



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 7 JULY 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

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. 2019/0712/FUL - The Workshop, Ryther Road, Cawood (Pages 7 - 22)**
 - 4.2. 2020/1300/FUL - Tamwood, Station Road, Riccall (Pages 23 - 46)**

4.3. 2019/0759/FUL - Land adjacent A163, Market Weighton Road, North Duffield (Pages 47 - 88)

Janet Waggott

Janet Waggott, Chief Executive

<p>Date of next meeting (2.00pm) Wednesday, 11 August 2021</p>

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

Public Attendance at Planning Committee

Public attendance at Council meetings is permitted once more; however, there are restrictions that remain in place due to Covid-19. If you intend to attend a meeting of the Planning Committee in person, please let Democratic Services know on democraticservices@selby.gov.uk as soon as possible. **Please note however that you are strongly encouraged to watch a stream of the meeting online instead of attending in person, and if you wish to speak, to also do this online via Microsoft Teams.**

Recording at Council Meetings

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Planning Committee

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

1. The legislation which allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings to be held after this date will revert to being 'in person', but there will still be restrictions on numbers of attendees in the room due to Covid-19. **If you are intending to come to a meeting of the Committee in person, please let Democratic Services know as soon as possible, as you are encouraged to watch the meeting online instead, and if you wish to speak at the meeting, also do this remotely via Microsoft Teams.**
2. 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.
3. 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.
4. 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>
5. 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.
6. The next part is the public speaking process at the committee. Speakers will be able to attend the meeting in person again and will have to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands and following the one-way system which will be in place in the room.
7. Alternatively, speakers can join the meeting remotely via Microsoft Teams if they prefer to speak that way.

8. The following may address the committee for **not more than 5 minutes each**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **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).**

9. Members of the public registered to speak are encouraged to speak remotely (i.e., via Microsoft Teams online). If speaking remotely, they must submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that if they experience connectivity issues their representation can be read out on their behalf (for the allotted five minutes).
10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
11. The number of people that can access the Civic Suite will need to be safely managed due to Covid secure guidelines, which is why it is important for the public to let Democratic Services know if they plan on attending in person.
12. Speakers attending remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking and continue watching the stream on YouTube.
13. If speaking in person, the public will be asked to come up to a desk from the public gallery (where they will be seated in a socially distanced manner), sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
14. 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.
15. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
16. 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.

17. 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.
18. This is a council committee meeting which is open to the public.
19. 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
20. The arrangements at the meeting may be varied at the discretion of the Chairman.
21. 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.
22. Please note that the meetings will be streamed live on YouTube 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.
23. These procedures are being regularly reviewed.

Contact:

Democratic Services

Email: democraticservices@selby.gov.uk

This page is intentionally left blank

Agenda Item 4

Items for Planning Committee

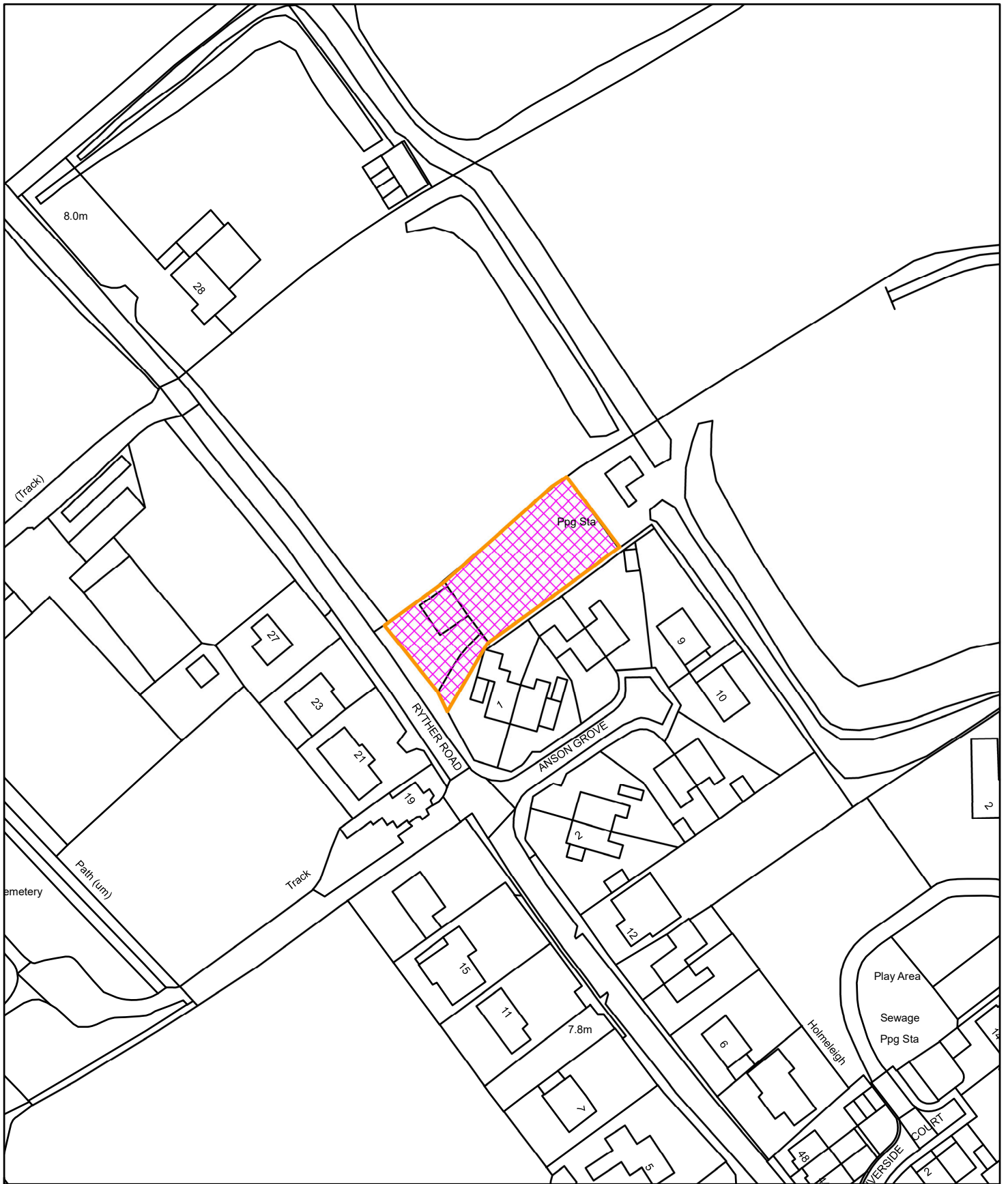
7 July 2021

Item No.	Ref	Site Address	Description	Officer	Pages
4.1	2019/0712/FUL	The Workshop, Ryther Road, Cawood	Conversion and alteration of storage building to form a single dwelling	JACR	7-22
4.2	2020/1300/FUL	Tamwood, Station Road, Riccall	Demolition of existing dwelling, construction of seven residential properties	CHFA	23-46
4.3	2019/0759/FUL	Land adjacent A163, Market Weighton Road W, North Duffield	Proposed erection of 5 dwellings and associated infrastructure	MACO	47-88

This page is intentionally left blank

Agenda Item 4.1

The Workshop, Ryther Road, Cawood
2019/0712/FUL



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.



1:1,250

This page is intentionally left blank



Mr J O'Conner

Barn at Ryther Road Cawood Selby

Proposed Block Plan scale 1:500 16/06/2021 drwg. no. 2514-03-02

BOWLING GREEN HOUSE
38 RYTHERGATE
CAWOOD SELBY YO8 3TP

Chris Finn Architect

**AMENDED
DRAWING**

This page is intentionally left blank



Report Reference Number 2019/0712/FUL

To: Planning Committee
Date: 7 July 2021
Author: Jac Cruickshank (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0712/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Mr Joc O'Connor	VALID DATE:	16th July 2019
		EXPIRY DATE:	10th September 2019
PROPOSAL:	Conversion and alteration of storage building to form a single dwelling		
LOCATION:	The Workshop Ryther Road Cawood		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it is considered there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located off Ryther Road at the north-eastern edge of the settlement of Cawood. The site lies outside the development limits of the settlement and, as such, is located within the open countryside.
- 1.2 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site benefits from a sizable plot at the edge of the settlement of Cawood.

The Proposal

- 1.3 The application is seeking permission for the conversion and alteration of a storage building to a residential dwelling. The proposed works would include raising the ridge height of the building to 7.5 metres.

- 1.4 It is noted that two applications have previously been granted (2016/0171/FUL and 2014/1147/COU) to convert the storage building to a residential dwelling. Permission was also granted under 2014/0096/FUL to convert the building to tourist accommodation. However, these have all since expired.
- 1.5 It is noted that the current proposals are similar to what was approved under planning permission 2016/0171/FUL. The main difference being the increase in ridge height by a further 0.5 metres to address the concerns raised by the Environment Agency. This included the reskinning of the building in brick and a much larger curtilage was permitted in 2016, compared with the original 2014 permission.
- 1.6 The Environment Agency also raised concerns over the initial Flood Risk Assessment and the proposed flood mitigation measures. However, these have subsequently been addressed by the revised Flood Risk Assessment and amended plans to raise the floor level of the building.

Relevant Planning History

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

2018/1358/DOC (COND – 24/01/2019) Discharge of condition 02 (drainage) of approval 016/0171/FUL for change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.

2016/0171/FUL (PER – 23/08/2016) Change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.

2014/1147/COU (PER – 08/01/15) change of use of storage building to single dwelling.

2014/0096/FUL (PER – 18/03/2014) Proposed conversion of storage building to provide tourist accommodation.

CO/1991/0757 (PER – 29/07/1991) Proposed erection of a storage shed to house two vintage commercial vehicles and the construction of a new vehicular access.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour summary** – The application has been advertised by site notice and neighbour letter resulting in no objections being received.
- 2.2 **Parish Council** - No objections
- 2.3 **NYCC Highways** – No comments received within the statutory consultation period.
- 2.4 **Yorkshire Water** – No comments received within the statutory consultation period.
- 2.5 **Internal Drainage Board** – No comments received within the statutory consultation period.
- 2.6 **Natural England** – No comments received within the statutory consultation period.

- 2.7 **North Yorkshire Bat Group** – No comments received within the statutory consultation period.
- 2.8 **Environment Agency** – No objections to the amended Flood Risk Assessment.
- 2.9 **County Ecologist** – No objections.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 3, which has a high probability of flooding.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State, and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. 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
SP8 - Housing Mix
SP9 - Affordable Housing
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
T1 - Development in Relation to Highway
T2 - Access to Roads
H12 - Conversion to Residential (Countryside)

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) Flood Risk and Drainage
- 5) Highways
- 6) Nature Conservation and Protected Species
- 7) Contamination

Principle of Development

- 5.2 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with Paragraph 11 of the NPPF.
- 5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 5.4 Policy SP2A (c) of the Core Strategy states that *"Development in the countryside (Outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural*

affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

- 5.5 Paragraph 79 of the NPPF states; “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- c) the development would re-use redundant or disused buildings and enhance its immediate setting.*
- 5.6 This proposal would result in the re-use of an existing building and would therefore comply with Policy SP2A (c) of the Core Strategy and the NPPF.
- 5.7 Policy H12 of the Selby District Local Plan specifically relates to conversion and the conversion of rural buildings to residential use in the countryside and sets out that such proposals would be acceptable in principle subject to a number of criteria.
- 5.8 Criterion (1) of Policy H12 allows proposals for the conversion of rural buildings to residential uses provided *“it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality”*. The proposal does not meet this criterion and is therefore, contrary to the requirements of the development plan. However, the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the approach set out both in the Core Strategy and within the NPPF.
- 5.9 Notwithstanding the above, Criterion (3) and (4) of Policy H12 require that *“the building is structurally sound and capable of re-use without substantial rebuilding”* and *“the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension”*.
- 5.10 In terms of Criterion (3), from the site visit that was conducted it was noted that the building appeared to be in a good condition and has been previously supported for conversion and extension. On this basis, it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.11 In terms of Criterion (4), the proposals would involve raising the ridge height of the existing building from 5.6 metres to 7.5 metres and raising the floor levels to comply with the Flood Risk Assessment. These changes are relatively significant and do alter the character and form of the building, however have been previously permitted under 2016/0171/FUL and regarded to comply with Criterion (4) of Policy H12.
- 5.12 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report.
- 5.13 Having regard to the above, the proposal would be acceptable in principle and represent appropriate development in the countryside. The proposal has some

conflict with H12 (1), however is compliant with the Policies SP1 and SP2 of the Core Strategy, and the remaining parts of Policy H12 of the Selby District Local Plan and national policy including paragraph 79 of the NPPF.

Layout, scale and design and Impact on the character and form of the area

- 5.14 Relevant policies in respect to design and the impact of development on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan. This is a general considerations policy and supports good development taking account of the effect upon the character of the area or amenities' of adjoining occupiers and the standard of layout, design and materials in relation to its surroundings. Policy H12 (5) states conversions of rural buildings will only be permitted where the provision of access, curtilages and works would not have a significant adverse effect on the character and appearance of the area or surrounding countryside. Policy SP19 of the Core Strategy seeks to enhance community cohesion by high quality design and having regard to local character. Further to this, relevant policies within the NPPF include paragraphs 124, 127, 128, 130, 131 which seek to achieve well designed places.
- 5.15 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site is situated off Ryther Road and benefits from a sizable plot at the edge of the settlement of Cawood.
- 5.16 The application proposes the change of use of the storage building to a residential unit, the increase of the roof height by approximately 1.9 metres and alterations to the fenestration. It is noted that permission was previously granted under 2016/0171/FUL for the conversion of the storage building to a residential dwelling and to raise the roof height by approximately 1.4 metres.
- 5.17 The proposed plans show that the roof lift would raise the ridge height and would include the installation of 2no roof lights to the front elevation, 2no roof lights to the rear and would also include the formation of a new chimney stack at each gable end. The 2no large storage doors to the front elevation, would be replaced by 2no. windows and 1no doorway. The 2no. existing windows to the rear elevation would be replaced with 1no door and 1no set of patio doors, which would all be domestic in appearance. The building would be finished in brickwork with clay rooftiles.
- 5.18 The proposed changes to the building would significantly alter the appearance of the existing storage building, which is a simple block and render structure. The conversion would include reskinning the building in brick and would also include additions such as, domestic windows and doors and 2no. chimneys. These would all further erode the character of the existing building and would lead to the development being read as a new dwelling, rather than the conversion of an existing building. However, whilst these changes may be regarded as going beyond what is regarded as a conversion, they were previously approved under the 2016 permission. Both applications have been assessed against the same local plan policies and this therefore would be unreasonable to now refuse this element.
- 5.19 In terms of the impact on the countryside, this submission seeks to create a large residential curtilage to the proposed dwelling. The garden area to the rear would measure more than 45 metres in length. However, this was also considered to be acceptable in the 2016 approval. A condition, which removes Permitted Development Rights for outbuildings would allow the Local Planning Authority to

control development at the site. Furthermore, the application does not propose making changes to the existing landscaping or the existing boundary treatments, which consist of a mature hedge along the front and along the boundary which runs parallel to the neighbouring field.

- 5.20 Having had regard to all of the above elements and the character and form of the locality and area it is considered that the design and materials are appropriate to ensure that no significant detrimental impacts are caused to the character of the area in accordance with Policy ENV 1 of the Local Plan, Policies SP4, SP8 and SP19 of the Core Strategy and the NPPF.

Residential Amenity

- 5.21 In considering residential amenity the key considerations are overlooking, overshadowing, overbearing impacts and separation distances.
- 5.22 The proposal includes the conversion of an existing storage building into a single detached dwelling. There are no first-floor windows on the side (south) elevation that would overlook any of properties to the east of the site on Anson Grove. The rooflights on the front and rear roof slope would not give rise to adverse overlooking as separation distances to dwellings on Ryther Road are acceptable. It is therefore considered the conversion and extensions would not raise adverse residential amenity issues for neighbours.
- 5.23 Given the nature of the development, the limited increase in ridge height and the separation distances between the existing building and the neighbouring dwelling, 1 Anson Grove, it is not considered that there would be any increase in overshadowing.
- 5.24 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

Flood Risk and Drainage

- 5.25 Relevant policies in respect to flood risk and drainage include Policy ENV1 (3) of the Local Plan and Policy SP15 of the Core Strategy and Section 14 of the NPPF. Paragraph 155 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.
- 5.26 The application site is located within Flood Zone 3 which has a high probability of flooding. The NPPF defines it as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year.
- 5.27 The applicant has submitted a revised flood risk assessment which recommends that the internal floor level is raised 300mm. This will also ensure that the building is protected to the maximum historical flood level of 7.6m AOD and above the adjacent road level. As the application is for a change of use of an existing building, the Sequential and Exception Tests do not need to be applied as outlined in the NPPG.

- 5.28 The Environment Agency were consulted on the amended Flood Risk Assessment and raised no objections to the proposal. It is, therefore, considered that the FRA and mitigation measures are acceptable and can be secured by condition.
- 5.29 Yorkshire Water has raised no comment. The Selby Area Internal Drainage Board has responded and raises no objection. Having had regard to the above, the proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF with respect to drainage, climate change and flood risk, subject to conditions to control flood risk and drainage.

Highways

- 5.30 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements.
- 5.31 With respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 5.32 Policy "SP19 - Design Quality" states that both residential and non-residential development should meet a series of noted criteria. These include the criteria relating specifically to highways and access. There is an existing access to the site and adequate turning within the plot to enter and leave the site in a forward gear. Space exists for 3 vehicles to park off street.
- 5.33 North Yorkshire Highways were consulted and raised no objections to the proposed scheme. As such, it is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and the NPPF.

Nature Conservation and Protected Species

- 5.34 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 5.35 The previous application was accompanied with a bat survey. The survey concluded that there was no evidence to suggest the presence of bats within the building and in its current condition, it is extremely unlikely that the building supports a bat roost. It is therefore considered that the proposed development would have negligible impacts on bat species. It is also noted that the building has been undergoing some external cleaning and general preparation work for development under the extant planning permission for change of use.
- 5.36 There are no trees on the application site that would be affected by the proposal.
- 5.37 Having had regard to the above it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation. It is therefore considered that the proposal would accord with Policy ENV1 of the Local Plan and the NPPF with respect to nature conservation.

Contamination

- 5.38 The previous use of the site was for storage purposes and the land to the north is used for underground services for Yorkshire Water. Given the history to the site, it is not considered there are historic contamination issues for future occupants. However, in this context it would be reasonable to attach a condition requiring notification of any unexpected contamination at the construction stage of the proposal. The proposal is therefore considered to accord with Policy ENV2 of the Selby District Local Plan.

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 or appearance of the area, the residential amenity of the occupants of the neighbouring properties, flood risk, highway safety, protected species or contaminated land. The application is therefore considered to accord with Policies ENV1, H12 and T1 of the Selby District Local Plan, Policies SP1, SP2, SP4, SP15, SP18 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:

Drawing no. 2514-01-01A	Existing Plans and Elevations	Dated 10/07/2019
Drawing no. 2514-03-02	Proposed Layout Plan	Dated 16/06/2021
Drawing no. 2514-02-01G	Proposed Floor Plans	Dated 10/07/2019
Drawing no. 2514-02-04	Drainage Plan	Dated 10/07/2019
Drawing no. 2514-02-04H	Proposed Elevations	Dated 13/11/2019
Drawing no. 2514-03-01	Existing Layout Plan	Dated 09/06/2021

For the avoidance of doubt.

03. The materials to be used in the construction of development hereby permitted shall match the existing materials as stated on the application form received by the Local Planning Authority on 10th July 2019.

Reason:

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

04. The development shall be carried out in accordance with the submitted flood risk assessment (ref TCE-1827-FLA-01 Issue 03, dated November 2020) and the

following mitigation measures it details: Finished floor levels shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

- The flood resistant and resilient measures detailed within the FRA are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

- To reduce the risk of flooding to the proposed development and future occupants
- To reduce the impacts of flooding to the proposed development and future occupants.

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

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

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 **2019/0712/FUL** and associated documents.

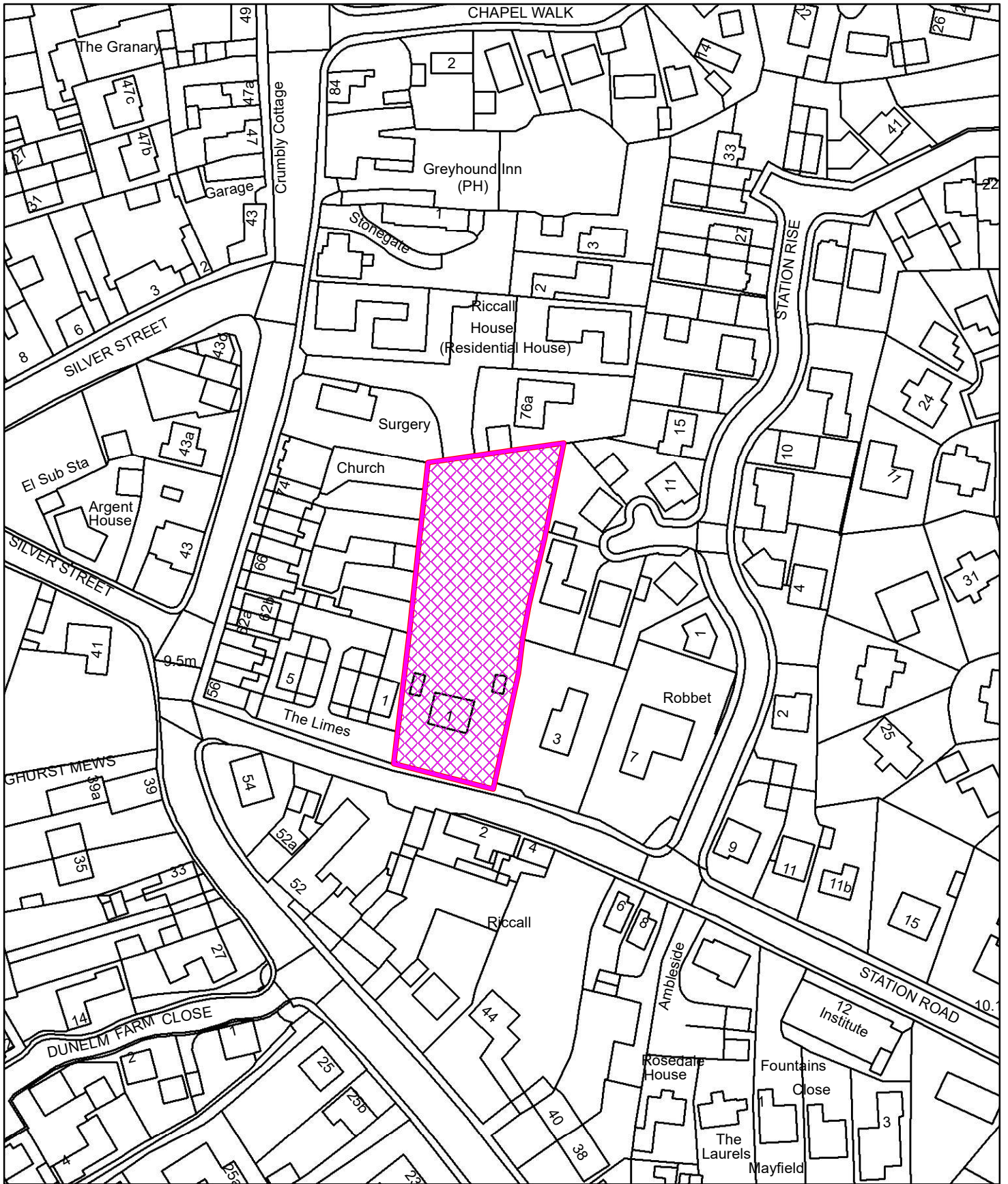
Contact Officer: Jac Cruickshank (Planning Officer)

Appendices: None

This page is intentionally left blank

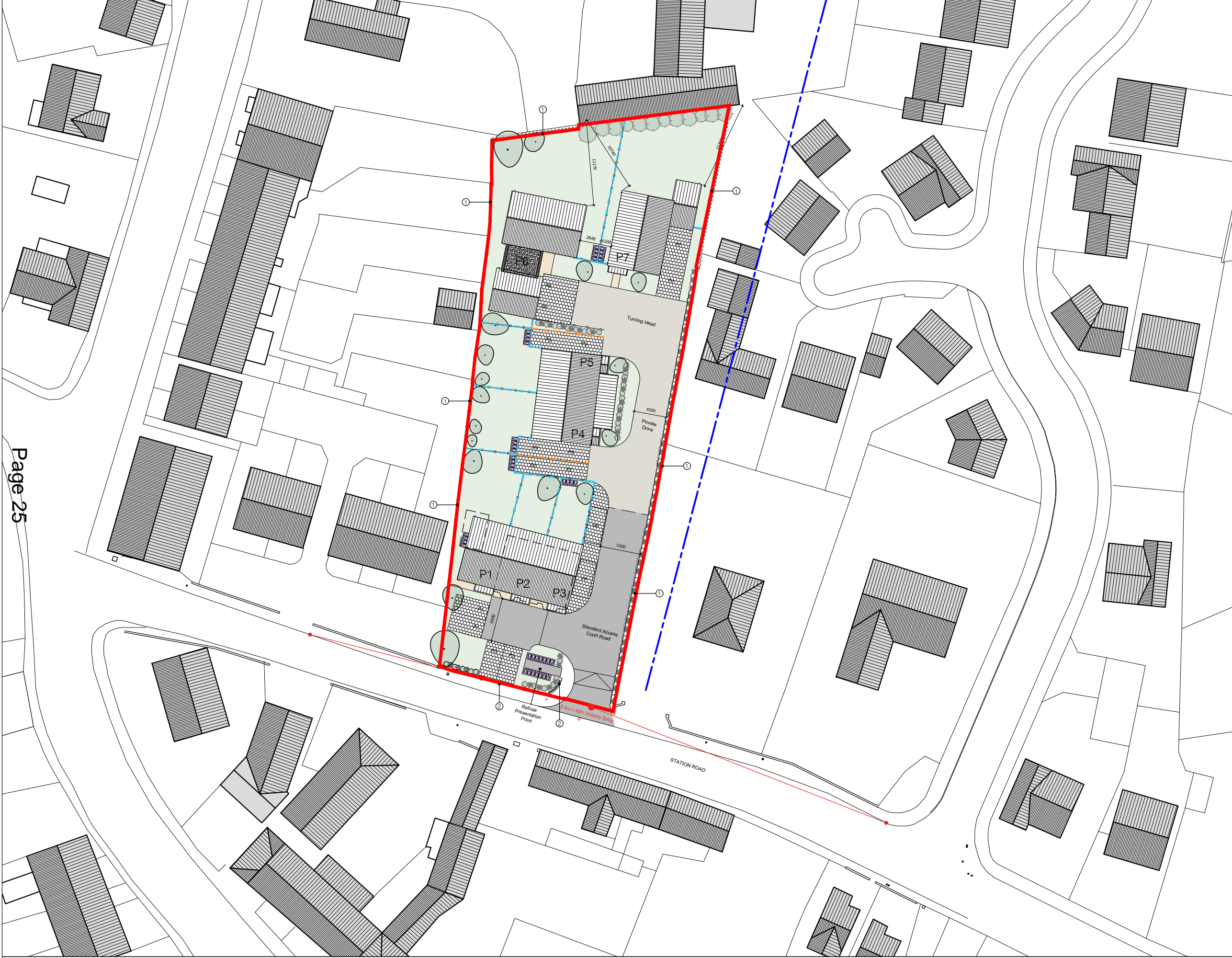
Agenda Item 4.2

Tamwood, Station Road, Riccall
2020/1300/FUL



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.

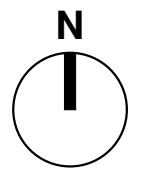
This page is intentionally left blank



Page 25

PROPOSED SITE PLAN

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



	Proposed 1800mm Close Boarded Fence
	Proposed 1500mm Close Boarded Fence
	Permeable Paving Parking Spaces
	Permeable Paving Shared Driveway
	Adoptable Standard Access Court Road
	Indian Sandstone Footpath
	Grass Areas
	Proposed Trees
	Proposed Planting
	Existing Boundary
	Existing 600mm Boundary Wall
	Refuse Store / Presentation Point

KEY

AMENDED
DRAWING

revision	date	description
P03	26/03/21	Updates to refuse presentation point
P02	29/01/21	Updates to refuse store & presentation point area
P01	30/11/20	Addition of plot numbers following comments from planning

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

project
 Tamwood, Station Road, Riccall

drawing
 Proposed Site Plan

scale
 1:500 @ A3

job number	date	status	drawing number	revision
19134	23/10/20	Planning	105	P03

This page is intentionally left blank



Report Reference Number 2020/1300/FUL

To: Planning Committee
Date: 7 July 2021
Author: Chris Fairchild (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1300/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mr J Knowles	VALID DATE: EXPIRY DATE:	1st December 2020 26th January 2021
PROPOSAL:	Demolition of existing dwelling, construction of seven residential properties		
LOCATION:	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ		
RECOMMENDATION:	Approve subject to Section 106 agreement legal agreement, completion of satisfactory bat surveys and agreement of subsequent mitigation.		

This application has been brought before Planning Committee due to the number of objections contrary to Officers' recommendation to approve, and in addition to a request from the local Ward Member.

1. INTRODUCTION AND BACKGROUND

- 1.1 This planning application was previously heard at Committee on 19.05.2021. As per the meeting minutes, the determination of the application was deferred to allow a site visit *'to gain a better understanding of the site location with regards impact upon the heritage and conservation, impact on the amenity of neighbours, highways, access, waste and recycling.'*

Site and Context

- 1.2 The site adjoins Station Road and is currently occupied by the detached dwelling, Tamwood. The site is surrounded by residential development including recent development to the east and west and the historic core of the village to the north.

The Proposal

- 1.3 Full planning permission is sought for the demolition of the existing dwelling, Tamwood, and the erection of seven dwellings.

Relevant Planning History

- 1.4 The following historical applications are relevant to the determination of this application:

Ref: 2018/0185/FUL

Description: Proposed erection of two detached dwellings with garages

Address: Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ

Decision: Permitted 24-MAY-18

2. CONSULTATION AND PUBLICITY

Local Highway Authority

- 2.1 The Local Highway Authority recognises that the refuse collection point negates refuse vehicles entering the site. Besides a request for on-site turning for fire attendants should be shown on the submitted drawings given some dwellings are located further than 45 metres from the highway there are no objections.

Conservation Officer

- 2.2 The Conservation Officer does not consider the property is not a non-designated heritage asset and makes a neutral contribution to the setting of the conservation area.
- 2.3 The Conservation Officer notes the spacious plot provides an attractive view towards the conservation area with trees visible as a backdrop. The development would obscure these trees and the spaciousness of the plot would be compromised. The development may impact upon the longevity of these trees.
- 2.4 Removal of most of the front garden for hard surfacing would be harmful due to the attractive frontage this provides in combination with the front wall. The position of the bin store at the frontage is not desirable. In terms of number of dwellings, the proposal appears to be over-development.
- 2.5 The Conservation Officer notes these as issues of general design/impact on character but also harmful impact on the setting of the conservation area, resulting in a low level of harm to its overall significance.

Yorkshire Water

- 2.6 Yorkshire Water recommend conditions requiring separate systems of foul and surface water on and off site. Yorkshire Water note the intention to drain into the public sewer, however sustainable drainage should be sought and on-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

The Ouse & Derwent Internal Drainage Board (IDB)

- 2.7 The IDB set out the requirements for when the IDB's prior written consent is required. The IDB note the submitted Design and Access Statement specifies surface water may be disposed of via an attenuation tank at a restricted rate or soakaway. The IDB note that the mains sewer runs into an IDB maintained watercourse and their consent is required prior to connection.
- 2.8 In respect of surface water, the IDB recommend details of surface water drainage are conditioned including a constrained run-off rate, surface floodwater storage including climate change allowance.
- 2.9 The IDB notes the proposed connection into the mains foul sewer and have no objection to the new connection subject to Yorkshire Water's consent.
- 2.10 Following percolation testing and a resultant drainage layout, the IDB were reconsulted. The IDB note percolation testing demonstrates soakaways are not achievable, accordingly discharge into the mains surface water sewer / watercourse can be considered. The IDB request details of surface water connection, discharge rate confirmation and attenuation, flood storage including climate allowance and recommend a condition requiring these accordingly.
- 2.11 The applicants provided a further drainage layout including micro drainage calculations. The Internal Drainage Board continued to seek clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage. No response has been received from Yorkshire Water.

Environmental Health Officer (EHO)

- 2.12 The EHO notes the surrounding residential development and that given the scale of the proposed development there is potential for generation of dust, noise & vibration that requires specific planning control (beyond other regulations) and as such the following conditions are recommended: 1) a Construction Management Statement; 2) working hours limitations, and 3) details of any piling.
- 2.13 The applicants subsequently submitted a Construction Management Statement, that was considered by the EHO as acceptable.

County Ecologist

- 2.14 The County Ecologist notes that the bat scoping report, undertaken outside the bat activity season, concludes the house is highly suitable to support roosting bats while the garage is of lower suitability. As such, bat activity surveys of both buildings need to be completed before the application is determined.
- 2.15 Following surveys, the Ecologist seeks an Ecological Impact Assessment, explaining how any impacts would be mitigated and including an Outline Method Statement. Other ecological impacts of the proposed development and how they would be avoided, mitigated or compensated, and ensuring no net loss of biodiversity and net gain where possible is also requested. Particular attention should be paid to compensate for the loss of House Martin nesting sites, and the mature vegetation of the site.
- 2.16 The applicants undertook one night's bat emergence survey and produced a Bat Survey Report accordingly. The survey demonstrates that further emergence

surveys are required. The findings and report have been considered by North Yorkshire County Ecology who agree that further surveys are required prior to determination of the application.

North Yorkshire Bat Group

- 2.17 The North Yorkshire Bat Group note the submitted survey demonstrates the existing dwelling to have high bat roost potential and therefore emergence surveys should be carried out during the period May to August to determine whether bats do roost at the property. The Bat Group agrees with the ecologists' recommendation that bat emergence surveys be conducted during the appropriate time of year and that a decision on the application should be deferred until after the results of the survey are available.

Riccall Parish Council

- 2.18 The Parish Council object to the current application and considers the proposed changes made since application ref. 2019/1350/OUT do not significantly address the concerns raised in their objection to the previous application.
- 2.19 The Parish Council considers the proposal is overcrowded, will overlook adjoining properties and impact upon residential amenity. Concerns that insufficient access and on-site manoeuvring for emergency vehicles is raised. Station Road has no capacity for on-street parking, the site entrance is almost opposite the Nisa car park and close to the junction and traffic lights.
- 2.20 The previously approved application, to retain the existing dwelling and two additional properties, is still seen as the most appropriate use for this site by the Parish Council and neighbouring residents.

Waste and Recycling Officer

- 2.21 The Waste and Recycling Officer notes the bin storage at the site entrance and confirms a presentation point is required given the private nature of the road. However, an enclosed bin store was considered to be a potential magnet for anti-social behaviour, and instead a simple area of hard standing to present bins on collection day was preferable.
- 2.22 The Waste and Recycling Officer clarifies that storage should be available at each property for 4 no. 240 litre wheeled bins.
- 2.23 The Waste and Recycling Officer confirms that the developer will be required to pay for additional waste and recycling containers.
- 2.24 Following reconsultation, the Officer was satisfied with the replacement of the bin store for a presentation point and the occupants' storage.

Contaminated Land

- 2.25 The Contaminated Land Consultant considers the submitted Phase 1 Report is acceptable, including the further proposed site investigation works contained therein. Conditions are recommended requiring: 1) investigation of land contamination prior to development; 2) a detailed remediation scheme prior to

commencement of development; 3) verification of remedial works, and 4) reporting of unexpected contamination.

- 2.26 The applicants have provided a Phase 2 Ground Investigation Report. The Contaminated Land Consultant considers the Report acceptable and agrees with the conclusion that no further investigation. The Consultant recommends a condition in respect of unexpected contamination.

Publicity

- 2.27 The application was advertised via the erection of a site notice and distribution of letters to adjoining occupiers. Following this publicity, 21 responses including the local Ward Member were received all in objection to the proposals. A summary of the concerns raised are listed below:

- Tamwood is a fine example of 1920s architecture and was the second house built on Station Rd as such set example for following development.
- As a group of 6 similar houses demonstrates Riccall's interwar history
- Loss of the building would alter streetscape of Station Road.
- Proposal is overdevelopment to maximise developer profits over good development.
- The previous planning permission is optimum for site.
- The proposed overdevelopment would set a precedent.
- The development is out of character with the village.
- Privacy and amenity of surrounding dwellings is compromised by way of overshadowing, overbearing, loss of daylight and sunlight, sense of privacy.
- Insufficient waste and recycling storage is proposed.
- No visitor parking is proposed leading to on-street parking.
- Station Rd already has many parked cars and is difficult for emergency vehicles, lorries, bin wagons to navigate and dangerous for pedestrians.
- The orchard and other trees provide many benefits to wildlife and habitat that will be lost.
- The brick boundary wall may be damaged in construction.
- Plans show incorrect north-south navigation.
- Riccall has had much development, now more akin to a town than village.
- A Monkey Puzzle Tree, an endangered species was cut down prior to planning.
- The proposal does not honour the charitable spirit of the former occupants.
- The proposal is immaterially different from the withdrawn 2019 application and shares the same issues of amenity.
- The base maps for the plans do not reflect the correct up-to-date setting of existing buildings including recent extensions and vegetation distorting the proposal.
- The comments of the Conservation Officer within determination of ref. 2018/0185/FUL were correct and this scheme ignores those.
- The proposal is contrary to SDLP Policy ENV25 which also covers sites adjacent Conservation Areas, i.e., the setting, not just those in it.
- The nuisance and highway impacts of construction will be unwelcome and may damage surrounding historic properties.
- The proposal will impact outlook for residents.
- Increase in light pollution.
- Boundary treatments are inappropriate.
- Infrastructure e.g., schools, GPs, internet, drainage have not kept up with development and this will be exacerbated.
- Development is not opposed providing it betters the environment for residents.

- The area should be kept as it was in the past as a reminder of village life.
- The site access is opposite the local shop where kerbside parking frequently occurs and will impact the proposed access.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located within the defined Development Limits of Riccall.
- 3.2 The site is outside but immediately adjacent the Conservation Area, there are no other heritage assets on or near the site.
- 3.3 There are no designated assets of ecological value on or near the site.
- 3.4 The site sits within Flood Zone 1, the area of lowest flood risk.

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 National Planning Policy Framework (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. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The 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 NPPF outlines the implementation of the Framework –

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

Selby District Core Strategy Local Plan (CS) 2013

4.6 The relevant CS Policies are:

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

Selby District Local Plan (SDLP) 2005

4.7 The relevant saved SDLP Policies are:

- T1 Development in Relation to the Highway network
- T2 Access to Roads
- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV25 Control of Development in Conservation Areas
- RT2 Open Space Requirements for New residential Development

Supplementary Planning Policies and Guidance

4.8 Planning contributions are a material consideration and therefore the Council's Adopted Developer Contributions Supplementary Planning Document represents a material consideration in determining the application. The development plan also includes the Riccall Village Design Statement Supplementary Planning Document (VDS) and this also represents a material consideration.

National Planning Policy Framework 2019

4.9 The relevant chapters are:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

5. APPRAISAL

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

- 1. Principle of Development
- 2. Conservation, Landscape & Character
- 3. Residential Amenity
- 4. Access & Highway Safety
- 5. Ground Conditions
- 6. Impact on Nature Conservation
- 7. Flood Risk & Drainage

8. Waste & Recycling
9. Planning Contributions

Principle of Development

Context

- 5.1. Saved CS Policy SP1 states that "*when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with national policy set out in Chapter 2 of the NPPF.
- 5.2. Saved CS Policy SP2A sets out the District's settlement hierarchy and directs development to the majority of new development to towns, however, CS Policy SP2A(a) states Designated Service Villages such as Riccall have some scope for additional residential growth.
- 5.3. Saved CS Policy SP2 also states proposals for development on non-allocated sites must meet the requirements of Saved CS Policy SP4. Saved CS Policy SP4 lists the types of residential development that will be acceptable within development limits. In relation to Designated Service Villages this relates to replacement dwellings, redevelopment of previously developed land, and "appropriate scale development" on greenfield land (including garden land and conversion/redevelopment of farmsteads).
- 5.4. Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly.
- 5.5. The proposal puts forward a development for housing on a small site within an existing settlement and as such meets both the aspirations of the local plan and the NPPF.

Assessment

- 5.6. Riccall is noted within the development plan as having scope for additional residential development and is therefore in compliance with CS Policy SP2. The site is unallocated and predominantly greenfield land owing to the large garden which surrounds the existing dwelling. The definition of Previously Developed Land set out in Annex 2 of the NPPF excludes land that is in built up areas such as residential gardens. The proposal does not therefore comply with this part of policy SP4 and neither does it constitute a replacement dwelling however, Saved Policy SP4 of the Core Strategy allows for development for housing which is considered to be of an 'appropriate scale development on greenfield land. Officers are therefore of the view that the proposal is acceptable in principle and as such complies with saved policy SP4 of the Core Strategy.
- 5.7. Chapter 68 c) of the NPPF states that Local Planning Authorities should support the development of windfall sites through decisions giving great weight to the benefits of using suitable sites within existing settlements for homes for which officers have attached significant weight.

Conservation, Landscape & Character

- 5.8. Saved CS Policy SP4(c) seeks to both preserve and enhance the character of the local area. Saved CS Policy SP4(d) requires development of garden land to be of an appropriate scale that is assessed as follows:

“..in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy.”

- 5.9. Relevant development plan policy includes: Saved policies SP18, SP19(b) of the Core Strategy, ENV1(5) and ENV25 of the Selby District Local Plan ENV25 and Chapters 112, 15 and 16 of the NPPF. These policies require conservation of historic assets which contribute most to the District’s character, and ensure development contributes positively to an area’s identity and heritage in terms of scale, density and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area.
- 5.10. The VDS is a material consideration in determining the application. The VDS seeks to explain the context and character of the village to allow new forms of development in the village to be sympathetic. The VDS understands that new development will “look new” but expects this to be undertaken in a way that fits in with the context of the village.
- 5.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’) also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.12. Paragraph 193 of the NPPF requires great weight be given to the asset’s conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196). Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 5.13. NPPF Paragraph 127(c) states that decisions should ensure that developments:

“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”

Assessment

- 5.14. The Conservation Officer has been consulted and confirms that the existing dwelling is not classed as a non-designated heritage asset. Officers agree and therefore NPPF Paragraph 197 is not considered relevant. The only heritage consideration is the proposal’s impact upon the setting of the Conservation Area.
- 5.15. The Conservation Officer notes the dwelling itself is a neutral contributor to setting but the spacious plot is positive in providing an attractive tree-lined view to the Conservation Area. The Conservation Officer then notes “*issues of general design/*

impact on character” that also “*result in a low level of harm to its overall significance.*”

- 5.16. The site is identified within the Village Design Statement (VDS) as being located in the Riccall Character Area. Officers note that the proposal incorporates a large number of the features of identified character: The proposal consists of detached houses with some irregular terraces and semidetached houses; roofs are all gabled and with the exception of plot 7 all eaves are front-facing; the houses are set behind short gardens with low walls and hedgerows; the footprints are generally rectangular with few extensions; buildings are two-storey; red multi brick and terracotta pantile are proposed; soldier-course brick lintels and stone cills are incorporated; decorative brick detailing at the eaves is shown; no roof lights are included.
- 5.17. The Conservation Officer raised concerns that the proposed dwellings are not characteristic of the area and in turn would have a harmful impact on the setting of the Conservation Area. On this occasion, officers do not share this view as it. NPPF Paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the Conservation Area) the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. Planning Practice Guidance defines this as anything that delivers economic, social or environmental progress.
- 5.18. The proposal will provide a net gain of six dwellings, the NPPF makes clear that the Government’s objective is to significantly boost the supply of housing (Paragraph 59), whilst meeting housing delivery should be considered as a minimum rather than a ceiling (Paragraph 11). Officers consider the scheme will provide societal benefits in meeting housing need. New dwellings will provide economic benefits including increased spend in local shops. The proposal will make efficient use of land to provide housing in a sustainable location. Officers are therefore of the view that, the proposal will secure the optimal viable use for which significant weight has been attached.
- 5.19. Whilst the Council can demonstrate a 5-year housing land supply and it is accepted that the provision of seven homes is modest, this should be balanced against the low level of harm. The weight attached to the fact that the Council can demonstrate a 5-year supply of housing attracts little weight in the consideration of this proposal based on the low level of harm and that the overall message from the Government is to boost the supply of housing overall.
- 5.20. Officers consider that the revised design pays regard to preserving the character and appearance of the Riccall Conservation Area, complies with the VDS, and are of an appropriate scale, CS Policies SP18 & SP19(b), SDLP Policies ENV1(5), and SDLP Policy ENV25, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to be acceptable taking account of the matters set out above.

Residential Amenity

- 5.21. CS Policy SP4(c) states that “*in all cases proposals will be expected to protect local amenity.*” SDLP Policy ENV1 provides eight broad aspirations for achieving ‘good quality development’ that should be taken into account where relevant. SDLP

ENV1(1) requires “*the effect upon... the amenity of adjoining occupiers*” to be taken into consideration.

Assessment

- 5.22. The front elevation of Plot 1 is in accordance with the building line of The Limes to the west, the rear elevations of the respective properties are also broadly in line with one another. The side elevation to side elevation relationship ensures results in no overbearance. The rear elevation for Plot 1 sits at a right angle to the rear garden of Plot 4 and is separated by c.9.5m distance with a 1.8m fence on the boundary, Officers consider, given the separation and boundary treatment, that no significant adverse overlooking will occur. Given the building line is broadly oriented east-west, in accordance with the neighbouring properties no overshadowing will occur upon these properties.
- 5.23. Plot 2 sits in the middle of the terrace and shares the same building line as the adjoining properties, and in accordance with the above assessment no overbearance or overshadowing will occur. The rear elevation faces the parking for Plots 2 & 4 and the side elevation for Plot 4 that contains a dining room window at ground floor and an en-suite window at first floor. Subject to the en-suite window being obscured no overlooking will occur.
- 5.24. The side elevation of Plot 3 is in approximately the same location as the existing dwelling, the proposed elevation is comparatively longer than the existing by c.1m and includes a blank gable as opposed to the hipped roof of the existing, however Officers do not consider that this will significantly change the existing relationship and does not create a significant adverse impact from either an overbearance or overshadowing perspective. The rear elevation shares the same relationship as Plot 2 and there are no side elevation windows, as a result no overlooking will occur.
- 5.25. Plots 4 and 5 are c.9m from the rear gardens of the properties on Main Street to the west and c.40m from their rear elevations. Given the extent of the Main Street properties' rear gardens, Officers consider no significantly adverse overlooking or overbearance will occur upon these properties. As described above no overlooking will result from the southern (side) elevation, in respect of the northern elevation the separation distance to Plot 5 and 6 to the north is c.13m and separated by a 1.5m fence, as such no overlooking will occur from the ground floor window. The first floor contains an en-suite and bedroom window that overlook the private drive and fronts of 6 & 7 and is not considered to be detrimental. The front elevations of Plots 4 and 5 are at right angles to the rear garden of 7 Station Rise to the east, separated by a distance of c.10.5m and proposed planting, Officers consider given the separation and satisfactory details of boundary treatment to be provided by condition no significant adverse overlooking will occur. Overshadowing will occur upon the rear gardens of Main St in the early morning and 7 Station Rise in the evening, however given the separation, orientation and times of the overshadowing it is not considered to be significantly adverse impact upon overshadowing.
- 5.26. The side elevation of Plot 6 is c.2m from the rear gardens of the Main Street properties and c.27m to their rear elevations. Given the extent of the Main Street properties' rear gardens Officers consider no significantly adverse overlooking or overbearance will occur upon these properties subject to the en-suite window on the first floor being obscured. Overshadowing will occur in the morning upon the Main Street properties and onto the side elevation of Plot 7 in the evening, however given the early morning overshadowing upon Main St properties and blank elevation of

Plot 7 (save windows to non-habitable rooms) it is not considered a significantly adverse impact upon overshadowing would result.

- 5.27. Plot 7 is c.4.5m from the boundary of 7 & 9 Station Rise. The side elevation of Plot 7 overlaps 7 Station Rise, with a short section consisting of the garage/bedroom offshot (without any rear windows) being c.7.5m from the corner of Plot 7 elevations, the rest of 7 Station Rise looks over the site through non-habitable room windows. 9 Station Rise is oblique to the Plot 7 building and the two dwellings do not face one another. Officers consider that this relationship will not give rise to a significant adverse overbearing presence. The building's relationship with adjoining properties makes overshadowing in the morning and afternoons fall principally on blank elevations or ancillary curtilage space and is not significantly adverse. The western (side) elevation faces the blank elevation of Plot 6, the eastern elevation contains no overlooking will occur.
- 5.28. The comments and recommended conditions from the EHO are noted and considered reasonable and appropriate to protect residential amenity, Officers recommend their inclusion on any approval.
- 5.29. In summary, subject to conditions officers consider that the proposals will not create significant adverse impacts that are prejudicial to the residential amenity of existing or future residents, and the proposals accord with CS Policy SP4 and SDLP Policy ENV1.

Access & Highway Safety

- 5.30. Saved SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer.
- 5.31. Saved SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.32. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.33. The Local Highway Authority have no concerns in respect of refuse vehicles (that do not need to access the site), however the dwellings would be more than 45 metres from the adopted highway and as such on-site turning is required to enable vehicles to leave the site in a forward gear.
- 5.34. Officers note that the intention of the application is to construct the first section of the highway up to an adoptable standard. The furthest dwelling from the adoptable standard segment is within 45m and therefore there is no requirement to bring the residual road up to adoptable standards.
- 5.35. Officers consider that sufficient on-site parking and the site configured to allow manoeuvrability and vehicles to enter and exit in forward gear. Sufficient visibility splays are provided for the speed limit and nature of the road. Conditions are

considered appropriate that require parking and manoeuvrability to be provided prior to the use of the dwellings and retained thereafter. Subject to these conditions the proposal is considered acceptable from a highway safety perspective and in accordance with SDLP Policies T1 & T2 and paragraph 109 of the NPPF.

Ground Conditions

- 5.36. Saved CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.37. Saved SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented.
- 5.38. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions.

Assessment

- 5.39. The application is supported by a Phase 2 Site Investigation Report. The Contaminated Land Consultant has assessed the Report and agrees with the conclusion that no further investigation. A condition in respect of unexpected contamination is recommended and is considered by Officers to be appropriate.
- 5.40. Subject to this condition the proposal is considered acceptable from a ground condition perspective and the proposals comply with CS Policy SP19 and SDLP Policy ENV2. Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/landowner.

Impact on Nature Conservation

- 5.41. Relevant policies in respect of nature conservation and protected species include Saved CS Policy SP18 of the Core Strategy. Saved CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain in biodiversity.
- 5.42. NPPF Paragraph 170(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Assessment

- 5.43. The application is supported by a bat scoping report that confirms the house is highly suitable to support roosting bats and the garage is of lower suitability. The submitted report confirms that accordingly bat activity surveys are required and that these must be undertaken prior to determination of the planning application.
- 5.44. The County Ecologist and Bat Group both agree that the emergence surveys are required prior to determination. The County Ecologist recommends this is incorporated within a wider Ecology Survey.

- 5.45. The applicants have undertaken one night's bat emergence survey and produced a Bat Survey Report accordingly. The survey demonstrates that further emergence surveys are required.
- 5.46. The findings and report have been considered by North Yorkshire County Ecology who agree that further surveys are required prior to determination of the application. Officers consider that in consideration of the survey and comments of the County Ecologist that Members resolve to approve subject completion of satisfactory bat surveys and agreement of subsequent mitigation (and engrossment of the Section 106 agreement).
- 5.47. The County Ecologist recommends the measures in Section 8.5 of the report, in respect of biodiversity net gains, should be adhered to. Officers agree that a condition requiring such is appropriate in accordance with CS Policy 18 and NPPF Paragraph 170(d).

Flood Risk & Drainage

- 5.48. The site sits within Flood Zone 1, the area at lowest risk of flood risk. Saved CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.

Assessment

- 5.49. The site is located within Flood Zone 1 i.e. the area of lowest risk and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 155.
- 5.50. There is no objection from Yorkshire Water in respect of foul drainage via the mains sewer.
- 5.51. In respect of foul drainage, whilst a number of methods of disposal are suggested within the submitted information, both the IDB and Yorkshire Water recommend sustainable drainage is sought first and foremost.
- 5.52. The applicants have undertaken percolation testing that demonstrates soakaways are not achievable. The proposed disposal of surface water via mains connection, and in this instance ultimately to Riccall Dam (Gosling Marsh Clough) is acceptable.
- 5.53. The applicants have continued to discuss the proposed drainage layout including clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage.
- 5.54. Officers consider that given no drainage layout has been agreed that a condition requiring details of such should remain.

Waste & Recycling

- 5.55. Saved CS Policy SP15B(a) supports the incorporation of facilities to support recycling. The Council's Adopted Developer Contributions Supplementary Planning Document (March 2007) is also a material consideration and requires development of 4 or more dwellings to provide bins at the applicant's expense.

Assessment

- 5.56. The Council's Waste & Recycling Officer raised initial concerns in respect of the proposed roadside bin store. The applicants have since submitted plans that replace the bin store with a simple presentation point and have demonstrated bin storage within each occupant's curtilage, a further revision has been submitted that rotates the presentation point 90 degrees anti-clockwise and, and the Waste & Recycling Officer considers this approach acceptable.
- 5.57. The draft Section 106 Agreement contains the requisite contributions for the waste and recycling provision.

Open Space

- 5.58. Saved SDLP Policy RT2 A of the Local Plan requires residential schemes of between 4 and 10 dwellings to provide a commuted payment to provide a commuted payment to enable the district council to provide new or upgrade existing facilities in the locality.

Assessment

- 5.59. Following consultation with the Parish Council, no costed schemes were submitted for the provision of new facilities. In accordance with SDLP Policy RT2 and the Developer Contributions Supplementary Planning Document, the funds will therefore be available for the Parish Council to upgrade existing facilities. The draft Section 106 Agreement includes this contribution and is considered to be acceptable.

6. CONCLUSION

- 6.1. The proposed development is considered acceptable in principle. Officers have considered the proposals against all material considerations that arise from the development.
- 6.2. The proposal seeks to deliver housing development within an existing settlement that is in accordance with the aspirations of both local and national planning policy. The Government's objective is to significantly boost the supply of homes (Paragraph 59 of the NPPF) and small/medium sized sites are considered to make an important contribution to meeting the housing requirement (Paragraph 68 of the NPPF).
- 6.3. On balance, taking into account all of the material planning considerations above, the proposal is considered to be sustainable development as set out in the NPPF and as such recommended accordingly. The representations put forward by interested parties and consultees have been taken into account, however, officers have attached significant weight to the delivery of housing in line with National Planning Policy.

7. RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

PLANNING COMMITTEE RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, SUBJECT TO THE COMPLETION OF THE FURTHER SATISFACTORY ECOLOGY SURVEYS AND THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN RELATION TO THE FOLLOWING MATTERS:

A. Financial contribution towards the enhancement of Public Open Space.

B. The provision of waste and recycling facilities.

THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION ON COMPLETION OF THE AGREEMENT.

Planning Permission Granted (Section 106) 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 and documents listed below:

- Site Location Plan ref.001 Rev.P00
- Proposed Site Plan ref.105 Rev.P03
- Proposed Floor Plans Plots 1 – 3 Ref.110 Rev.P00
- Proposed Elevations Plots 1 – 3 Ref.130 Rev.P00
- Proposed Floor Plans Plots 4 – 5 Ref.410 Rev.P00
- Proposed Elevations Plots 4 – 5 Ref.430 Rev.P01
- Proposed Floor Plans Plot 6 Ref.610 Rev.P00
- Proposed Elevations Plot 6 Ref.630 Rev.P00
- Proposed Elevations Plot 6 Ref.631 Rev.P00
- Proposed Floor Plans Plot 7 Ref.710 Rev.P00
- Proposed Elevations Plot 7 Ref.730 Rev.P00

Reason:

For the avoidance of doubt.

03. 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 disposal of surface water and foul sewage.

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 for the disposal of surface water:

- 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 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 litres per second per hectare (1:1 year storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100-year event. A 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.

04. 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.

05. 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:-

- a) evidence that surface water disposal via infiltration or watercourse are not reasonably practical.
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

06. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

07. There shall be no piling on the site until a schedule of works identifying those plots affected and setting out mitigation measures to protect residents from noise and vibration has been submitted to and approved in writing by the local planning authority. The piling shall thereafter be carried out in accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

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

Reason:

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

09. Prior to occupation of the approved scheme, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason:

To ensure appropriate landscaping of the site in the interests of visual amenity.

10. Prior to occupation of the approved dwellings, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatment shall be completed prior to occupation of the approved dwellings. Development shall be carried out in accordance with the

approved details and retained and maintained in accordance with the approved details.

Reason:

To safeguard privacy and ensure satisfactory levels of amenity for future occupiers of the proposed dwellings and that of neighbouring dwellings having had regard to Policy ENV1 of the Selby District Local Plan.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 2:

a. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON:

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

12. Prior to any development above ground, details of the materials to be used in the construction of the exterior walls and roof shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

13. The development shall be carried out in accordance with the measures outlined in Section 8.5 of the submitted Bat survey.

Reason:

In order to establish a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

INFORMATIVES

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

02. A sewer connection request under Section 106 Water Industry Act 1991 will be required and should be submitted to Yorkshire Water.

03. Under the IDB's Byelaws, the written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

8. Legal Issues

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

8.3. 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

9.1. A S106 agreement will be entered into upon the issue of a planning approval providing contributions to open space improvement and provision of waste and recycling facilities.

10. Background Documents

10.1. Planning Application file reference 2019/0905/FUL and associated documents.

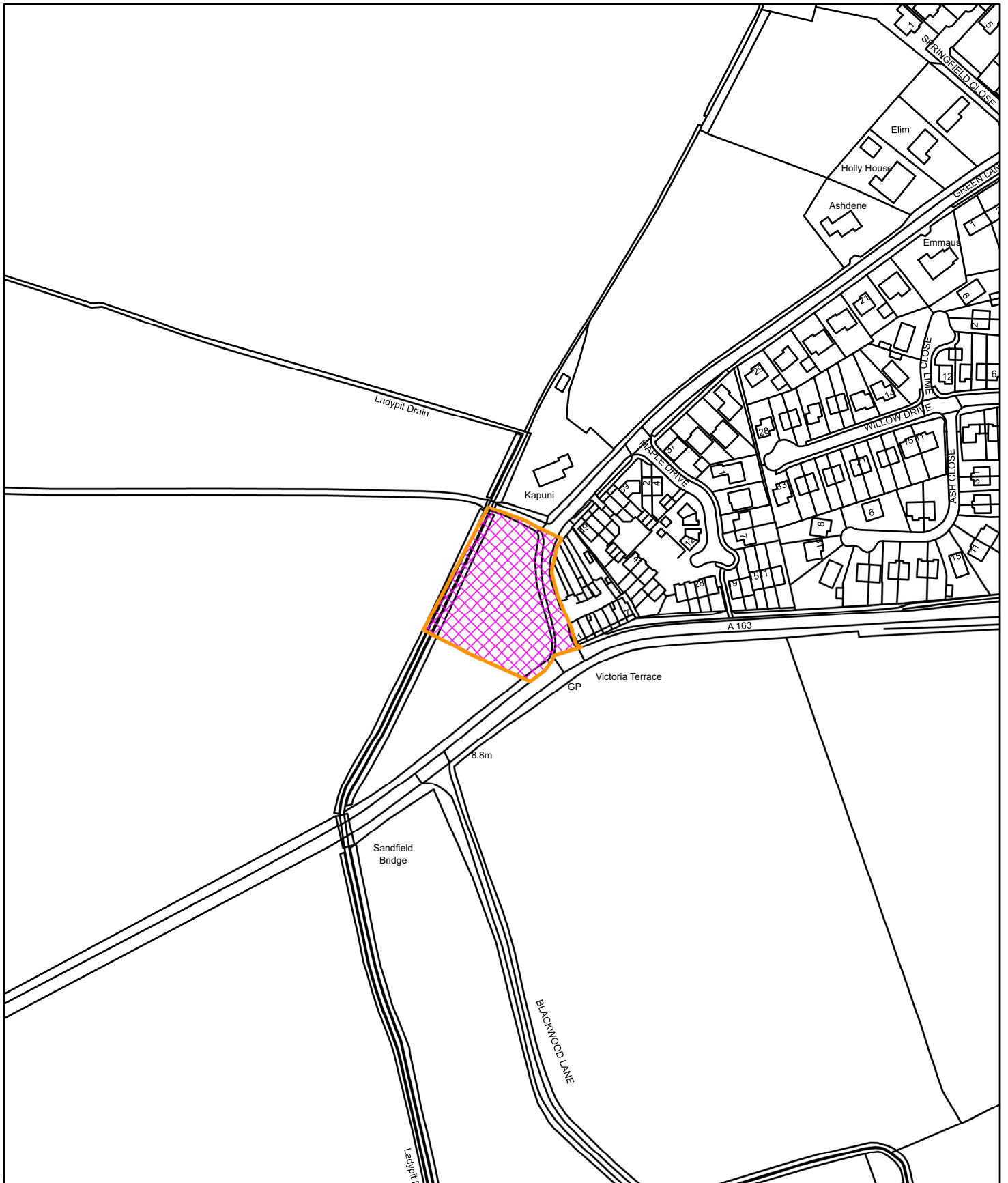
Contact Officer: Chris Fairchild (Senior Planning Officer)

Appendices: None

Agenda Item 4.3

Land adjacent to A163, Market Weighton Road W, North Duffield

2019/0759/FUL



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright

Selby District Council Licence No. 100018656








This copy has been produced specifically for Planning and Building Control purposes only.

No further copies may be made.






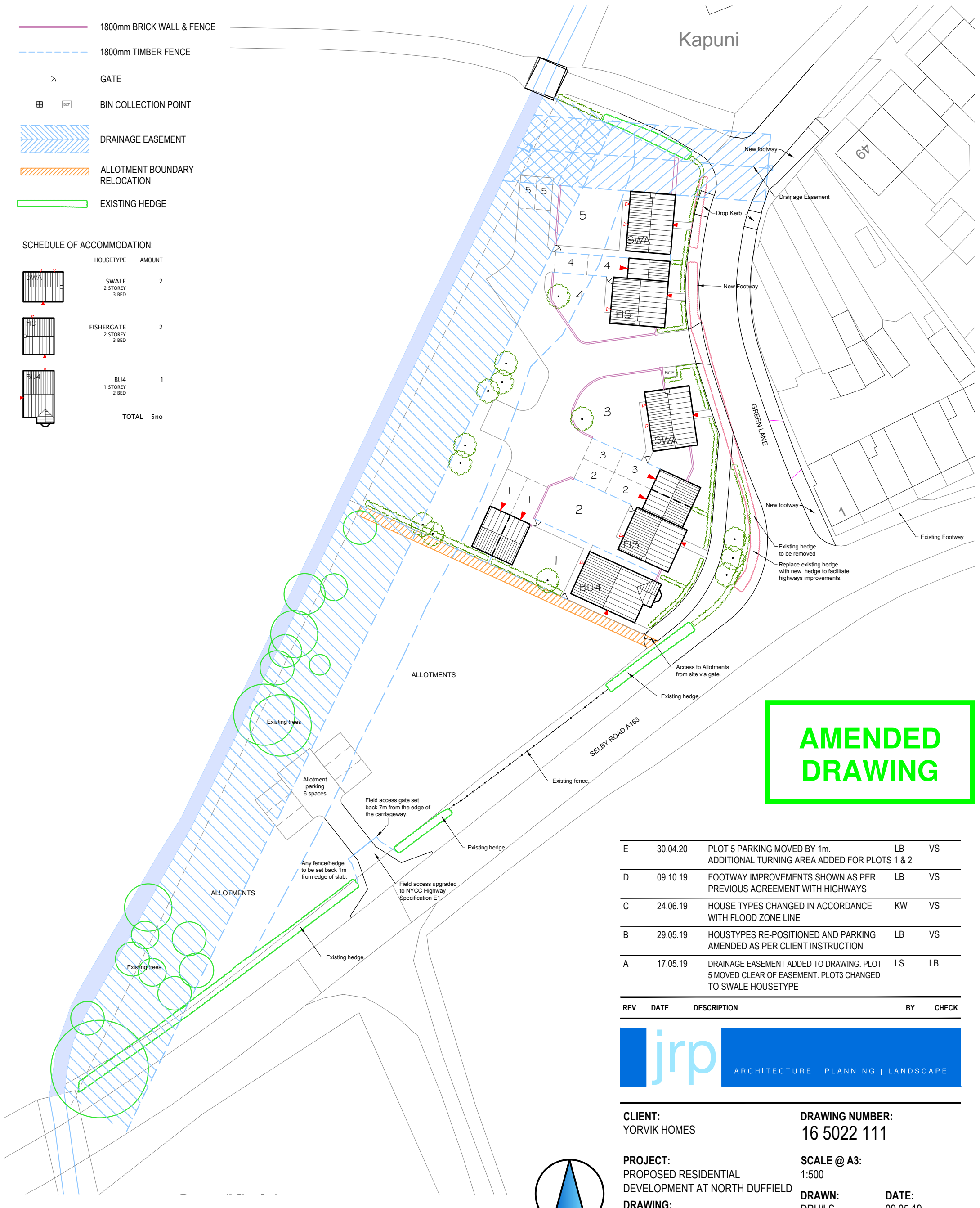
This page is intentionally left blank

PLANNING LAYOUT KEY:

-  1800mm BRICK WALL & FENCE
-  1800mm TIMBER FENCE
-  GATE
-  BIN COLLECTION POINT
-  DRAINAGE EASEMENT
-  ALLOTMENT BOUNDARY RELOCATION
-  EXISTING HEDGE

SCHEDULE OF ACCOMMODATION:

HOUSETYPE	AMOUNT
 SWALE 2 STOREY 3 BED	2
 FISHERGATE 2 STOREY 3 BED	2
 BU4 1 STOREY 2 BED	1
TOTAL	5no



AMENDED
DRAWING

REV	DATE	DESCRIPTION	BY	CHECK
E	30.04.20	PLOT 5 PARKING MOVED BY 1m. ADDITIONAL TURNING AREA ADDED FOR PLOTS 1 & 2	LB	VS
D	09.10.19	FOOTWAY IMPROVEMENTS SHOWN AS PER PREVIOUS AGREEMENT WITH HIGHWAYS	LB	VS
C	24.06.19	HOUSE TYPES CHANGED IN ACCORDANCE WITH FLOOD ZONE LINE	KW	VS
B	29.05.19	HOUSTYPES RE-POSITIONED AND PARKING AMENDED AS PER CLIENT INSTRUCTION	LB	VS
A	17.05.19	DRAINAGE EASEMENT ADDED TO DRAWING. PLOT 5 MOVED CLEAR OF EASEMENT. PLOT3 CHANGED TO SWALE HOUSTYPE	LS	LB

REV	DATE	DESCRIPTION	BY	CHECK
-----	------	-------------	----	-------



CLIENT:
YORVIK HOMES

DRAWING NUMBER:
16 5022 111

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT AT NORTH DUFFIELD

SCALE @ A3:
1:500

DRAWN: DRH/LS **DATE:** 09.05.19

DRAWING: PROPOSED PLANNING LAYOUT

CHECKED: LB **DATE:** 09.05.19



PROPOSED
PLANNING LAYOUT



This page is intentionally left blank



Report Reference Number 2019/0759/FUL

To: Planning Committee
Date: 7th July 2021
Author: Mandy Cooper (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0759/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Yorvik Homes Ltd	VALID DATE:	14th August 2019
		EXPIRY DATE:	9th October 2019
PROPOSAL:	Proposed erection of 5 dwellings and associated infrastructure		
LOCATION:	Land Adjacent A163 Market Weighton Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO COMPLETION OF S106		

1. Introduction and Background

- 1.1 This application has been brought back before Planning Committee as an update to the report considered at the 27th January 2021 Planning Committee. Members debated the proposal; acknowledging that it was not a straightforward scheme and expressed concerns given it is a departure from the Council's Development Plan and a site that had been given initial permission when the Council did not have a five-year land supply.
- 1.2 The Committee agreed that the application should be deferred and looked at again by both the applicant and Officers, as there were alternative and more affordable proposals that the local community would be more likely to support. The Committee also asked for more information in general from Officers on sites that had been agreed previously when there had been no five-year land supply. It was proposed and seconded that consideration of the application be deferred in order for Officers to undertake further work on the proposals and examine alternative options, including a more affordable type of housing that would be better suited to the local community.
- 1.3 A copy of the officer's report presented to Planning Committee on 27th January 2021 is attached at **Appendix 1**.

The Proposal

- 1.4 This application seeks planning permission for five detached dwellings comprising one 2 bedroom bungalow; in addition to four no. 3 bedroom, two storey properties.

Relevant Planning History

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

- 2015/0517/OUT, Alt Ref: 8/13/267/PA: Outline application to include access and layout for 35 dwellings on land to the west of York Road
Decision: Approved: 03.12.2015
-

- 2015/0520/OUT, Alt Ref: 8/13/267B/PA: Outline application for residential development (9 units) on land to the north east of Kapuni
Decision: Approved: 08.10.2015
 - 2018/0273/REM: Reserved matters application relating to Reserved Matters approval appearance, landscaping, layout, scale and access of approval **2015/0520/OUT** Outline application (with all matters reserved) for residential development (9 dwellings) on land to the north east of Kapuni
Decision: Approved: 17.05.2018
-

- 2015/0519/OUT, Alt Ref: 8/13/267A/PA: Outline application (with access and layout for approval and appearance/landscaping and scale reserved) for residential development (6 units), recreational open space and highway improvements: Green Lane, North Duffield
Decision: Approved 08.10.2015
 - 2016/1265/REM Reserved matters application (landscaping, appearance and scale) for residential development (6 units), recreational open space and highway improvements on land to the west of
Decision: Approved 21.12.2016
 - 2017/1061/FUL - Retrospective application for the creation of a new vehicular access and change of use of land to a car park and construction of parking bays
Decision: Approved: 03.01.2018
-

- 2018/1344/OUTM: Outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road
Decision: Approved: 15.02.2021
- 2018/1346/FULM: Proposed erection of 14 dwellings and creation of new access on land at The Paddocks, York Road, North Duffield
Decision: Approved: 24.11.2020

2.1 Further issues to be taken into account when assessing this application are:

- **Update in Relation to Site History**
- **Design & Scale of Previously Approved Scheme**
- **Recreational Open Space - Allotments**
- **Affordable Housing**
- **Landscaping**
- **Footpath Provision**

Update in Relation to Site History

2.3 Planning permission was granted under application ref: 2015/0519/OUT in October of 2015 for the erection of six dwellings, with open space and highway improvements. The application included matters relating to access and layout, with landscaping reserved for future consideration. The subsequent Reserved Matters application (2016/1265/REM) being approved on 21 December 2016.

2.4 This application was however submitted along with two other applications:

- 2015/0517/OUT: Outline application to include access and layout for 35 dwellings on land to the west of York Road
- 2015/0520/OUT: Outline application for residential development (9 units) on land to the north east of Kapuni

2.5 Whilst all three of the applications were outside Development Limits and therefore Departure(s), the Council's 2013-14 Five Year Housing Land Supply report at that time, established that the authority had less than a 5 year supply of deliverable housing land being a 4.3 (approximately) year supply of housing. This meant that in accordance with paragraph 49 of the NPPF (at that time and now paragraph 73 in the updated NPPF) the Council's policies designed to constrain housing supply could not therefore be considered up to date. Approval of the three sites would assist the Council in restoring its 5 year supply of housing. On this basis, all three applications were approved at Planning Committee by members.

Design & Scale of Previously Approved Scheme

2.6 The agent has submitted information which relates to both the approved Reserved Matters (2016/1265/REM) proposal and the current scheme and draws comparisons as follows:

2.7 The approved Reserved Matters scheme proposed six dwellings which were all semi-detached and comprised of three and four bedrooms:

Plot 1 – 3 bed - 80.8sqm
Plot 2 – 3 bed - 80.8sqm
Plot 3 – 3 bed - 80.8sqm
Plot 4 – 3 bed - 80.8sqm
Plot 5 – 4 bed - 109.16sqm
Plot 6 - 4 bed - 109.16sqm

= total of 541.6sqm

- 2.8 The current proposal now provides detached dwellings, reduced in sqm and with less bedrooms than those originally approved above.

Plot 1 – 2 bed bungalow - 62.9sqm

Plot 2 – 3 bed - 92.9sqm

Plot 3 – 3 bed - 97.9sqm

Plot 4 – 3 bed - 92.9sqm

Plot 5 - 3 bed - 97.9sqm

= total of 444.8sqm

- 2.9 The submitted information states that the proposed dwellings would still provide family accommodation as required by the local community. The document adds that the 2019 Strategic Housing Market Assessment (SHMA) identifies (para.6.19 – Figure 11) the open market requirements to have higher levels of 3 bedroom properties (49%) as per the revised scheme. The SHMA is referenced further whereby it sets out that the Council should consider the potential role of bungalows as part of the future mix of housing; being a particular requirement and attractive to older owner-occupiers and assisting in encouraging households to downsize. Bungalows are often the first choice for older people seeking suitable accommodation in later life and there is generally a high demand for such accommodation when it becomes available (para. 6.32 of SHMA). The SHMA adds that the building of bungalows “*is often not supported by either house builders or planners (due to the potential plot sizes).*” The substitution of the 4 bedroom dwelling for a 2 bedroom bungalow is therefore considered to be in accordance with the latest SHMA.
- 2.10 It is considered that the current layout makes better use of the constraints within the site by increasing private amenity space for future occupants and improved positions for private parking, being alongside and/or closer to the proposed dwellings, whilst taking account of the flood zone buffer. The frontages of the dwelling have been widened slightly and reduced in depth and thereby providing a more pronounced and enclosed edge to this part of the village.

Recreational Open Space – Allotments

- 2.11 Under the approved outline consent (2015/0219/OUT) it was agreed that the land forming part of the application to the south west of the site would be transferred to the Parish Council in order to provide new allotments and equating to 360sqm of the policy requirement. The allotments have now been provided with a new access and parking as applied for and approved (2017/1061/FUL) under a separate application.
- 2.12 It was noted at the time that strictly speaking this was a minor departure from Policy RT2 as the Recreational Open Space (ROS) would not be provided through a commuted sum but it was considered that the outcome would be equal as 60sqm of ROS would be provided per dwelling.
- 2.13 Given that this requirement was tied to the original outline permission, the applicant has now provided the above in good faith. The allotments also include a water supply with the land now transferred to the Parish Council and hence why it is excluded from the red line plan under the current proposal. The applicant considers that this should be raised as a material consideration based on the benefit to the local community. Furthermore, the submitted information adds that the current application proposes improvements to the overall design and layout, with a smaller bed mix and does not remove the fact that the benefit (allotments) has already been provided.

Footpath Provision

- 2.14 As highlighted by the agent, the development of the site would result in significant benefits to the community through the provision of a footpath to the opposite side of Green Lane and without the approval of the current proposal, the footpath would not be provided.

Affordable Housing

- 2.15 The link between this and the two other sites removed the requirement for an individual calculation for each site, in respect of affordable housing provision and was considered across the three outline applications at that time.
- 2.16 The current application falls below the threshold in terms of affordable housing provision and the agent has stated that it is their understanding that Members are not contesting this but the affordability of the proposed dwellings due to them being detached and therefore 'executive.'

Landscaping

- 2.17 The applicant has acknowledged the comments raised by Members in respect of the proposed landscaping of the site. Whilst it was considered that this matter was addressed by the case officer in the January Planning Committee meeting, the applicant has revised the landscaping scheme to include a species rich, wetland meadow to the north west boundary (drainage easement area) of the site and some additional tree and frontage landscape planting.

Conclusion:

- 3.0 Members have asked Officers to look at alternative and more affordable proposals that the community would be more likely to support. The applicant has not submitted the application as an affordable housing scheme so it cannot be assessed as such. However the applicant has submitted additional information that highlights that the proposals would provide family accommodation as required by the local community and the scheme would provide 4 three bedroom detached houses and a two bed bungalow. The Strategic Housing Market Assessment (SHMA) identifies the need for three bedroom properties and recognises the potential role of bungalows and the role they play in providing suitable accommodation for older people. Officers consider that the provision of three bedroom properties and bungalows to be a material consideration in the determination of this application.
- 3.1 As the previous Officer's report confirmed the proposed scheme is for 5 dwellings and located on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to Core Strategy Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 3.2 Officers consider that one such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In applying the principles of the proposal against the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction sector. The proposal would also bring additional residents to the area who in turn would contribute to the local economy through supporting existing local businesses and facilities.

- 3.3 The development takes into account environmental issues such as ecology, flooding and impacts on climate change and the benefit of the existing local services within North Duffield and access to public transport, means the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, considered that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 3.4 Whilst recognising the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the Core Strategy as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has previously been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as is now proposed.
- 3.5 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Therefore, subject to the recommended conditions and the material considerations as set out in this report outweigh the conflict with the Development Plan to the extent that planning permission should be granted.

4. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions and completion of Section 106 in relation to Recreational Open Space:

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

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

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

- P16 5022 11- Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 12 - Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 13 - Proposed Floor Plans & Elevations - 3 bed - Swale (AS)
- P16 5022 14 - Proposed Floor Plans & Elevations - 2 bed bungalow - BU4 (AS)
- P16 5022-120 Rev E – Site Layout showing Landscape Proposals
- P16 5022-111 Rev E – Site Layout
- P16 5022- 112 – Garage Details
- P16 5022-113 - Boundary Treatments
- P16 5022–114 – Location Plan
- 12370-5002-01 Rev 5 - Site Layout
- 12370-5002-02 Rev 6 – Kerbing Plan
- 12370-5002-03 Rev 6 – Section 278

- 12370-5002-04 5 Typical Highway Construction Details (Sheet 1)
- 12370-5002-C-05 Rev 7 - Drainage Layout Plan
- 12370-5002-C-09 Rev 1- Site Layout Tracking
- 12370-5002-06 7 – Surfacing Plan
- 12370-5002-07 – Porous Paving Detail
- 12370-5002- 08 Rev 2 – Private Drive Construction Details & Storm Cell Details
- Sewer Site Plan received on 31.03.2020
- 12370-5002-11 – Vehicle Swept Path

Reason: For the avoidance of doubt

03. A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for an Archaeological Strip, Map and Record prepared by MAP Archaeological Practice (Ref: Vers. A031019).B).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Sub Section (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure compliance with Policy ENV28 of the Selby District Local Plan and Section 12 of the NPPF as the site is of archaeological interest.

04. No part of the development shall be brought into use until the access to the site at Green Lane, North Duffield 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 crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.-

- a. 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
- b. 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
- c. The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway
- d. 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.

05. Prior to first occupation of the development hereby approved, the following schemes of off-site highway mitigation measures must be completed as indicated below:

- a) Provision of a 2 metre wide footway on both sides of Green Lane prior to first occupation of dwellings

- b) Increased width of carriageway, including new carriageway, tie in and resurfacing of existing carriageway at Green Lane, North Duffield prior to commencement on site;
- c) Provision of tactile crossing point prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

06. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the site on Green Lane, North Duffield have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

07. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved details. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in constructing the development clear of the highway;
4. Details of site working hours to include delivery, loading and unloading of goods and vehicle movements;
5. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

08. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved details and prior to occupation of the site.

Reason: In the interest of satisfactory and sustainable drainage.

09. 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:

- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm). The total discharge from the new development site shall therefore not exceed 1 litres per second.
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

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

10. The development hereby approved shall not be brought into use until the noise mitigation measures within the submitted Addendum Noise Report (dated 5th July 2019) prepared by Environmental Studies - Leeds City Council have been provided on site.

Reason: In accordance with Core Strategy Policy SP19 and in order to ensure that the amenities of the occupants of the dwellings hereby approved are not adversely affected by noise from vehicle movements on Market Weighton Road (A163).

11. No new buildings, structures, walls, fences, trees or other planting or obstruction shall be erected or placed within 9 metres of the bank top of Moses Drain.

Reason: To maintain access to the watercourse for maintenance or improvements.

12. There must be no raising of ground levels in Flood Zone 3 (as per the flood map for planning on the Environment Agency website), and all spoil / arisings are to be removed from the floodplain.

Reason: To ensure that there is no loss of flood storage, and that flood flows are not displaced onto others.

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

- Revised Construction Ecological Management Plan (CIEM) & Ecological Enhancement Management Plan (EEMP) prepared by Wold Ecology Ltd and received on the 22.04.2020

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

14. The external face of the frames of all windows and doors shall be set in reveals of at least 50mm from the front face of the brickwork.

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

15. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of **five** years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

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

16. Prior to occupation by the first residents of the dwellings hereby approved, details of electric vehicle recharge points for electric vehicles shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason: To promote and incentivise the use of low emission vehicles on site; to reduce the overall emission impact of development related traffic and in accordance with policy SP15 B. f) of the Core Strategy.

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

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A or B and Part 2 of Class A including the erection of buildings or structures, the construction of gates, walls, fences or other means of enclosure, other than those shown on the approved plans shall take place to any elevation of the dwelling houses hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: in accordance with Local Plan Policy ENV1 and as the Local Planning Authority considers that further development could cause detriment to the amenities of

the occupiers of nearby properties and detriment to the character of the area and for this reason would wish to control any future development.

INFORMATIVES

Highway Works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

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%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads___street_works_2nd_edi.pdf

Yorkshire Water Services

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82), email: technical.sewerage@yorkshirewater.co.uk at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Board's Consent

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

- a. Any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. Any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. ***This applies whether the discharge enters the watercourse either directly or indirectly.***
- c. Works including the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc. into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- d. Any construction, fencing or planting within 9 metres of a Board maintained watercourse (as shown

The Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

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

Erections within 9 metres of the Watercourse

The Board's consent is required for any construction, fencing or planting within 9 metres of the top of the embankment of a Board maintained watercourse.

The Board notes that the applicant proposes to erect a fence and wall within 9 metres of the watercourse, as well as a parking area for plot 5.

Consent for this has not been obtained and will need to be discussed, and agreed, with the Board prior to the erection of the same.

The Board can agree, in principle, for the fence, wall and parking area to be erected within the 9 metre easement area but the exact location will need to be agreed with the Board and subject to certain conditions.

Maintenance Responsibility - General

The proposed development is within the Board's area and is adjacent to Moses Drain, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

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 2019/0759/FUL and associated documents.

Contact Officer: Mandy Cooper (Senior Planning Officer)

Appendices:

1.- Report to Planning Committee (2019/0759/FUL) 27th January 2021



Report Reference Number 2019/0759/FUL
Agenda Item No:

To: Planning Committee
Date: 27th January 2021
Author: Mandy Cooper (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0759/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Yorvik Homes Ltd	VALID DATE: EXPIRY DATE:	14th August 2019 9th October 2019
PROPOSAL:	Proposed erection of 5 dwellings and associated infrastructure		
LOCATION:	Land Adjacent A163 Market Weighton Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	Minded to APPROVE subject to S106 Agreement on Recreational Open Space Contributions		

This application has been brought before Planning Committee as the development is a Departure and therefore contrary to the requirements of the Development Plan. Officers consider however, that there are material considerations which would support a recommendation for approval.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located beyond but adjacent to the Development Limits of North Duffield, extends to approximately 0.69ha and comprises the northern portion of a large triangular shaped paddock. Adjoining the site and forming part of the same paddock to the south west is are allotments (approved under approved under a retrospective planning application ref: 2017/1061/FUL), albeit they were part of earlier residential consents for the current application site which have lapsed.
- 1.2 Access would be taken directly from Green Lane which joins (the A163) Market Weighton Road to the south east. Existing residential development lies to the north in the form of a large detached bungalow (Kapuni); to the north east are a group of

recently constructed 2.5 storey properties and to the south east are well established properties which face the A163 and to the northwest are open agricultural fields.

- 1.3 The proposal site is flat with hedgerows to the south east and northern boundary and facing the public highway. The boundary to the north west is for the most part lacking any existing screening and which joins Moses Drain. There are no notable features within the extent of the application site.
- 1.5 To the north west boundary of the site, is the Moses Dyke which is maintained by the Internal Drainage Board (IDB) beyond which is open agricultural land.
- 1.6 The site is located predominantly within Flood Zone 1, however a section to the north west falls within Flood Zones 2 and 3. The layout approved at the outline consent proposed all development within Flood Zone 1 and this application follows the same principle in this regard.

Background

- 1.7 An outline planning permission was granted on the application site (reference 2015/0519/OUT) for a residential development of 6 no. semi-detached units (with access and layout for approval and appearance/landscaping and scale reserved) for residential development, recreational open space and highway improvements. The landscaping, appearance, and scale was reserved for subsequent approval under a reserved matters application granted (under reference 2016/1265/REM).
- 1.8 The submitted DAS advises that since the granting of this permission further market assessments have resulted in re-consideration of the previously approved scheme, where it is considered that an alternative house type mix and design would be more appropriate to provide a greater variety which has led to the submission of this application.

The Proposal

- 1.9. This application seeks planning permission for five detached dwellings comprising one 2 bedroom bungalow; in addition to four no. 3 bedroom, two storey properties.

Relevant Planning History

- 1.10 The following historical applications are considered to be relevant to the determination of this application.
 - 2015/0519/OUT, Alt Ref: 8/13/267A/PA: Outline application (with access and layout for approval and appearance/landscaping and scale reserved) for residential development (6 units), recreational open space and highway improvements: Green Lane, North Duffield
Decision: Approved 08.10.2015
 - 2016/1265/REM Reserved matters application (landscaping, appearance and scale) for residential development (6 units), recreational open space and highway improvements on land to the west of
Decision: Approved 21.12.2016
 - 2017/1061/FUL - Retrospective application for the creation of a new vehicular access and change of use of land to a car park and construction of parking bays
Decision: Approved: 03.01.2018

2. CONSULTATION AND PUBLICITY

- 2.1 **Environment Agency – (Initial response (25.09.2019))** – All residential development is located in flood zone 1. No objections subject to a condition (as specified) ensuring that there is no raising of floor levels included.

Environment Agency (Final response 11.12.2019) - Having reviewed the new information submitted with the application there are no further comments. The advice in response dated 25 September 2019 still applies.

- 2.2 **Environmental Health** - Further to consultation dated 21st January 2020 concerning the above proposals, have considered the information provided by the applicant and would make the following comments. The applicant has submitted an Addendum Noise Report, dated 5th July 2019 which considers noise impacts from road traffic on the A163. The report concludes that in order to secure good standards of amenity in terms of mitigating noise impacts an acoustic fence to the garden of plot 1 and alternative ventilation solutions to plots 1, 2 and 3 are required. In view of the above, recommend that the mitigation measures specified in the report are incorporated in to the development by way of condition.

- 2.3 **SuDS** -. The LLFA is only a statutory consultee on major application, defined for residential development as 10 dwellings or more. It would appear that the IDB have mandated a 1l/s runoff rate from the site, for which a connection will require the consent of the IDB. The LLFA have no further comments to make.

- 2.4 **The Ouse & Derwent Internal Drainage Board – Initial & second responses** - Following on from first response on 5 September 2019. The Board notes that this is an application for the proposed erection of 5 dwellings and associated infrastructure. This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

The Ouse & Derwent Internal Drainage Board (Final response) – As set out previously the application sits within the Board’s district and the Board has assets adjacent to the site in the form of Moses Drain, which can be subject to high flows during storm events. Reference to use of a hydrobrake with a discharge rate of 1 litres per second within the site and the use of a perforated filtration pipe to the watercourse. The Board would not usually agree a higher discharge rate than that proposed by the greenfield run off rates but given the specific circumstances, the Board will accept a discharge rate of 1 litres per second on this occasion. Agreed on the basis that the Board can inspect the installation periodically to ensure that the discharge rate above remains.

Conclusion - Accordingly, the Board recommends that any approval granted to the proposed development should include conditions requiring drainage works to be agreed (and a number of informatives to be included).

- 2.5 **NYCC Highways - Initial Response (21.08.2019)** - This application reduces the development to 5 dwellings and changes some of the previously agreed highway aspects. Notable changes in regards to this scheme are the S278 works that alters the alignment of the proposed footway and removing some of the previously agreed footway works on the adjacent highway on Green Lane.

- Alignment of proposed footway is acceptable, but the Highway Authority would not be able to adopt the section from the gable end of plot 3 up to the allotments. The reason being that NYCC do not take on green spaces anymore. The footway will either need to remain private for this section along with the

vegetation or realigned and altered as previously agreed in the earlier applications.

- The Section 278 plan shows that a footway on the adjacent side to the site is to be incorporated within the development. This was agreed through the previous applications. However the Design and Access statement and a number of the plans submitted show this element removed. In order to connect the site to the village the footway adjacent is necessary. The applicant needs to reinstate this on all plans submitted for consideration.
- The tactile paving shown on the S278 drawing is not to NYCC's specification, this should be amended to have a minimum of 3 rows.
- Applicant needs to add a key to the S278 to make it easier to read.
- There would appear to be a lack of vehicle on-site turning provided. Turning areas should be provided or swept paths showing that vehicles can turn on site.
- On site turning should be provided where dwellings are more than 45 metres from a public highway. Whilst the majority of houses are within this distance, plot 5 is just over this limit.
- Construction details for the access need adding onto the Construction Details drawing.
- Proposed construction depths of the West Channel Tie in Details need confirming as not to NYCC's specification but in order to determine whether they are acceptable or not NYCC need to understand the reasoning behind them.

NYCC Highways – Final Response (29.06.2020) - The applicant has confirmed that the site will remain private and there are a number of alterations to make to the existing highway. There has been ongoing liaison with the agent to gain a design which is acceptable to the Highway Authority. The applicant will need to enter into a section 278 agreement with the Highway Authority to carry out the necessary highway works. Conditions are required in respect of construction of access prior to development; crossing of the highway verge and/or footway; Delivery of off-site highway Works; Provision of Approved Access, Turning and Parking Areas at Green Lane; Construction Phase Management Plan- Small sites and Garage conversion to habitable rooms requiring planning permission.

2.6 **Yorkshire Water Services** - If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure through the use of separate systems for foul and surface water and means of surface water. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

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

2.8 **County Ecologist – First Response**

- Assume that potential impacts on nearby internationally-designated sites (Skipwith Common SAC and the Lower Derwent Valley SAC/SPA/Ramsar site) were considered at this stage.
- Unlikely that the proposed development would impact on these protected sites: Skipwith Common is, at its nearest point, over 1 km distant with Moses Drain, arable farmland and Cornelius Causeway in between.

- Lower Derwent Valley is, at its nearest point, over 1.5 km to the east with the village of North Duffield between.
- Application is accompanied by a lengthy Preliminary Ecological Appraisal but the recommendations concerning ecological mitigation/enhancement are spread across several sections and difficult to distinguish between general advice (e.g. provision of rough grassland for Hedgehogs) and measures which need to be undertaken to ensure compliance with legislation and planning policy.

Recommend that an Ecological Management Plan is produced, to be submitted to the Authority for agreement prior to commencement; thereafter, the development should be undertaken in accordance with the agreed Ecological Management Plan taking into consideration the following points:

- Plan should be clear and concise; it need not be more than a few pages long. It should include clearly marked maps where different actions are required in different places (e.g. in the reptile mitigation Method Statement).
- It should address the specifics of the development (e.g. timing of removal of the roadside hedge). Statements irrelevant to the application site (e.g. recommendations for nest box densities in woodland in para 8.4.5.6) should be avoided.
- All actions to be undertaken should have been discussed with and agreed by the applicant prior to submission.
- There should be a clear separation between actions which need to be taken and more generic recommendations of an advisory nature.
- Mitigation measures should be proportionate to the risk; given the conclusion that the site is unlikely to support reptiles (para 8.6.3.2), and suggest reptile mitigation Method Statement might be simplified.

County Ecologist – Second Response In relation to the Construction Ecological Management Plan and Ecological Enhancement Plan for this application. The scope of ecological mitigation and enhancements measures is satisfactory and well-explained but request a quick review of the plan content. Previous comments of 19 August 2019, it was advised that there should be a clear separation between actions which need to be taken and more generic recommendations of an advisory nature. This is still unclear in places, which makes it difficult to secure compliance with the document via a planning condition.

County Ecologist – Final Response – The revised Construction Ecological Management Plan and Ecological Enhancement Management Plan for this application. Can confirm that the suggested revisions have been incorporated into the document, and recommend that adherence to these plans is secured by condition.

2.9 **Yorkshire Wildlife Trust - Initial response** - Reiterate Ecology comments that a Construction Ecological Management Plan is approved by the Council prior to commencement of works on site. This should include precautionary working methods for species such as great crested newts, reptiles, water voles and nesting birds. Would also like confirmation of the mitigation measures proposed within the report, including installation of bat and bird boxes, sensitive lighting schemes and detail on how the proposal will achieve a net gain in biodiversity as required under NPPF.

Yorkshire Wildlife Trust – Final Response - Note the submission of the updated CEMP and that comments from NYCC Ecology confirm they are now satisfied with the content following amendments relating to previous consultation. No further comment to add on this occasion.

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

2.11 **HER Officer - Initial response** - A Written Scheme of Investigation and archaeological mitigation recording should be undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

HER Officer – Final response - A Written Scheme for Archaeological Investigation has been submitted. The pre-commencement part of the required condition can be deleted and replaced with a shorter condition as set out.

2.12 **Landscape Consultant** - No Landscape objection to the above application. Recommend that the following is conditioned: soft landscape scheme is implemented in the first available planting season following occupation; and that all planting is replaced if found defective within the first 3 years.

2.13 **Waste & Recycling Officer – Initial Response** - Noted that a bin presentation point has been identified at the entrance to the development. These are only usually required where access to a development is to remain in private ownership and not when access roads are intended to be adopted by the Highway Authority. Where access roads are adopted W&R would usually provide a kerbside collection from the individual properties. Confirmation required as to whether the access is intended to be private or public.

Waste & Recycling Officer – Final Response - The bin presentation point will need to be large enough to accommodate up to 2 bins per property (10 bins in total) on any one collection day. The position of the bin presentation point is acceptable.

2.14 **North Duffield Parish Council** – Object to this application. The Parish Council supported the original outline plans on the basis that it included much needed affordable housing. This application has not included any affordable homes. Councillors also object on grounds of access/traffic and layout/density as the entrance is on a bend in a dangerous place and the larger housing is an over development of the site.

2.15 **Contaminated Land Consultant** – The site is currently considered low risk with regards to the proposed residential and allotment end use. The conceptual site model did not identify any significant potential contaminant linkages therefore no further investigation or remediation is necessary. Public Protection has no objections or further comments to make regards this scheme.

PUBLICITY

2.17 The proposal was advertised as a Departure by way of a site and press notice, in addition to direct neighbour notification. Four letters of objection have been received from local residents raising the following points:

- Disappointed that proposal is for five detached properties rather than six semi-detached houses to provide much needed affordable homes as part of a larger site (which I supported)
- Young families unable to afford these properties and a need in the village for less expensive housing – developer should consider needs of the village
- Detached properties do not meet needs of the community
- Site would be dangerous as on a large bend

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the north and north east of the site is predominantly residential in nature. The western boundary of the application site is marked by Moses Dyke with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. There is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1, with a narrow strip close to the west boundary located in Flood Zones 2 and 3.

4 POLICY CONSIDERATIONS

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

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

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:
- SP1 Presumption in Favour of Sustainable Development

- SP2 Spatial Development Strategy
- SP5 Scale & Distribution of Housing
- SP8 Housing Mix
- SP9 Affordable Housing
- SP12 Access Services, Community Facilities and Infrastructure
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV28 Archaeological Remains
- T1 Development in Relation to Highway
- T2 Access to Roads
- RT1 Recreational Open Space
- RT2 Open Space Requirements

Additional Documents

- Affordable Housing Supplementary Planning Document (2013)
- Developer Contributions Supplementary Planning Document (2007)
- North Duffield Village Design Statement (Feb 2012)
- National Planning Policy Framework (February 2019)

5 APPRAISAL

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

- i. Principle of Development
- ii. Design, Layout, Scale & Visual Impact
- iii. Residential Amenity
- iv. Flood Risk & Drainage
- v. Highways, Access & Parking
- vi. Landscaping
- vii. Ecology
- viii. Contamination/Ground Conditions
- ix. Archaeology
- x. Affordable Housing
- xi. Recreational Open Space
- xii. Other Matters

Taking these in turn,

Principle of Development

5.2 On 6th October 2020, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 7.7 year deliverable supply, as set out in the 2020-2025 Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application, a position repeated by numerous

appeal Inspectors. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPFs aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications and approval on this site would provide additional dwellings to the housing supply.

- 5.3 Of note is that this site was previously included as part of the 5 year supply under outline permission 2015/0519/OUT for six dwellings, at the time of approval. The agent advises that the application is a key element of the wider "The Paddocks" development and would enable the whole area of The Paddocks to be delivered.
- 5.4 NPPF Paragraph 12 states that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up to date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.5 The previous outline permission (2015/0519/OUT) for 6 dwellings, was granted (08.10.2015) when the Council could not demonstrate a deliverable 5 year supply of housing land. The application was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. Subsequently, a reserved matters application 2016/1265/REM was approved on 21.12.2016. However the permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 5.6 The submitted Planning Statement advises that North Duffield has had new development in recent years and the village would benefit from a small number of appropriately sited additional houses. The viability of the existing services and facilities would be enhanced but it is still necessary to consider whether those other matters of acknowledged importance would weigh in favour of the development or not.
- 5.7 Core Strategy Policies SP2 and SP4 direct new Development to the Market Towns and Designated Service Villages (DSVs) and restrict new Development in the open countryside. Within the Core Strategy North Duffield is classed as a DSV, whereby there is scope for some additional residential development and small scale employment provision, in order to support its rural sustainability.
- 5.8 Policy SP2A(a) of the Core Strategy states that *"The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints"*. The same policy adds: that *"Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability"* and that *"Proposals for development on non-allocated sites must meet the requirements of Policy SP4."*
- 5.9 Core Strategy Policy SP4(a) states that *"in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits"*.
- 5.10 In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages *"Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."*

- 5.11 Core Strategy Policy SP5 designates levels of growth within settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs which the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole.
- 5.12 Planning Policy have advised that the Council put forward various growth options for DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date North Duffield has had 19 (gross) dwellings built in the settlement since the start of the Plan Period (17 net) in April 2011 and has extant approvals for 53 dwellings (51 net), giving a gross total of 72 dwellings. (68 net). On the basis of the above figures Planning Policy advise that the proposal is contrary to Core Strategy Policy SP2A c). This is at the upper end of what the DSV growth options study assessed as being a sustainable amount of growth over the plan period and the proposed development would increase the number of dwellings beyond this.
- 5.13 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land to the north east at The Paddocks have been considered and recommended for approval in 2019.
- 5.14 In assessing the impacts of a housing scheme, the effects on the settlements character, infrastructure capacity (including schools, healthcare and transport) and its sustainability must also be considered.
- 5.15 North Duffield has a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also has a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location.
- 5.16 When granting the previous approval the Council considered that the development was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. The NPPF advises however, that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 5.17 Paragraph 9 of the NPPF advises that planning policies and decisions should play an active role in guiding development toward sustainable solutions but that local circumstances need to be taken into account, in order to reflect the character, needs and opportunities of each area. Paragraph 59 seeks to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The NPPF adds (Para. 68) that small and medium sized sites can make an important contribution to meeting the housing requirements of an area

and are often built relatively quickly. Therefore, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply.

- 5.18 Given the nature and scale of the proposal, it is considered that approving the application would not cause serious harm to the Council's strategy for the provision of housing. The site has been assessed previously as being an appropriate location for housing and included in the Council's supply figure. Other land which was previously linked to this application, to the north east (beyond Kapuni) and outside the defined Development Limits and Moses Drain has also been granted planning permission, under three other separate planning applications.

Design, Layout, Scale & Visual Impact

- 5.19 Core Strategy Policy SP18 seeks to protect (amongst other things) local distinctiveness and Policy SP8 states that proposals should provide an appropriate mix of scale and types of dwellings which reflect the requirements taken from the latest Strategic Housing Market Assessment (SHMA).
- 5.20 A number of those making representations have stressed the need for new housing for young families and the proposal still includes three bedroom properties (albeit detached) as well as two bedroom properties. The proposal has been reduced as per the previous approvals from six dwellings to five and rather than all properties being semi-detached the scheme now proposes five detached dwellings with a mix of a bungalow and two storey properties. In addition, the previous approval was for 3 and 4 bedroomed properties. Reference is also made to the Selby District SHMA within the submitted DAS and advises there is a requirement to create a wide mix of dwellings as "*demand continues to outstrip supply.*"
- 5.21 Development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the development at The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.
- 5.22 The submitted DAS refers to the sites position at the "*entrance of the village.*" and the existing built form within the immediate locality which is characterised by a range of house types, plot sizes and materials. Residential development adjacent to the site to the east on Victoria Terrace comprises two storey, terraced properties. Dwellings on Maple Drive, a modern development, having terraced, two and a half storey dwellings.
- 5.23 The accompanying DAS also refers to the Village Design Statement (VDS) and includes examples (photographs) of other properties within the village. The submitted plans show that the proposed houses would be built using similar materials to those found locally and would provide a mix of different house types and thereby providing variety in their appearance. It is not considered that the proposed houses would be prominent in views from any of the approaches to the village and the proposed form and setting would maintain the current visual character and seen within the context of this part of the edge of the village. The approach taken in this application accords with the North Duffield Village Design Statement which aims for "*detached houses and brick construction materials*". Detailing would include heads and cills in art stone; chimneys, eaves detailing, single bay windows and canopies to all providing visual interest and which are already incorporated on a number of properties within the village.
- 5.24 The proposed layout sees the properties being located to the frontage of the site and facing Green Lane, with outdoor amenity space and parking situated to the rear (north west). The layout accounts for the 9m strip and the portion of the site which is situated within Flood Zones 2 and 3 ensuring that the dwellings remain within Flood Zone 1.

5.25 In conclusion, it is considered that the proposal is acceptable with a similar layout pattern to the existing adjacent form of development in terms of the siting of the proposed dwellings. These are set back from the road sufficiently to avoid an enclosed street frontage and the layout plan utilises the constraints of the site to its advantage. Granted, parking is to the rear but this maintains a car free frontage and is considered to be acceptable on this site due to its modest scale. Materials would reflect those used on existing properties and interest is added to the simplified elevations through the use of additional detailing. However, in order to ensure that the proposed development maintains the same level of character as existing adjacent dwellings, it is proposed to include a condition which would require the face of the windows be set within reveals of at least 50mm. On this basis, the proposal is considered to be acceptable and therefore accords with Core Strategy Policies SP18 and SP8 and the NPPF in this regard.

Residential Amenity

5.26 Policy in respect to impacts on neighbour amenity and securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. In addition, paragraph 127(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being '*with a high standard of amenity.*'

5.27 There are no properties in the immediate vicinity of the site to the north west, west or south and the closest property to the north is the bungalow 'Kapuni' which would be situated more than 30m from the closest of the proposed dwellings. Kapuni is also separated from the site by a farm track and has intermittent planting at a relatively high level to its facing boundary. In addition, a hedgerow is proposed to be retained and supplemented to the north facing boundary of the application site.

5.28 To the south east of the site are a row of seven properties (Victoria Terrace) where the frontages face south and toward Market Weighton Road. A large area of hardstanding provides parking and immediately adjoins the rear (north) of these properties, which results in the amenity space being separated from the dwellings. An established hedgerow runs along the full extent of the side and rear boundaries of the gardens connected to No.1 Victoria Terrace and the rear boundaries of the remaining gardens. There would be no direct views of the site from the rear of this property. The side (west) elevation of No. 1 is the closest of these properties and faces the application site but is blank apart from a first floor window which serves a bathroom and given that there is a minimum distance of 13m between the side elevation Victoria Terrace and the closest property frontage of the proposal, there are no concerns in regards to residential amenity.

5.29 Adjoining the rear gardens of Victoria Terrace are a number of relatively new properties which are two and a half storey. The closest being No. 49 Maple Drive. This is located at a distance of approximately 20m from the closest proposed dwelling and is sited in a north west and south east direction. Therefore the distance and position of the existing dwelling, would prevent direct overlooking to or from properties within the proposal site. Given the position of the site it is considered that permitted development rights should be removed which would require a planning application for any extensions, and additional proposed means of enclosure being gates and walls. This would ensure an element of control would be retained by the authority in regards to maintaining the levels of residential amenity and the general character of the area.

Noise

- 5.30 The submitted application includes an Addendum Noise Report which advises that the main source of noise to the site is from the adjacent Market Weighton Road (A163) and that mitigation measures are required to ensure the amenity of future occupants is acceptable.
- 5.31 The report advises that the mitigation measures required to meet acceptable noise levels would comprise alternative ventilation and glazing solutions to plots 1, 2 and 3; in addition to an acoustic fence to the south side of the rear garden of plot 1. The report adds that plots 4 and 5 would not require any specific mitigation due to the greater separation distance from the A163. In terms of glazing, it is suggested that closed standard double glazed units be utilised with an alternative means of ventilation comprising of passive acoustic core vents in habitable rooms with continuous mechanical extraction in bathrooms and kitchens. This system would achieve background ventilation levels whilst windows may be openable at the occupant's discretion. The Environmental Health Officer (EHO) has reviewed the Addendum Noise Report, and recommends that the mitigation measures specified in the report are incorporated in to the development.

Conclusion

- 5.32 Given the nature of the development and its relationship to neighbouring residential properties, it would not have a significant adverse impact and an acceptable relationship could be achieved between the existing and proposed development. Furthermore, the mitigation measures referred to in the Noise Report and to be incorporated within the development would ensure that future occupants would be protected from noise disturbance from the A163 which can be controlled via condition. On this basis the proposal is considered to accord with Local Plan Policy ENV1 (1) and (4), Core Strategy Policy SP19 and the advice contained within the NPPF.

Flood Risk & Drainage

- 5.33 Core Strategy Policy SP15 require proposals to take account of flood risk, drainage and climate change. Criterion d) of Policy SP15 applies in respect of ensuring development is located which avoids flood risk areas.
- 5.34 The majority of the application site is located in Flood Zone 1 (low probability of flooding), which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. A section of the land to the north west is situated within Flood Zones 2 and 3 and would comprise a 9m wide strip to provide an easement as required by the IDB with none of the proposed dwellings being situated within this area.
- 5.35 The Internal Drainage Board (IDB) have responded to the proposal and their final comments advise that as the development site is currently grassland, the maximum discharge rate normally accepted is at the "greenfield" rate of 1.4 litres per second per hectare. However, given the scale of the site at 0.69 hectares and using the greenfield run-off rates this would equate to a discharge rate of 0.966 litres per second. In addition, the IDB refers to the use of a hydrobrake with a discharge rate of 1 litres per second within the site and the use of a perforated filtration pipe to the watercourse. The IDB advise they would not normally agree to a higher discharge rate than that proposed by the greenfield run off rates but given the specific circumstances, they would accept the discharge rate proposed on this occasion. This is agreed on the basis that the Board can inspect the installation periodically to ensure that the discharge rate of 1 litres per second remains, which would need to be secured by condition.

- 5.36 The Environment Agency have advised that there are no objections to the proposal subject to there being no raising of the existing land levels of the site.

Foul Drainage

- 5.37 Foul drainage would discharge into the existing mains sewer on Green Lane and Yorkshire Water Services (YWS) have not raised objections but advise conditions be included requiring separate systems for foul and surface water and no piped discharge of surface water until a satisfactory outfall has been provided. In addition they advise that the submitted details have not been approved for the purposes of adoption or diversion. Should the proposal be approved an informative would be included.
- 5.38 On the basis of the above comments, assessment and that the means of both foul and surface water drainage are provided in accordance with the conditions required by the above consultees, it is considered that the development is capable of a satisfactory provision for both foul and surface water and therefore accords with Core Strategy Policy SP15 and the relevant advice within the NPPF.

Highways, Access & Parking

- 5.39 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition paragraph 109 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.40 There have been many minor changes to the technical details of the proposed access throughout the planning process in order to satisfy the Highway Officer's technical requirements. The main access to this site would be a private drive given that the site now proposes only 5 dwellings and would be maintained as such. The site access would be taken from Green Lane in a similar position to that approved under application ref: 2016/1265/REM.
- 5.41 Parking is located to the rear of the site as previously approved. However, the proposed layout introduces private drives to three of the proposed properties. Parking spaces would adjoin the rear gardens to the remaining two plots and is now dispersed more evenly throughout the extent of the site, which is considered to be an improvement on the previous layout where parking was in groups of six and four. The submitted Design and Access Statement (DAS) states that the layout avoids frontage parking and "*avoids a car free streetscene,*" as well as ensuring that surveillance is maintained onto Green Lane from the property frontages. It is also considered in encouraging more sustainable development that a condition be added which would require the provision of electric vehicle charging points, which is referred to in Core Strategy Policy 15.
- 5.42 A footpath would be designed to continue to the boundary of the allotments to the south of the site. This would provide safe pedestrian access to the community facility and would run along the frontage of the plots on Green Lane.
- 5.43 In conclusion and on the basis of the favourable comments from the Highway Officer, being subject to conditions relating to parking, turning, access, verge crossing, off-site highway works and Construction Phase Management Plan, the highway specifics are considered to be acceptable and would therefore accord with Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

Landscaping

- 5.44 Core Strategy Policy SP18 requires that high quality and local distinctiveness of the natural environment will be sustained by *'safeguarding, and where possible, enhancing the natural environment, including the landscape character and setting of areas of acknowledged importance.'*
- 5.45 The proposal includes removal of the existing hedge to the site frontage in order to extend the grass highway verge which would run across the frontage of plots 1 to 3 at the junction of Market Weighton Road and Green Lane. The hedge would however be reinstated but set back further from the highway in order to allow for better visibility at the junction. A timber fence now separates the proposal site from the adjoining (proposed) allotments and a native hedgerow with trees interspersed would be planted along a large proportion of this boundary, enabling screening from Market Weighton Road. Additional trees would be planted at intervals, with two small groups adjacent to the 9m easement along Moses drain.
- 5.46 Further low-level planting is proposed to the immediate frontage of the dwellings in order to separate the public and private space. The additional landscaping to the front of the site would soften the built form and add quality to the street scene. An 1800mm high screen wall / fencing is utilised where public and private garden space meets in order to provide adequate screening for privacy.
- 5.47 The Landscape Architect has advised there are no objections but requires a condition to ensure that all planting is undertaken in the first available planting season following occupation of the dwellings.
- 5.48 On the basis of the above assessment, the proposal is considered to accord with Core Strategy Policy SP18 and the advice within the NPPF.

Ecology

- 5.49 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF. Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.50 The site comprises a mix of grassland types with dotted areas of scrub, trees and a mature hedgerow which is present to the majority of the boundaries. The application site is not a formal or informal designated protected site for nature conservation; known to support or be in close proximity to any site supporting protected species or any other species of conservation interest. Skipwith Common is, at its nearest point, over 1 km from the application site, with Moses Drain, arable farmland and Cornelius Causeway in between and the Lower Derwent Valley is, at its nearest point, over 1.5 km to the east with the village of North Duffield between.
- 5.51 The Ecology Officer's (EO) initial response referred to the submitted Preliminary Ecological Appraisal (PEA) advising that it was a lengthy document but that specifics between general advice and measures to be undertaken were nuclear, such as mitigation being proportionate to the risk. On this basis, the EO requested that a Construction Ecological Management Plan (CEMP) and Ecological Enhancement Plan

(EEP) be produced to ensure compliance with the relevant legislation. Following some minor changes to the content of the CEMP and EEP and following a further (3rd) consultation, the Ecology Officer advised that the suggested revisions have been incorporated and the scope of ecological mitigation is acceptable but that adherence should be secured by condition.

- 5.52 The Yorkshire Wildlife Trust's final comments concur with the Ecology Officer's response and advise no further comments.
- 5.53 Subject to the inclusion and adherence to the relevant condition, the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

Contamination/Ground Conditions

- 5.54 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.55 A Phase 1 Preliminary Risk Assessment accompanies the application which advises the survey did not reveal any evidence of made ground or any signs of subsidence or land contamination any significant potential contaminant linkages, so the overall risk is considered to be low.
- 5.56 The Contamination Consultant (CC) has advised that the submitted desk study and site walkover indicate that land contamination is unlikely to be present and that historic maps show that no past industrial activities have been located onsite or within the immediate vicinity. The submitted survey also shows the site to be low risk. The consultant concludes that the site is low risk and that no further investigation is necessary.
- 5.57 In conclusion, there are no concerns with regard to contamination and the development is considered to accord with Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19, in addition to the NPPF.

Archaeology

- 5.58 Local Plan Policy ENV27 and Core Strategy Policy SP18 (amongst other things) are concerned with the protection of archaeological remains and that the NPPF (para. 194) affords protection for such remains.
- 5.59 The Principal Archaeologist (PA) initial comments advised that a pre-commencement condition would be required in respect of the submission of a Written Scheme of observation and recording. The agent has since submitted a scheme which has been assessed by the PA whose final comments advise that this is sufficient and that the pre-commencement part of the condition can be deleted and replaced with the shorter condition set out in response dated 08.10.209.
- 5.60 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of archaeological implications (subject to the inclusion of the requisite condition), of the proposal and the proposed development would therefore

comply with Local Plan Policy ENV27 and Core Strategy Policy SP18 and the provisions of the NPPF.

Affordable Housing

- 5.61 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.62 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 63 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the Ministerial Statement and national advice. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.
- 5.63 The application is in full with a site area of more than 0.5 ha (0.69 ha) and the proposed number of dwellings is below 10 and the site could not reasonably accommodate 10 or more dwellings due to the constraints from Flood Zones 2 and 3 to the north western boundary. Furthermore, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.
- 5.64 It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Recreational Open Space

- 5.65 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space. There is a requirement to provide 60sqm per dwelling which, in this case, would equate to 300sqm. The submitted layout plan does not incorporate any on-site recreational open space as part of the development.
- 5.66 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and upto and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality. Discussion with the Parish Council would be needed to identify which of the two would be of the most benefit to the village. Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:
- provide open space within the site;
 - provide open space within the locality;
 - provide open space elsewhere;
 - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.67 In this instance a commuted sum would be required and depending upon the requirements of the Parish Council (based on current figures) would comprise of either of the following:

- Cost per dwelling for upgrading existing open space @ 60 m² = £991
- Cost per dwelling for provision of new recreation facilities: £991 + £103.80 = £1,095

Payment would be secured through the applicant entering into a Section 106 Agreement which would be required to be in place prior to the issuing of any planning permission.

Waste and Recycling

- 5.68 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling equipment. The Waste & Recycling Officer queried whether the drive would be private and advised on this basis that the position of the bin presentation points were acceptable. The waste and recycling contribution would be provided under the Section 106/Unilateral Agreement in accordance with Developer Contributions.

Other Matters

- 5.69 Local Plan Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare are required. Given the small scale of the application, it does not trigger any of the contributions listed.

6 CONCLUSION

- 6.1 The proposed scheme is for 5 dwellings and located on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to Core Strategy Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 6.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In applying the principles of the proposal against the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction sector. The proposal would also bring additional residents to the area who in turn would contribute to the local economy through supporting existing local businesses and facilities.
- 6.3 The development takes into account environmental issues such as ecology, flooding and impacts on climate change and the benefit of the existing local services within North Duffield and access to public transport, means the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, considered that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 6.4 Whilst recognising the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the Core Strategy as having some capacity for additional residential development and the application land has been assessed as

being an appropriate location for housing and has previously been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as is now proposed.

- 6.5 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Therefore, subject to the recommended conditions and the material considerations as set out in this report outweigh the conflict with the Development Plan to the extent that planning permission should be granted.

7 RECOMMENDATION

This application is recommended to be GRANTED subject to A S106/Unilateral AGREEMENT and the following conditions:

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

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

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

- P16 5022 11- Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 12 - Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 13 - Proposed Floor Plans & Elevations - 3 bed - Swale (AS)
- P16 5022 14 - Proposed Floor Plans & Elevations - 2 bed bungalow - BU4 (AS)
- P16 5022-120 Rev D – Site Layout showing Landscape Proposals
- P16 5022-111 Rev E – Site Layout
- P16 5022- 112 – Garage Details
- P16 5022-113 - Boundary Treatments
- P16 5022–114 – Location Plan
- 12370-5002-01 Rev 5 - Site Layout
- 12370-5002-02 Rev 6 – Kerbing Plan
- 12370-5002-03 Rev 6 – Section 278
- 12370-5002-04 5 Typical Highway Construction Details (Sheet 1)
- 12370-5002-C-05 Rev 7 - Drainage Layout Plan
- 12370-5002-C-09 Rev 1- Site Layout Tracking
- 12370-5002-06 7 – Surfacing Plan
- 12370-5002-07 – Porous Paving Detail
- 12370-5002- 08 Rev 2 – Private Drive Construction Details & Storm Cell Details
- Sewer Site Plan received on 31.03.2020
- 12370-5002-11 – Vehicle Swept Path

Reason: For the avoidance of doubt

03. A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for an Archaeological Strip, Map and Record prepared by MAP Archaeological Practice (Ref: Vers. A031019).B).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Sub Section (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure compliance with Policy ENV28 of the Selby District Local Plan and Section 12 of the NPPF as the site is of archaeological interest.

04. No part of the development shall be brought into use until the access to the site at Green Lane, North Duffield 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 crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.-

- a. 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
- b. 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
- c. The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway
- d. 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.

05. Prior to first occupation of the development hereby approved, the following schemes of off-site highway mitigation measures must be completed as indicated below:

- a) Provision of a 2 metre wide footway on both sides of Green Lane prior to first occupation of dwellings
- b) Increased width of carriageway, including new carriageway, tie in and resurfacing of existing carriageway at Green Lane, North Duffield prior to commencement on site;
- c) Provision of tactile crossing point prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect

or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

06. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the site on Green Lane, North Duffield have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

07. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved details. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in constructing the development clear of the highway;
4. Details of site working hours to include delivery, loading and unloading of goods and vehicle movements;
5. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

08. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved details and prior to occupation of the site.

Reason: In the interest of satisfactory and sustainable drainage.

09. 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:

- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm). The total discharge from the new development site shall therefore not exceed 1 litres per second.
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

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

10. The development hereby approved shall not be brought into use until the noise mitigation measures within the submitted Addendum Noise Report (dated 5th July 2019) prepared by Environmental Studies - Leeds City Council have been provided on site.

Reason: In accordance with Core Strategy Policy SP19 and in order to ensure that the amenities of the occupants of the dwellings hereby approved are not adversely affected by noise from vehicle movements on Market Weighton Road (A163).

11. No new buildings, structures, walls, fences, trees or other planting or obstruction shall be erected or placed within 9 metres of the bank top of Moses Drain.

Reason: To maintain access to the watercourse for maintenance or improvements.

12. There must be no raising of ground levels in Flood Zone 3 (as per the flood map for planning on the Environment Agency website), and all spoil / arisings are to be removed from the floodplain.

Reason: To ensure that there is no loss of flood storage, and that flood flows are not displaced onto others.

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

- Revised Construction Ecological Management Plan (CIEM) & Ecological Enhancement Management Plan (EEMP) prepared by Wold Ecology Ltd and received on the 22.04.2020

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

14. The external face of the frames of all windows and doors shall be set in reveals of at least 50mm from the front face of the brickwork.

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

15. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner; All shrubs, trees and hedge

planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of **five** years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

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

16. Prior to occupation by the first residents of the dwellings hereby approved, details of electric vehicle recharge points for electric vehicles shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason: To promote and incentivise the use of low emission vehicles on site; to reduce the overall emission impact of development related traffic and in accordance with policy SP15 B. f) of the Core Strategy.

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

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A or B and Part 2 of Class A including the erection of buildings or structures, the construction of gates, walls, fences or other means of enclosure, other than those shown on the approved plans shall take place to any elevation of the dwelling houses hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

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

INFORMATIVES

Highway Works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

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%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads___street_works_2nd_edi.pdf

Yorkshire Water Services

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82), email: technical.sewerage@yorkshirewater.co.uk at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRC publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Board's Consent

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

- a. Any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. Any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. ***This applies whether the discharge enters the watercourse either directly or indirectly.***
- c. Works including the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc. into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- d. Any construction, fencing or planting within 9 metres of a Board maintained watercourse (as shown

The Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

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

Erections within 9 metres of the Watercourse

The Board's consent is required for any construction, fencing or planting with 9 metres of the top of the embankment of a Board maintained watercourse.

The Board notes that the applicant proposes to erect a fence and wall within 9 metres of the watercourse, as well as a parking area for plot 5.

Consent for this has not been obtained and will need to be discussed, and agreed, with the Board prior to the erection of the same.

The Board can agree, in principle, for the fence, wall and parking area to be erected within the 9 metre easement area but the exact location will need to be agreed with the Board and subject to certain conditions.

Maintenance Responsibility - General

The proposed development is within the Board's area and is adjacent to Moses Drain, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

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 2019/0759/FUL and associated documents.

Contact Officer: Mandy Cooper (Principal Planning Officer)

Appendices: None

This page is intentionally left blank

Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

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

Curtilage:

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

Environmental Impact Assessment (EIA):

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

National Planning Policy Framework (NPPF):

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

Permitted Development (PD) Rights

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

Previously Developed Land (PDL)

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

Planning Practice Guidance (PPG)

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

Recreational Open Space (ROS)

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

Section 106 Agreement

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

Site of Importance for Nature Conservation

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

Site of Special Scientific Interest (SSI)

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

Scheduled Ancient Monument (SAM):

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

Supplementary Planning Document (SPD)

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

Tree Preservation Order (TPO):

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

Village Design Statements (VDS)

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

Planning Committee 2021-22



John Cattanaach, Chair (C)
Cawood and Wistow
 01757 268968
jcattanaach@selby.gov.uk



Mark Topping (C)
Derwent
mtopping@selby.gov.uk



Keith Ellis (C)
Appleton Roebuck & Church Fenton
 01937 557111
kellis@selby.gov.uk



John Mackman, Vice-Chair (C)
Monk Fryston
 01977 689221
jmackman@selby.gov.uk



Ian Chilvers (C)
Brayton
 01757 705308
ichilvers@selby.gov.uk

Page 91



Don Mackay (SI&YP)
Tadcaster
 01937 835776
dbain-mackay@selby.gov.uk



Steven Shaw-Wright (L)
Selby East
 07711200346
sshaw-wright@selby.gov.uk



Robert Packham (L)
Sherburn in Elmet
 01977 681954
rpackham@selby.gov.uk



Paul Welch (L)
Selby East
 07904 832671
pwelch@selby.gov.uk

Substitute Councillors



Chris Pearson (C)
Hambleton
01757 704202
cpearson@selby.gov.uk



Richard Musgrave (C)
Appleton Roebuck & Church Fenton
07500 673610
rmusgrave@selby.gov.uk



Tim Grogan (C)
South Milford
tgrogan@selby.gov.uk



David Buckle (C)
Sherburn in Elmet
01977 681412
dbuckle@selby.gov.uk



John McCartney (SI&YP)
Whitley
01977 625558
jmccartney@selby.gov.uk



Keith Franks (L)
Selby West
01757 708644
kfranks@selby.gov.uk



Stephanie Duckett (L)
Barby Village
01757 706809
sduckett@selby.gov.uk



John Duggan (L)
Riccall
jduggan@selby.gov.uk

(C) – Conservative (L) – Labour (SI&YP) – Selby Independents and Yorkshire Party Group