a repeat of condition 24 of 2015/0615/OUT in relation to Ecological Mitigation measures.

Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

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

Curtilage:

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

Environmental Impact Assessment (EIA):

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

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for Nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



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