



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 9 FEBRUARY 2022**
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. Minutes (Pages 1 - 18)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 12 January 2022.

5. **Planning Applications Received (Pages 23 - 24)**
 - 5.1. **2015/0452/EIA - Staynor Hall, Abbots Road, Selby (Pages 25 - 100)**
 - 5.2. **2019/0522/FUL - Low Farm, Low Farm Road, Bolton Percy (Pages 101 - 122)**
 - 5.3. **2019/1328/REMM - Land Adjacent Aspen Grove, Weeland Road, Eggborough (Pages 123 - 146)**
 - 5.4. **2020/1369/FUL - Land Adjacent Teasel Hall, Weeland Road, Eggborough (Pages 147 - 162)**
 - 5.5. **2021/0101/FUL - Rusholme Hall, Rusholme Lane, Newland (Pages 163 - 184)**

6. **Yorkshire Green Energy Enablement Project, known as Yorkshire GREEN - Nationally Significant Infrastructure Project (Pages 185 - 192)**

To receive an information report on briefing paper on the Yorkshire Green Energy Enablement project, known as Yorkshire GREEN – Nationally Significant Infrastructure Project.

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 9 March 2022

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

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Agenda Item 4



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 12 January 2022
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson Councillor R Musgrave also present as substitute
Officers Present:	Ruth Hardingham – Planning Development Manager, Glenn Sharp – Solicitor, Gareth Stent – Principal Planning Officer, Yvonne Naylor – Principal Planning Officer, Fiona Ellwood – Principal Planning Officer, Diane Holgate – Principal Planning Officer, Mandy Cooper – Senior Planning Officer, Victoria Foreman – Democratic Services Officer
Press:	0
Public:	9

50 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor J Mackman. Councillor R Musgrave was in attendance as a substitute for Councillor Mackman.

51 DISCLOSURES OF INTEREST

Councillors J Cattanach, R Musgrave, K Ellis, P Welch, R Packham, I Chilvers, D Mackay, C Richardson and M Topping all declared non-pecuniary interests in agenda items 5.2 - 2021/1295/REM - Yew Tree House, Main Street, Kelfield and 5.5 - 2019/0031/FUL - Land South of Chapel View, Marsh Lane, Bolton Percy, as they had all received representations relating to these applications, but were not required to leave the meeting during consideration thereof.

Councillor R Musgrave declared a non-pecuniary interest as he knew the

applicant of agenda item 5.5 – 2019/0031/FUL - Land South of Chapel View, Marsh Lane, Bolton Percy and had attended Bolton Percy Parish Council meetings where the item had been debated but would be keeping an open mind during consideration of the application and would therefore not be required to leave the meeting during consideration thereof.

Councillor R Musgrave declared a non-pecuniary interest in agenda items 5.2 - 2021/1295/REM - Yew Tree House, Main Street, Kelfield and 5.1 - 2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton, as he had been in attendance at meetings of the Parish Councils when both items had been debated but would be keeping an open mind during consideration of the application, and would therefore not be required to leave the meeting during consideration thereof.

Councillor R Musgrave declared a personal interest in agenda item 5.3 - 2019/0559/FULM - Ibbotsons, Mill Hill, Braegate Lane, Colton as he had requested as Ward Councillor that the application be considered by the Committee; he would also be making a representation as Ward Councillor during the debate. As such, Councillor Musgrave confirmed that he would leave the meeting and not take any part in the debate or decision on the item.

52 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

The Chair also announced that the order of business had been amended so that the agenda items would be taken in the following order:

2019/0559/FULM - Ibbotsons, Mill Hill, Braegate Lane, Colton
2021/1295/REM - Yew Tree House, Main Street, Kelfield
2020/0225/FULM - Land South of Gloster Close, Busk Lane, Church Fenton
2021/1087/FULM - Toll Bridge Filling Station (Derelict), Ousegate, Selby
2019/0031/FUL - Land South of Chapel View, Marsh Lane, Bolton Percy

53 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 8 December 2021.

Members noted that minute number 49.8 - 2020/0014/FULM - Land off Barff View, Burn needed to be amended as the final sentence before the resolution incorrectly stated that the application was proposed, seconded and GRANTED; it should have said proposed, seconded and DEFERRED.

The Committee agreed that the minutes should be amended and agreed.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 8 December 2021 for signing by the Chairman, subject to the amendment of minute item 49.8 detailed above.

54 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

54.1 2019/0559/FULM - IBBOTSONS, MILL HILL, BRAEGATE LANE, COLTON

Application: 2019/0559/FULM

Location: Ibbotsons, Mill Hill, Braegate Lane, Colton

Proposal: Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hard standings

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor R Musgrave.

Members noted that the application was for the use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hard standings.

The Committee considered the Officer Update Note which set out extra information including additional comments from the LLFA on the amended plans and information and an additional representation on behalf of Samuel Smith Old Brewery (Tadcaster). The Officer had responded to the points raised in these representations on matters including the planning history and landscape.

The Committee asked numerous questions of the Officer about the scheme, in particular about the planning history of the site, when the representation from the LPA had been made, impact on the adjacent green belt, whether a landscape assessment had been undertaken, the removal of tree species, operational hours and traffic impact.

Officers explained that there was no date available for the submission of the representation from the LPA as the current application had been submitted in 2019, and that a traffic survey had been undertaken, but it was not thought that this would affect the green belt. As such, Officers confirmed that the assessment of the scheme and subsequent recommendation would not have been altered. Officers also did not believe that a landscape or formal tree assessment were required.

The Committee noted that Officers had met with the objector to the scheme who had accepted that there was already a lot of traffic in the area; the suggested conditions had been taken from the applicant's additional information. A traffic survey had been undertaken but there was no data on previous use. As such, the impact and volume of traffic, based on a standard agricultural use, had been assessed from that starting point. It was noted that North Yorkshire County Council (NYCC) had agreed with this view.

Councillor R Musgrave, Ward Member, was invited to speak at the meeting and spoke against the application.

Christopher Kendall, agent, was invited into the meeting remotely and spoke in support of the application.

Following the resolution of some technical issues, Brian Percival, objector, was invited into the meeting remotely and spoke against the application.

Members debated the application further and acknowledged the objector's concerns around hours of operation and vehicle movements, and the resulting impacts of such.

The Committee felt that the scheme before them was difficult to assess as there were several issues that required further information, including an assessment of how the site had developed over time. The point was made that the number of jobs on site (86) were likely a result of development without permission in the past. Some Members expressed support for the application in principle but agreed that there were elements that meant that deferral was more appropriate; these included the verification of traffic data, the effects on residential amenity, tree removal and surveying, visual screening and the provision of a landscape visual appraisal. The Committee also asked that Officers request company records relating to information on traffic and vehicle

movements.

It was noted that condition 6 as set out in the report was likely to restrict the business heavily and as such could be difficult to see as appropriate.

Officers informed Members that NYCC would be the body carrying out further data collection and verification on traffic.

A proposal was made that the application be GRANTED, but was not seconded, and as a result the proposal fell.

It was proposed and seconded that the application be DEFERRED; a vote was taken and was carried.

RESOLVED:

That the application be DEFERRED in order for further information, as set out below, to be collected and evaluated as part of the scheme before being brought back to the Committee:

- **details of how the site had developed over time;**
- **the verification of traffic data;**
- **the effects on residential amenity;**
- **tree removal and surveying;**
- **visual screening and the provision of a landscape visual appraisal; and**
- **that company records relating to information on traffic and vehicle movements be requested of the applicants.**

54.2 2021/1295/REM - YEW TREE HOUSE, MAIN STREET, KELFIELD

Application: 2021/1295/REM

Location: Yew Tree House, Main Street, Kelfield

Proposal: Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings

The Principal Planning Officer presented the application which had been brought before Planning Committee as 12 letters of representation had been received, which raised material planning considerations in objection to

the scheme; Officers would otherwise determine the application contrary to these representations. The item was also deferred from the 8 December 2021 meeting to seek amendments for the following:

- a design that better reflected the Conservation Officers' comments;
- addresses issues of over development;
- minimum privacy distances;
- reduction in the number of accesses; and
- differing and smaller house types.

Members noted that the application was a reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings.

Officers presented additional information provided within the Officer Update Note, which included additional highways consultation on the amended plans, amended plans submitted by the applicant to address highway concerns i.e., parking and turning and clarification of matters relating to condition 7.

The Committee asked numerous questions of the Officer about the scheme, pertaining to bin numbers and storage, the current depth of some gardens and the potential extension of gardens beyond the boundary hedge, the absence of a tree survey, the landscape plan, proposed tree planting, streetlighting, the scale of development in a secondary village, the impact on a non-designated heritage asset and appropriate screening of the scheme.

Officers addressed Members' questions by explaining that the issue of bin storage had been recognised and that only two properties would use the main highway when putting out bins for collection. It was acknowledged that there was some visual impact from this and as such, Members suggested that this should be looked at again.

With regards to garden extensions, the Committee noted that a previous reserved matters application had more land with the proposal which extended between three and five metres, giving the properties more usable amenity space. The red line on the plans did not reflect the outline consent; as such, the gardens were shallower with gated access to the land at the rear. Officers confirmed that should the application be granted, the applicants had indicated that they would apply to extend

the gardens.

In relation to tree planting, Officers explained that no concerns had been expressed by Yorkshire Water, but that the amended plans for Plot 4 may need to be checked again for changes. Members were also made aware that, following on from the query on the relocation of streetlights, this was a matter that would be the responsibility of the Highways Department at NYCC and would be at the applicant's expense.

The scale of development in a secondary village had been raised by the Committee; Officers explained that the original indicative plan was originally less intensive, but that there had been some condensing of scheme, which had been of concern to some Members.

It was acknowledged by Officers that the gardens for of plots 4, 5 and 6 were small, and accepted that it could be due to the number of houses proposed for the site; adjustments to the layout had been attempted but had not been successful. Officers therefore felt that the proposed garden dimensions were acceptable.

Members were informed that the application had been previously deferred in order for more suitable screening from the neighbouring heritage asset to be explored, but the agent for the application had maintained that the scheme was not in a Conservation Area. The Conservation Officer that considered the proposals had also stated that the scheme related to non-heritage assets. When the application was originally debated in 2017, the existence of the historic courtyard had been noted; however, the Conservation Officer had not looked at the current application from the viewpoint of the existence of a heritage asset, as it was not designated. As such, it could be demolished. Listed status could be applied for which would give it more weight, but at present, that was not its designation. There was no heritage statement relating to the application, which had been requested by the Conservation Officer.

Mark Thompson, objector, was invited to speak at the meeting and spoke against the application.

Rachael Bartlett, agent, was invited to speak at the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that even though the outline permission

had been agreed by the Committee, there was a strong view that there were a number of matters that needed further attention by the applicant and Officers. These matters were the need for a design that better reflected the character of the historical settlement; that issues of overdevelopment were addressed, as well as layout, and garden size afforded to plots 4, 5 and 6; that there was a more considered landscaping scheme informed by a tree survey that took into account any boundary trees, tree protection, the position of the proposed trees in relation to the dwellings and Yorkshire Water standoff distances; and the need to address the frontage bin issue.

As such, deferral of the application was agreed as the preferential way forward for the Committee. Members were made aware of the upcoming deadline for determination of the scheme and the possible need for the applicant and agent to revisit the scheme and potentially undertake a fundamental replan of the proposals.

It was proposed and seconded that the application be DEFERRED. A vote was taken and was carried.

RESOLVED:

That permission be DEFERRED in order for the following matters to be addressed by the applicant:

- **the need for a design that better reflected the character of the historical settlement;**
- **that issues of overdevelopment be addressed, as well as layout, and garden size afforded to plots 4, 5 and 6;**
- **to develop a more considered landscaping scheme informed by a tree survey that took into account any boundary trees, tree protection, the position of the proposed trees in relation to the dwellings and Yorkshire Water standoff distances; and**
- **the need to address the frontage bin issue.**

54.3 2020/0225/FULM - LAND SOUTH OF GLOSTER CLOSE, BUSK LANE, CHURCH FENTON

Application: 2020/0225/FULM

Location: Land South of Gloster Close, Busk Lane, Church Fenton

Proposal: Proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park

The Principal Planning Officer presented the application which had been deferred from Committee on 30 June 2021 for a site visit. The application was then reported back to the Planning Committee on 18 August 2021. Members resolved at the August 2021 meeting that they were minded to GRANT planning permission, subject the resolution of various minor matters. Members also authorised delegated powers to Officers to issue the decision, subject to these matters being resolved.

These matters included:

- no issues being raised following statutory consultation with the Civil Aviation Authority and Leeds East Airport;
- agreement of any additional conditions in relation to site management;
- agreement of the conditions set out at paragraph 7 of the report and in the Officer Update Note; and
- agreement of an additional condition that the site revert back to agricultural use should the BMX site be abandoned in the future.

The outcome of the above matters was as follows:

- the statutory consultations were carried out with the CAA and Leeds Airport and no objections or issues were raised; and
- since the Committee's resolution, Officers had received delayed comments from the Local Lead Flood Authority. The LLFA advised that additional conditions were recommended and that further information on the final discharge arrangements was required, prior to determination of the application. The additional conditions required Committee approval as they did not fall within the scope of the delegated powers agreed by Members at the time of making the decision. The additional information regarding final discharge arrangements had been requested from the applicant; however, this had not

been provided and the applicant confirmed that they did not intend to provide this information.

Officers explained that on this basis, the application had been brought back to Members for further consideration. Officers recommended that the application now be refused based on advice provided by the LLFA due to lack of sufficient information to fully assess the impact of the development in terms of water discharge arrangements.

Members noted that the application was for a proposed change of use from grazing agricultural land to BMX cycle track with toilet block, picnic area and car park.

The Officer Update Note gave details of one further representation; the main points raised were the potential danger for children to travel to the site as there were no footpaths, cycleways or lighting connecting to the village, as well as the current high levels of HGV traffic in association with nearby airbase, which would increase if the recent planning application for increased storage of modular homes and cars was approved.

The Committee asked numerous questions of the Officer about the scheme, in particular about comments from the Local Flood Authority (LFA), which had now been included in the report. Officers explained that the LFA wished to know that infiltration tests had been undertaken before determination of the application took place.

Members also asked whether a stop notice had been served on the site; Officers confirmed that a temporary stop notice had been served for the bunding work, but that Members could not take that into account when considering the scheme as it was not a material consideration.

The Committee asked if there was any further response on soakaway calculations or soil importation. Officers stated that they had asked if soil would be imported or if soil from the site would be used, but no response had been received. The lack of information meant that it was not possible to make an accurate decision on site drainage.

Sam Dewar, agent, was invited to speak at the meeting and spoke in favour of the application.

Members debated the application further and were informed by Officers that there were occasions when conditions could be added to the scheme to provide further information, but this was on a case-by-case basis.

Clarification was sought by Members on the responses from the drainage consultees and if any issues had been identified. Officer explained that the site was on Flood Zone 2 and adjacent to the fens. There had been some concern expressed about the effect of the hydrology of the fens, with drainage needing to be checked to assess the impact. The remaining information provided by the LFA had been delayed due to resources and capacity.

Members asked if there would be any impact on vulnerable properties near the proposed site, or just on the neighbouring fens. Officers were not aware of any potential impact on such properties, as there was likely to be more runoff from the car park and toilet block. The site would be landscaped with vegetation that would hold water; however, the LFA had emphasised that they would want percolation testing completed before a decision was taken.

The Officer went through the LFA's comments in detail for the Committee, who further questioned other conditions the LFA required and matters they had raised, such as runoff destination details, peak flow control and a viable means of discharging water.

Members acknowledged that the recommendation of the LFA was that the scheme was not considered to be acceptable in terms of flood risk and drainage, due to insufficient information being available to determine whether the development could achieve a viable means of discharging surface water.

It was proposed and seconded that the application be REFUSED.

It was then proposed that the application be APPROVED; there was no seconder to the proposal and it fell.

A vote was taken on REFUSAL of the application and was carried.

RESOLVED:

That permission be REFUSED for the following reason:

The scheme was not considered to be acceptable in terms of Flood Risk and Drainage, due to insufficient information being available to determine whether the development could achieve a viable means of discharging surface water. The proposed development would therefore conflict with the aims of SDLP Policy ENV1, CS Policy SP1, SP19, Policy F1 of the CFNP and with the NPPF.

54.4 2021/1087/FULM - TOLL BRIDGE FILLING STATION (DERELICT), OUSEGATE, SELBY

At this point it was proposed and seconded to continue the meeting beyond 5.00pm; a vote was taken and was CARRIED.

Application: 2021/1087/FULM

Location: Toll Bridge Filling Station (Derelict), Ousegate, Selby

Proposal: Development of one ground floor commercial unit [class uses E[a] and E[b] and 13 no. residential apartments to include landscaped gardens; cycle storage and refuse storage provision; access and flood barrier walls

The Principal Planning Officer presented the application which had been brought before Planning Committee due to the level of affordable housing being proposed.

Members noted that the application was for the development of one ground floor commercial unit [class uses E[a] and E[b] and 13 no. residential apartments to include landscaped gardens; cycle storage and refuse storage provision; access and flood barrier walls.

The Officer Update Note set out additional matters for consideration by the Committee; these included that reference to the open space should be referred to as west side, not east; additional Highways comments on the amended plans, a query from the applicant on several conditions, removal of a materials condition, additional information submitted to address conditions 11 (piling) and 12 (foundations), an amendment to Highways condition 19, removal of drainage condition 22 and lastly that an incorrect location plan had been circulated with the published report.

The Committee asked numerous questions of the Officer about the scheme, in particular about trees bordering the site, whether they had TPO status and if a tree survey had been done; whether a re-consultation had been undertaken following the receipt of additional objections from numerous members of the public who were concerned about the impact of the scheme on the Conservation Area, and lastly on the location of the old fuel tanks on the site.

Officers responded to Member queries and explained that no tree survey had been done as the vegetation and trees were thought to be overgrown scrub and intermittent greenery; and as such were not considered as part of the wider scheme. The existing vegetation would be replaced by a designed open space area.

With regards to any re-consultation, Officers had felt that as the new plans had only been recently submitted and that the points raised in the representations had been addressed, a re-consultation was not required.

The Committee noted that the old petrol tanks had been removed from the site several years ago, in around 2010/2011; as such, they would not be an issue going forward.

Zoe Bell, applicant, was invited to speak remotely at the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that whilst the provision of a crossing was now not required, members of the public would still cross the road at that point.

Some Members recognised that the scheme was well designed and had suitable detail and architectural merits but felt that more consideration should be given to the trees and vegetation already present on the site, which was key to the setting to the gateway of the Conservation Area. As such, it was suggested that a tree survey should have been undertaken for careful consideration of the trees before retention or removal. Officers confirmed that condition 25 would not cover such matters off site. The potential for a tree protection condition was suggested, but this would be subject to agreement and assessment as to whether the trees were viable for protection. Some Members disagreed with the view of the trees and considered them scrub that had grown up since dereliction of the site. Further matters relating to

contamination, access of HGVs under the Ousegate Bridge and affordable housing on site were also addressed by Officers.

Following a detailed discussion of the proposals, Members agreed that the applicants had designed a good scheme on what was a difficult site that needed development. There had been a great deal of work by the applicant and Case Officer to get the scheme to the current design, and as such it was proposed and seconded that the application be GRANTED. A vote was taken and was carried.

RESOLVED:

That permission be GRANTED, subject to a Unilateral Undertaking and the conditions set out in paragraph 7 of the report and the Officer Update Note.

54.5 2019/0031/FUL - LAND SOUTH OF CHAPEL VIEW, MARSH LANE, BOLTON PERCY

At this point in the meeting, at 5.24pm, the Chairman announced a short comfort break; the meeting reconvened at 5.31pm.

Application: 2019/0031/FUL

Location: Land South of Chapel View, Marsh Lane, Bolton Percy

Proposal: Proposed erection of three dwellings

The Principal Planning Officer presented the application been brought before Planning Committee as the determination was limited by Part 3 (b) (vi) of the Selby District Constitution; the application is recommended for refusal, but 10 letters of support have been received. The application had previously been on the agenda for the meeting to be held on 7 August 2019 but was withdrawn from Committee at the agent and applicant's request, due to them not being able to attend the meeting. Since this time, the applicant and agent had requested time to consider the report, their case and to make further submissions which were delayed due to COVID impacts.

Additional information was received by Officers on 1 December 2021, and this was now considered within the report. Further consultations had been undertaken based on the additional information submitted. Responses had been requested by the 15 December 2021 from neighbours, all previous objectors, and the Parish

Council.

Members noted that the application was for the proposed erection of three dwellings.

Officers presented the information in the Officer Update Note, which covered further details of the planning history of the site, additional consultation responses from third parties, the Landscape Officer and Parish Council, comments from the applicants and an amendment to reason for refusal 2.

The Committee asked numerous questions of the Officer about the scheme, in particular the planning history of the site and how many refusals there had been, Planning Inspector comments, current unlawful use of the site and its non-designation as greenfield.

Officers explained that there had been numerous applications for a variety of units on the site since the 1980's, all of which had been refused and appeals on them dismissed by the Planning Inspectorate. There had been four residential applications and one for glass houses. The main concerns amounted to extending a built-up area into the surrounding countryside.

Members noted that the current use of the site, which was greenfield designated, was for wood processing; however, there had never been a lawful development certificate for this use.

Democratic Services read out a representation on behalf of the applicant, Dave Tomlinson, which was in favour of the application.

Members debated the application further, with some expressing the view that the proposed scheme was greenfield land and outside development limits. In addition, the current use of the site for wood storage and processing was unlawful. There had been no previous residential development on the site and appeals to the Planning Inspectorate had all been dismissed; as such, the application should once more be refused.

Other Committee Members made the point that three new homes in a secondary village would be beneficial, as the demand for housing in such places was high, with the public wanting to live in small villages such as Bolton Percy. The site was outside development limits; however, the point was made that these had not been reviewed for

the village in many years, which meant that perhaps the limits should be given less weight when assessing the scheme. Some Members felt that that the site was a natural one to develop, and whilst the design of the dwellings should be reassessed to be more appropriate for the character of the area, suitable screening and landscaping could also be utilised.

Other Members stated that they did not support the scheme as it was not fitting with the local area.

It was proposed and seconded that the application be REFUSED. A vote was taken and was carried.

RESOLVED:

That permission be REFUSED for the reasons below:

- 1. The proposal for 3 dwellings was not considered to be appropriate to the size and role of Bolton Percy, a settlement, which is secondary Village in the Core Strategy. The expansion of the village beyond the development limits would undermine the spatial integrity of the Development Plan and the ability of the Council to deliver a plan-led approach. The proposal did not fall within any of the categories of development set out in Policy SP2 (c) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the Development Plan to achieve sustainable patterns of growth.**
- 2. The site is outside the development limits of Bolton Percy and the proposed scheme does not fall within any of the acceptable forms of development included in Policy SP2 (c) of the CS. It would be a substantial encroachment of a greenfield site in the open countryside and would not represent a natural rounding off to the settlement. The scheme would therefore result in a development which would have a significant and**

demonstrably harmful impact on the character, form and setting of the village contrary to Policy SP2 of the Core Strategy and NPPF.

- 3. The layout and form of the development would not reflect the existing layout and form of nearby development and would result in a harsh urban appearance dominated by frontage hardstanding and parking areas, which would be at odds with the existing form, layout and character with the other dwellings on Marsh Lane due to position and scale of the dwellings and the single access with scale and position of the hard standing at the front of the site, contrary to Policies SP1, SP18 and SP19 of the Selby District Council Core Strategy, Policy ENV 1 of the Selby District Council Local Plan and Chapter 12 of the NPPF.**

The meeting closed at 6.00 pm.

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Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you will now need to come to the meeting in person**. If you cannot attend in person, **you will need to provide a copy of what you wanted to say so it can be read out on your behalf**.
3. 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.
4. 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.
5. 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>
6. 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.
7. The next part is the public speaking process at the committee. Speakers will need to attend the meeting in person and are strongly encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. The following speakers 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. If registered to speak but unable to attend in person, speakers are asked to 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 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, which is why it is important to let Democratic Services know if you plan on attending in person.
- 12. When speaking in person, speakers will be asked to come up to a desk from the public gallery, 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.
- 13. 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.
- 14. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
- 15. 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.
- 16. 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.
- 17. This is a council committee meeting which is open to the public.

18. 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
19. The arrangements at the meeting may be varied at the discretion of the Chairman.
20. 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.
21. 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.
22. These procedures are being regularly reviewed.

Contact: Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

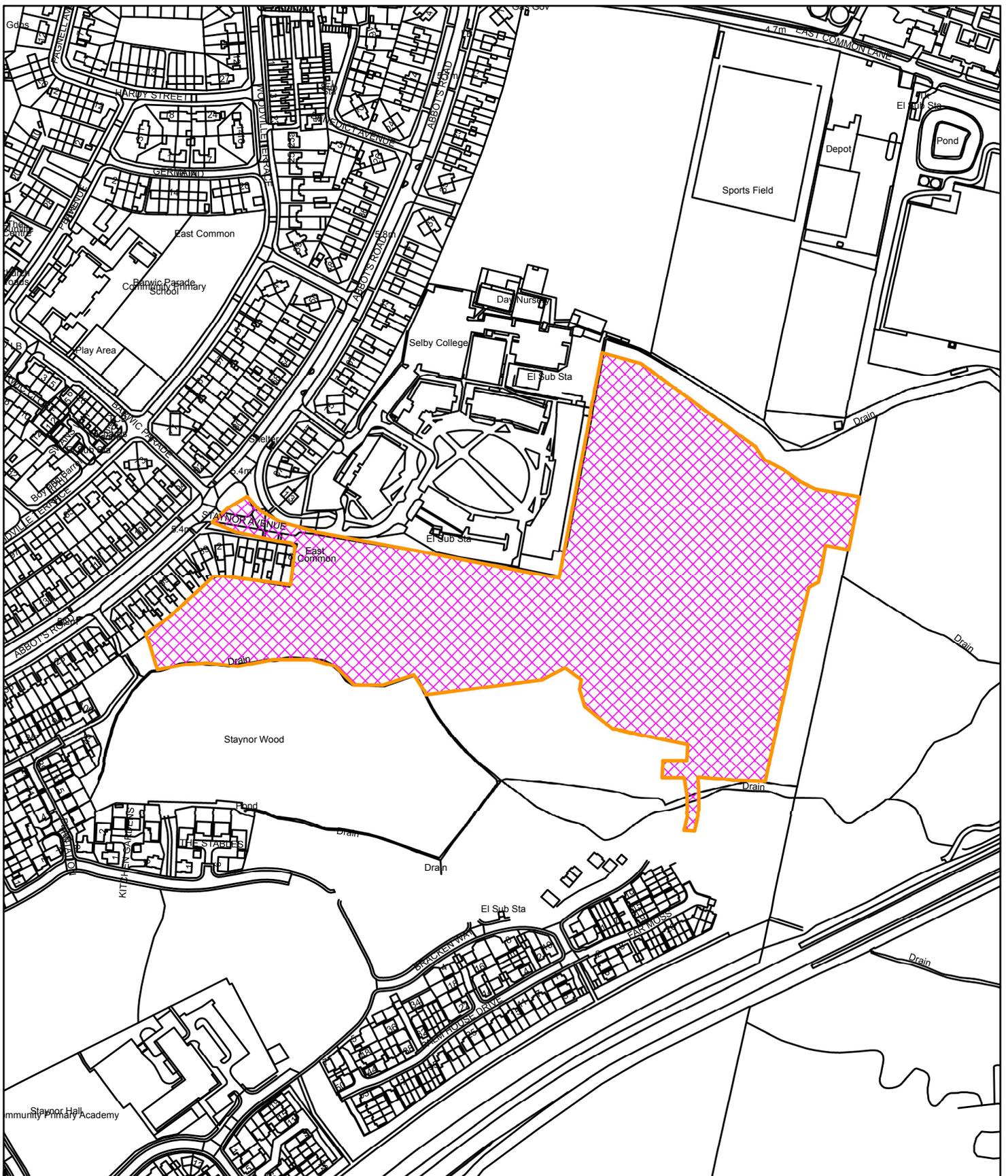
Items for Planning Committee – 9 February 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2015/0452/EIA	Staynor Hall Abbots Road Selby	Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4	GAST	25 - 100
5.2	2019/0522/FUL	Low Farm Low Farm Road Bolton Percy	Proposed erection of a three-bedroom dwelling and garage following demolition of existing buildings	MACO	101 - 122
5.3	2019/1328/REMM	Land Adjacent Aspen Grove Weeland Road Eggborough	Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 30 residential dwellings, pursuant to outline permission reference 2016/0124/OUT	JETY	123 - 146
5.4	2020/1369/FUL	Land Adjacent Teasel Hall Weeland Road Eggborough	Installation of a Sustainable Drainage System (SuDS) basin in respect of the adjacent residential development for 30 dwellings	JETY	147 - 162
5.5	2021/0101/FUL	Rusholme Hall Rusholme Lane Newland	Restoration of Rusholme Hall back to Residential Use (Use Class C3)	FIEL	163 - 184

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Agenda Item 5.1

Staynor Hall, Abbots Road, Selby
2015/0452/EIA



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Staynor Hall Phase 4
Schedule of Accommodation 100_Rev P 20% Scheme

House Type	Configuration	House Type Code	No. Bed	Storey	Parking	No. Total	Dwell. Site
OPEN MARKET							
Persimmon							
Linton GF	Maisonette	LT	1	1	Space x1	4	599 2,396
Linton FF	Maisonette	LT	1	1	Space x1	4	636 2,504
Morden	End Terrace	MR	2	2	Space x1	16	553 8,848
Morden	Mid Terrace	MR	2	2	Space x1	11	553 8,083
Carlton	Semi	HB	3	2	Space x2	8	761 6,088
Carlton	End Terrace	HB	3	2	Space x2	8	761 6,088
Carlton	Mid Terrace	HB	3	2	Space x2	8	761 6,088
Stafford	Detached	SF	3	2	Integral 603	9	908 8,172
Stafford	Semi	SF	3	2	Integral 603	9	908 8,980
Derwent Corner	Detached	HFC	3	2	Detached 603	10	969 9,890
Derwent	Detached	HFC	3	2	Detached 603	4	969 3,816
Carlton	End Terrace	ST	3	2.5	Space x2	12	960 11,780
Carlton	Mid Terrace	ST	3	2.5	Space x2	6	960 5,880
Lockwood	Detached	CA	3	2	Detached 603	8	999 7,992
Lockwood Corner	Detached	CCA	3	2	Detached 603	4	999 3,996
Ernerdale	End Terrace	EN	4	2	Space x2	2	1,057 2,114
Ernerdale	Mid Terrace	EN	4	2	Space x2	1	1,057 1,057
Horseshoe	Detached	HS	4	2	Integral 603	10	1,098 10,980
Elvington	Detached	ELV	4	2	Integral 603	11	1,149 12,639
Coniston Corner Bay	Detached	CVCB	4	2	Integral 603	9	1,222 10,998
Belmont	Detached	WVS	4	2	Integral	6	1,277 7,662
TOTAL OPEN MARKET						172	182,342

House Type	Configuration	House Type Code	No. Bed	Storey	Parking	No. Total	Dwell. Site
AFFORDABLE							
Linton GF	Maisonette	LT	1	1	Space x1	4	599 2,396
Linton FF	Maisonette	LT	1	1	Space x1	4	636 2,504
Howard	End Terrace	HO	2	2	Space x1	10	761 7,610
Howard	Mid Terrace	HO	2	2	Space x1	8	761 6,088
Carlton	End Terrace	ST	3	2.5	Space x2	8	960 7,840
Carlton	Mid Terrace	ST	3	2.5	Space x2	7	960 6,860
Ernerdale	Semi	EN	4	2	Space x2	2	1,057 2,114
TOTAL AFFORDABLE						43	35,412

AFFORDABLE %	
Affordable %	20%
TOTAL ALL DWELLINGS	215
TOTAL ALL DWELLINGS	187,754

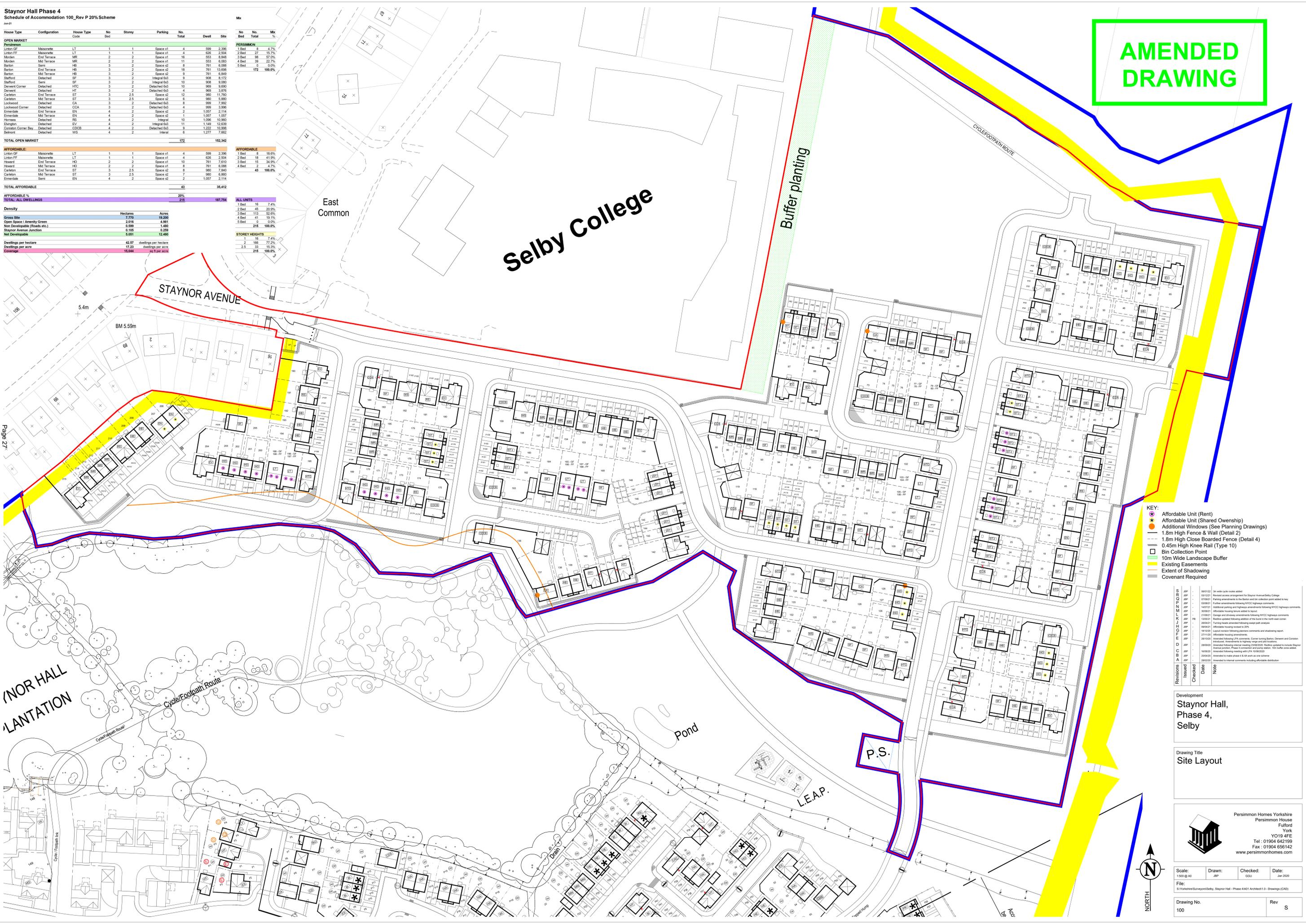
Density	Hectares	Acres
Gross Site	7.770	19,200
Open Space / Amenity Green	2.016	4,981
Non-Developable (Roads etc)	0.599	1,460
Staynor Avenue Junction	0.105	0,259
Net Developable	5.051	12,480

Dwellings per hectare	dwellings per acre
Dwellings per hectare	42.57
Dwellings per acre	17.23
Coverage	16,644 sq ft per acre

Mx	No. Bed	Total	Mx %
1 Bed	8	18.6%	
2 Bed	27	12.4%	
3 Bed	113	52.6%	
4 Bed	41	19.1%	
5 Bed	0	0.0%	
TOTAL	189	100.0%	

STORY HEIGHTS	No. Dwellings	%
2	186	77.2%
2.5	33	15.3%
TOTAL	215	100.0%

AMENDED DRAWING



- KEY:**
- Affordable Unit (Rent)
 - Affordable Unit (Shared Ownership)
 - Additional Windows (See Planning Drawings)
 - 1.8m High Fence & Wall (Detail 2)
 - 1.8m High Close Boarded Fence (Detail 4)
 - 0.45m High Knee Rail (Type 10)
 - Bin Collection Point
 - 10m Wide Landscape Buffer
 - Existing Easements
 - Extent of Shading
 - Covenant Required

Revisions	Issued	Checked	Date	Note
001	JAP	JAP	05/12/21	Site with other routes added
002	JAP	JAP	07/02/21	Revised scheme arrangement for Staynor Avenue/Selby College
003	JAP	JAP	07/02/21	Parking arrangements to the North and Bin collection point added to key
004	JAP	JAP	03/02/21	Further amendments following NCC highway comments
005	JAP	JAP	14/07/21	Additional parking and highway arrangements following NCC highway comments
006	JAP	JAP	24/02/21	Affordable housing scheme added to layout
007	JAP	JAP	13/02/21	Garage and driveway arrangements following NCC highway comments
008	JAP	JAP	13/02/21	Finalise updated housing address of the house to the north east corner
009	JAP	JAP	26/04/21	Fencing/haas amended following sweep path analysis
010	JAP	JAP	26/04/21	Affordable housing revised to 20%
011	JAP	JAP	10/10/20	Layout revised following planners comments and shading report
012	JAP	JAP	27/11/20	Affordable housing arrangements
013	JAP	JAP	04/02/21	Amended following LPA comments
014	JAP	JAP	04/02/21	Amended following LPA comments, Corner turning, Barbed, Cement and Concrete
015	JAP	JAP	26/09/20	Amended following LPA comments, Corner turning, Barbed, Cement and Concrete
016	JAP	JAP	26/09/20	Amended following LPA comments, Corner turning, Barbed, Cement and Concrete
017	JAP	JAP	16/06/20	Amended following meeting with LPA, 15/06/2020
018	JAP	JAP	26/09/20	Amended to make phase 3 & 4 work as one scheme
019	JAP	JAP	23/02/21	Amended to include comments including landscape distribution

Development
**Staynor Hall,
Phase 4,
Selby**

Drawing Title
Site Layout

Persimmon Homes Yorkshire
Persimmon Homes
Fulford
York
YO19 4FE
Tel : 01904 642159
Fax : 01904 656142
www.persimmonhomes.com

Scale:	Drawn:	Checked:	Date:
1:1000 @ A0	JAP	GSD	Jan 2020

Drawing No.	Rev
100	S

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Report Reference Number: 2015/0452/EIA (8/19/1011AV/PA)

To: Planning Committee
Date: 9 February 2022
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2015/0452/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE:	30th April 2015
		EXPIRY DATE:	20th August 2015
PROPOSAL:	Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4		
LOCATION:	Staynor Hall Abbots Road Selby		
RECOMMENDATION:	Grant		

The application was previously presented to the 10th November 2021 committee and deferred for a site visit to look at the impact of the new access to Staynor Avenue at peak traffic times, to allow officers to explore alternative access arrangements and to assess the impact on the woodland. The deferment was also to allow the landscape architect to be consulted.

Outcome:

Access arrangements have now been amended, with the access from Staynor Avenue being for pedestrians, cyclists and emergency vehicles only. This means all main traffic will now pass through Staynor Avenue Phase 3 and out onto Bawtry Road via the 2 existing accesses. The college has now withdrawn its objection to the scheme, and the plans have been update to enhance cycle provision through the site.

In terms of the impact on the wood, the applicants have not sought to amend the layout but have supplied additional justification:

- Arboricultural Survey;

- A letter from our Arboriculturalist which responds specifically to the impact of the proposed development on the Ancient Woodland; and
- A Tree Assessment Plan which illustrates the extent to which the Root Protection Areas (RPA) of the trees located within the woodland would extend to. These are restricted by the presence of the drainage ditch.
- Updated Nature Conservation Plan (December 21 Rev 3)

The Woodland Trust maintains its objection despite the details provided. The landscape officer raised no objection to the scheme, however no formal comments were provided.

1. CONSULTATION

- 1.1 Woodland Trust comments on Rev Q (6.12.21) - We have reviewed the additional information submitted to accompany this application, specifically the additional arboricultural survey documents. Whilst we acknowledge the presence of the existing drainage ditch and the likely impacts to the ancient woodland rooting system, we will be maintaining an **objection** to this application.

The siting of a large scale housing scheme adjacent to Staynor Wood will result in a range of impacts to the ancient woodland, including noise, light and dust pollution occurring during both construction and operation of the scheme. As such, we continue to recommend a buffer zone of at least 20 metres in line with Natural England's Standing Advice:

"For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."

- 1.2 Landscape Officer - The Landscape Officer said he was content with the relationship between the wood and the houses but hasn't provided any formal comments. He also said the tree mix within the landscape scheme particularly the highway trees was poor and needed attention.
- 1.3 NYCC Highways - Regarding your request for the LHA opinion of the principal of your access proposals. The proposals do not align with the current NYCC Design Guide for access provision to a site of this size. The Guidance, in this case, suggests 2 vehicular access points would be required, provision of a single access with emergency access for a site would only be suitable to serve up to 100 units. So as such, the LHA cannot agree to the principal of a single access with emergency access provision for your site of 215 properties.
- 1.4 NYCC Highways – revised response awaited.

2. PUBLICITY

- 2.1 The application was readvertised based on the alternative access arrangements. The latest notices were posted 25.1.22, which expire 15.02.22.
- 2.2 Selby College via Janet O'Neil Associates (21.12.2021) – "We understand that additional justification for the amendment to the design for a Staynor Avenue to be restricted to blue light vehicles, cycles and pedestrians may be helpful to you in

advising the Planning Committee. Please see the comments below from WSP, Highway Consultants to Selby College.

Whilst the current application site would have one direct access road and an emergency access road, the whole of the Staynor Hall estate obviously has 2 access roads from Bawtry Road.

Our highways consultant confirms that “in these circumstances there is no need for a third general access road adjacent to the college, especially as the previous design would have resulted in potential conflicts. Bawtry Road is a local distributor road and as such it is more appropriate to assign the additional development traffic onto this type of road.”

Comments from WSP - The key with the scheme and something that NYCC don't seem to have acknowledged is the safety of the college students and staff along with other pedestrian and cyclists in the vicinity of Staynor Avenue.

“The change in design of the extension to Staynor Avenue is a welcomed evolution of the scheme for access to the residential development adjacent to the college. As you will be aware the key concern for the college was the safety of staff and students at arrival and departure times and the previous scheme did not take this into consideration and as such would have resulted in numerous highway safety issues/potential conflict points. The closing of this access will now remove the free flow of traffic (from the whole residential estate) from Staynor Avenue and as such remove the potential conflict with staff and students from the college.

The retention of a pedestrian and cycle route from Staynor Avenue to the residential development will encourage sustainable travel in line with the Councils policies. This route is also made available for emergency services should alternative routes not be available. The revised scheme will also allow the college bus service to continue to use Staynor Avenue in a safe manner, i.e. there would be no conflict with through traffic.

It is understood that the transport consultant for the developer has undertaken further traffic modelling and confirmed that the 2 access points off Bawtry Road can accommodate the additional traffic from the proposed residential development. As such there should be no need for the 3rd access for general traffic adjacent to the college, especially as the previous design would have resulted in potential conflicts. Bawtry Road is a local distributor road and as such it is more appropriate to assign the additional development traffic onto this type of road.”

2.3 Selby College via Janet O'Neil Associates (27.1.22) - I refer to the re-consultation in relation to the above planning application as revised. I have consulted our highways expert and he has confirmed his opinion that the revised highway arrangements are acceptable and would not prejudice the interests of Selby College.

On this basis, I would like to formally withdraw the objection of Selby College to this planning application. I would request that we be consulted on the Phase 2 road safety audit.

I would like to thank the applicants and their planning agent for pursuing an alternative highway solution on the Staynor Avenue access to their housing scheme which overcomes the concerns of the College's Senior Management.

APPRAISAL UPDATE

Impact on the woodland

3.0 The relationship of the proposed dwellings to the woodland has raised several concerns expressed through the third-party representations, an objection from the Woodland Trust and the matter was discussed in detail at the 10th November Committee. The main concern being that whilst the majority of the dwellings sit away from the woodland edge, some development i.e., roads and a small number of dwellings sit within the 20m buffer, which is advised by the Woodland Trust. Layout Rev Q wasn't commented on by the Woodland trust for the 11th November 2021 committee, however in order to demonstrate acceptability of the scheme the applicant supplied the following information:

- Arboricultural Survey;
- A letter (15th Nov 21 from Quants Environmental) from our Arboriculturist which responds specifically to the impact of the proposed development on the Ancient Woodland; and
- A Tree Assessment Plan, which illustrates the extent to which the Root Protection Areas (RPA) of the trees located within the woodland would extend to. These are restricted by the presence of the drainage ditch.

3.1 The key conclusions outlined within the submitted documents are as follows: -

- The closest woodland group, referenced W1 in the Arboricultural survey is separated from the main site by a deep drainage ditch.
- Trees within the woodland have adapted to the existing ground conditions resulting from the ditch construction and these ground conditions are now isolated from the main site. It is therefore considered that development of the site will not significantly affect the existing ground conditions within the woodland.
- The ditch is of a significant depth and in places is at a higher level than that of the main site. This will present a significant constraint upon root growth.
- All woodland edge trees are located at the top of the embankment to the ditch on the woodland side and are therefore likely to have rooted along the upper regions of the bank and back into the woodland.
- The ditch holds water which will therefore create anaerobic conditions in the soils at the base of the ditch. The tree species located along the woodland edge are sensitive to waterlogged conditions, thus further impeding any root growth into the main site.
- The Tree Assessment Plan shows the proposed development in relation to the woodland group of W1. The RPA shown has taken account of the existing site conditions restricting root growth in accordance with paragraph 4.6.2 and 4.6.3 of BS5837:2012.

- The Tree Assessment Plan shows that there is no development proposed within the RPA of retained woodland trees.

3.2 This new information was also sent to the Woodland Trust for comment. The Trust maintained their objection to layout Rev Q and took account of the applicant's additional arboricultural survey documents. The trust acknowledges the presence of the existing drainage ditch and the likely impacts to the ancient woodland rooting system but maintain their objection. The trusts states "The siting of a large scale housing scheme adjacent to Staynor Wood will result in a range of impacts to the ancient woodland, including noise, light and dust pollution occurring during both construction and operation of the scheme. As such, we continue to recommend a buffer zone of at least 20 metres in line with Natural England's Standing Advice:

"For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."

3.3 The applicants were given the opportunity to amend the design to recreate the 20m buffer however did not feel it necessary. They indicated that "no evidence has been provided to demonstrate that a buffer zone is required in association with noise, dust or light pollution. The advice requires a minimum of 15m to ensure that there will be no root damage (which we have already proven there won't be due to the location of the ditch) and in my view anything beyond the 15m is difficult to justify on account of any impact being largely immeasurable and also due to the history of how the Woodland has been dealt with on previous phases of the scheme."

3.4 The applicant also points that "this issue was taken into account as part of the outline planning application, which does not include any conditions associated with the provision of a buffer (hence why other phases back directly on). The S106 includes an obligation for the submission of a Nature Conservation Management Plan and that the Plan should provide 'objectives and a programme of habitat management operations for a 10-year period' and which should include 'the management programme and operation for the Staynor Hall Plantation'. However, as outlined within Paragraph 5.74 of the committee report this requirements of the outline planning permission has already been met as the relevant obligation has already been discharged."

3.5 The agent also states "as part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. This covered the need for POS and nature Areas, which are on earlier phases of the scheme, particularly measures covering the woodland. The Nature Conservation Plan obligation for phase 3 to the south has been discharged and will soon be implemented, as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission."

3.6 Notwithstanding this position taken by the applicants, they recognise that this issue will potentially be discussed further by members and have supplied an updated Nature Conservation Plan (December 21 Rev 3) to respond to the issues raised. The amended Nature Conservation Plan includes the following:

- Improving the condition of the woodland – Whilst the outline application does not identify the need for a specific buffer from the woodland (and none have been provided on previous phases), the Nature Conservation Management Plan includes measures that will enhance the condition of the woodland through its appropriate management for a 10-year period (the timescale of which is set out by the outline approval). This includes targeted tree removal (sycamore) and tree planting to increase the diversity of the stock.
- Putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution – This is something that can be done as part of the Construction Management Plan condition for this phase of development, including taking specific action to suppress dust (spraying and road sweeping). With regards to long-term mitigation, we are now proposing to plant additional trees/landscaping adjacent to the woodland to provide a further protective barrier in respect of dust/pollution.
- Noise or light reduction measures – Any lighting associated with the construction or operation of the development will be located 20m from the stems of the nearest trees to the woodland.
- Protecting ancient and veteran trees by designing open space around them – This is something that was considered as part of the outline planning approval and the development of Phase 4 is in accordance with this. There are areas of greenspace/open space which will provide a buffer between the woodland and the nearest new homes.
- Identifying and protecting trees that could become ancient and veteran trees in the future – The proposals will not have any impact on the root protection areas of any trees included within the woodland or that could become part of the woodland due to the presence of the existing ditch which is located between the edge of the woodland and the proposed development. The other mitigation measures proposed will also provide a further layer of protection.
- Rerouting footpaths – This is something which cannot be achieved as part of Phase 4 of the wider development as the outline application identifies the need to connect phases of development to existing footpaths which run through and around the woodland. The existing footpaths are also located within a different phase of the wider site.
- Removing invasive species.
- Buffer Zones.

3.7 The landscape plans were also updated (Rev E) to show more depth of shrub planting and trees on the northern boundary of the woodland within the buffer zone to increase its protection.

3.8 The applicants state they are asking for balanced judgment with respect of the Woodland Trust comments.

3.9 On this basis whilst there is clearly still disagreement concerning the buffer, the Landscape Officer was content with the separation and Officer have previously supported this relationship in the November Committee. Officers are satisfied that

the development of the site will not present a risk of damage to or loss of rooting from the trees within the woodland group. The development is therefore in accordance with the guidance presented in Paragraph 180 of the Framework, as the development will not result in the loss or deterioration of an ancient woodland.

Landscape Features

- 3.10 In terms of the wider site landscaping, on the northern edge of the site alongside the boundary with the college, the former tree lined road has been removed in favour of a cycle lane, a consequence of the highway changes. Whilst these changes are of detriment to the scheme, the road is now no longer the sites main entrance boulevard, which lessens its visual importance as the gateway to the site. The applicants are also considering increasing the tree species within the highway and tree numbers and therefore any amended plans will be reported via the update note.

Highways:

- 3.11 The 10th November deferment was to allow the applicants to explore alternative access arrangements due to the concerns raised over the conflict of the access from Staynor Avenue and the access to Selby College. In early December the applicants wrote to the council as explained the following:
- 3.12 “As you are all aware from our previous discussions on this matter, due to technical requirements; land ownership; available space within the adopted highway; and the outline application parameters (including the red line application boundary), the option we presented to members at planning committee is the only feasible option to enable a two-way vehicular/car access to this phase of the development from Staynor Avenue. Following our further review since committee we can confirm that this position remains unchanged.
- 3.13 You will all recall that before we worked constructively together to identify and agree a suitable solution, we did present the idea of designing an access which would be for the use of pedestrians, cyclists and emergency vehicles only. You will also recall that we previously reviewed the parameters of the outline approval to ensure that this was an achievable solution. Given the issues raised by members at committee and the continued objection from local residents and the College, we are of the view that this option is the only alternative one available to us to resolve the concerns raised by members.”
- 3.14 Two plans sent in showing how this revised second option would work. These show the two crossing points retained to enhance the road safety of the area for residents/pupils and it would also enable the retention of the existing highway verge and mature trees located adjacent to the southern carriageway of Staynor Avenue. The access would be restricted by bollards which would be limited to emergency vehicles only.
- 3.15 It was also necessary to check the parameters established by the outline planning approval, to ensure the amendments were not running contrary to the outline consent. The applicants sought independent legal advice from Walker Morris Planning Solicitors that concluded that the outline permission does not require vehicular access to be provided from Staynor Avenue. The following points are pertinent: -

- Condition 2 of the outline approval references the need to provide details of the “means of access to the site from Staynor Avenue”. It doesn’t state specifically that this access point needs to be for two-way vehicular/car movements.
- Condition 15 of the outline approval references the need to provide details of “improvement works to Staynor Avenue” and “Footway/cycleway links to Abbot’s Road”. The enclosed proposal would deliver improvements to Staynor Avenue through the provision of two new formalised crossing points (enhancing the safety of the area for pupils/residents) and would deliver the required footway/cycleway links from this phase of the development to Abbot’s Road.
- The proposed approach would also deliver “access improvements to Staynor Avenue” as required by the Section 106 Agreement. No further details are outlined in the Section 106 Agreement and thus the provision of off-site pedestrian/cycle improvements would align with this obligation.
- The approved outline phasing strategy also outlined that no more than 250 homes could be accessed via Staynor Avenue/Abbot’s Road before the connection to the wider site was provided. This has obviously already been provided.

3.16 With regard to wider traffic management/distribution matters, the applicants stressed the following: -

- “The Bawtry Road junctions are now established, serving the phase 1 (northern junction), phase 2 (southern junction) and phase 3 (both junctions via internal links/loops).
- The Bawtry Road junctions were designed for higher capacity than a simple T-junction, with right-turn lanes (the original TA predicted that 85% of site traffic would be to/from the south and the A63, with 15% to/from the town centre).
- Unlike Staynor Avenue and Abbot’s Road (which are residential streets), Bawtry Road is a principal ‘A’ road (A1041), providing a more strategic connection to the A63 to the town’s bypass to the south (the A63) and the town centre to the north.
- There would be no impact on the permeability of the development for pedestrians, cyclists and emergency vehicles, as this proposed option would be retaining a link to Staynor Avenue for these modes and it has been specifically designed to not accommodate vehicles/cars.
- The removal of the Staynor Avenue vehicular access would mean that there wouldn’t need to be a change at the Staynor Avenue junctions with Abbot’s Road, which would therefore retain the existing road layout near the college, and so also wouldn’t affect the existing on-street parking for Staynor Avenue residents. It’s worth noting that the Selby College site has been fully rebuilt since the original outline planning consent, with more on-site parking than previously. There would also be pedestrian safety improvements provided on account of the two new formal crossing points proposed.

- The layout/design for Phase 4 doesn't include any bus stops, as it is located within 400m of existing bus stops in earlier phases of the development and of course bus stops located on Abbot's Road. We therefore do not believe there is a need for bus penetration from this access point. Providing bus penetration could of course also create vehicle conflict with bus operations at the College as well."

3.17 Given the Staynor Avenue link was being restricted to emergency vehicles, it was necessary to assess if the two existing junctions on Bawtry Road could cope with the increased trips and general capacity. The applicants produced a supplementary Transport Assessment (December 2021 by Local Transport Projects) which provides an assessment of the capability of the two Bawtry Road access points to accommodate the vehicle movements expected to be generated from the development without the need for a vehicular access via Staynor Avenue. The document also assesses the wider impact of the amended proposals in respect of pedestrian/cycle connectivity and responds to the previous concerns raised by local residents and the College.

3.18 The key conclusions are as follows: -

- The Bawtry Road assessment results indicate that the maximum Ratio to Flow Capacity (RFC) during the peak hours is likely to be 40% (PM peak) with the residential development in place, which is below the typical target of 85% and the 100% RFC level of full capacity. It is therefore considered that the proposed development will not have a significant impact on the operation of the Bawtry Road/Cedar Road junction.
- Pedestrian and cycle routes and travel distances/times to/from local amenities would be unaffected by the removal of the previously proposed vehicular link to Staynor Avenue.
- Emergency vehicle access would also remain unaffected, as the only vehicles permitted to enter/exit the proposed development via Staynor Avenue would be emergency vehicles.
- There are already bus stops accessible within a circa 400m walk of the majority of the proposed dwellings, via the stops within the Staynor Hall development (no additional stops were previously proposed within the Phase 4 part of the development), or via the stops on Abbot's Road (accessible via the proposed Staynor Avenue link).
- The removal of the previously proposed vehicular link to the development site via Staynor Avenue will address the safety concerns raised by Selby College, as the scheme would not generate vehicle movements within the vicinity of Staynor Avenue.
- The proposals still include improvements on Staynor Avenue and Abbot's Road within the vicinity of the pedestrian/cycle/emergency access, in the form of pedestrian crossing points.

- It is confirmed that vehicles associated with the construction of the proposed development would not utilise Staynor Avenue and would instead utilise the existing internal Staynor Hall roads.
- The removal of the previously proposed vehicular link to the development site via Staynor Avenue will address concerns raised by local residents, as the scheme would not be expected to generate through-traffic on local routes such as Abbot's Road/Parkin Avenue/Denison Road.
- The proposed new design also avoids the need for the majority of works to the existing highway verge on Staynor Avenue, and therefore avoids the need to remove trees and hard surfaced driveways.

3.19 The applicants consider these changes would overcome all of the concerns raised by members, local residents and the College at the November planning committee. The planning agent was keen to stress that "the outline planning permission never dictated that there is or would be a third vehicle access point to Staynor Avenue. This was a proposal put forward as part of the original Phase 4 reserved matters application. So, the amended proposals have not lost or removed any vehicular connectivity. The current proposals should therefore be assessed on their own merits in respect of whether accessing the site via the two access points from Bawtry Road (along with additional pedestrian/cycle/emergency connections points) is safe and appropriate."

3.20 The agent also states "in order to provide some further context/evidence to support this point, also enclosed with this email is a plan which provides the context of how the proposed layout for this phase links into the wider development and site area. This plan, when considered alongside the revised Staynor Hall access solution, identifies as follows: -

- There has always been only one possible vehicular point to this phase of the development from the wider Staynor Hall site area. This cannot be changed because of the POS, LEAP and Staynor Wood located between the two phases.
- There is no issue with regards to emergency vehicles not being able to access the site because there will be two emergency access points (Staynor Avenue and from Phase 3). In addition, the internal road layout has not changed meaning the width of roads (particularly the spine roads) are sufficient to enable passing of vehicle should there be a blockage within the site itself. So in respect of access for emergency vehicles, the amended proposals mirror that which was previously considered acceptable.
- The revised proposal will not impact on potential pedestrian/cycle connectivity as it will maintain the 5 footpaths connecting southern phases to Phase 4; 1 possible footpath connecting Phase 4 to the playing fields to the north; and the new proposed footpath/cycle connection to Staynor Avenue.
- This phase relates to 215 homes, which when considered in isolation would only need to be served by one access point, especially where a separate pedestrian/cycle/emergency access link is also to be provided.

- As identified above, the proposals will provide more than adequate pedestrian/cycle connectivity to Abbott's Road (and beyond).
 - In respect of off-site movements, whilst pedestrian/cycle connectivity remains unchanged, the amended proposals will also enable vehicle traffic from the site to access Bawtry Road, the A63 and the Town Centre without needing to access Abbot's Road/Parkin Avenue/Denison Street first."
- 3.21 NYCC officers assessed the revised proposals being served from phase 3 via a single access. The response was that the proposals do not align with the current NYCC Design Guide for access provision to a site of this size. The Guidance, in this case, suggests 2 vehicular access points would be required, provision of a single access with emergency access for a site would only be suitable to serve up to 100 units. So as such, the LHA cannot agree to the principal of a single access with emergency access provision for 215 properties.
- 3.22 The applicants transport engineers disagreed with the County Highway response and indicated that a number of schemes across the districts of North Yorkshire approved by LPAs and at appeal with more than 100 dwellings via a single vehicular access (list of 5 schemes within North Yorkshire provided). They suggest Manual for Street (MfS) does not advocate setting specific thresholds for the number of dwellings served via a single access, instead it encourages site-by-site consideration of the implications of the road design, in terms of key factors such as pedestrian accessibility (i.e. connectivity with wider external routes), cycle accessibility, emergency vehicle access and other vehicle access. As discussed in the supplementary report, the proposals still retain pedestrian, cycle and emergency vehicle access via Staynor Avenue, therefore the proposed site layout is considered to be in accordance with the MfS requirements in these regards.
- 3.23 The applicant's highway engineers acknowledged that the omission of a vehicle link to Staynor Avenue would create a longer route to access the external road network for residents. However, this is not considered to be detrimental, because the internal (and public) roads within the wider Staynor Hall site provide a route of equivalent length to Bawtry Road, which is expected to be route that almost all traffic would utilise to access the site (including travel to/from the town centre and the A63). Development traffic is not expected to travel north on Abbot's Road or Barwic Parade, as they only serve primarily residential areas. Therefore, vehicular access is not materially improved by the provision of an access via Staynor Avenue, the route to Bawtry Road via Abbot's Road and via the internal roads of the Staynor Hall site (Bracken Way/Staynor Link/Cedar Road or Bracken Way/The Stables/Hawthorn Road) is similar, and actually it's expected to be beneficial for the internal new roads to accommodate the development traffic, rather than increased traffic past residents on Abbot's Road. It could therefore be argued that the proposed alternative route is in fact safer.
- 3.24 The applicants reaffirm that it is only guidance, "so even when it was first produced, it was not intended to be an inflexible specifications document. The applicants also point out that other neighbouring authorities do not apply such a low threshold of development from a single access. For example, Leeds and East Riding require two access points for developments over circa 200-300 dwellings, dependent on consideration of site-specific factors. There are also instances where developments of over 300 homes have been approved on the basis of one access point and an

emergency access point, on account of a site-specific assessment of the development proposals.”

- 3.22 Given the above, a meeting was held with NYCC in order that the impasse could be discussed. It was agreed that support could be offered to utilising a single access through Staynor 3 if cycle provision through the site could be encouraged and an intelligent bollard system installed. This is the only way the site would otherwise come forward utilising a single access to overcome the members and college’s concerns.
- 3.23 The plans were amended to take account of the discussions. This included:
- Proposed Residential and College access option 4 – Rev C
 - Proposed Residential and College access option 4 (google earth mapping) – Rev C
 - Revised site layout Rev S
 - Proposed layout Bus isochrone map. Rev A
 - Cycle Links Plan

Intelligent Bollard system

- 3.24 The applicants do not believe that an Intelligent Bollard System is appropriate in this instance. The response is as follows “In similar sites/instances where we have worked with NYCC a standard lock/key bollard system (emergency services have a universal key) has always been considered acceptable. We are also not aware of another scheme where NYCC have delivered an Intelligent Bollard System and understand that number plate recognition for all emergency vehicles does not exist. In any event, we do not believe there is an underlying need for the system since the likelihood of needing emergency access from Staynor Avenue is very low given that emergency vehicles will likely use the Bawtry Road access points on account of them being more accessible from the strategic road network (the by-pass), which is the route that would be used by emergency vehicles travelling from Selby, Goole or York hospitals or from Selby Fire Station. Furthermore, the likelihood of other vehicles seizing an opportunity to contravene the signing/bollards to gain access/egress from this location whilst the bollard is retracted is also very low for similar reasons (the strategic road network and Selby town centre are more accessible from the Bawtry Road access points). Finally, the road safety implications are also extremely low for these reasons. We therefore think that the delivery of the standard lock/ley bollard system would be proportionate.”

Enhanced Cycle Provision

- 3.25 The amended Planning Layout also includes an upgrading of the footpath located on the northern edge of the spine road which runs from Staynor Avenue to 3m in width to provide a cycle path which is detached from the main carriageway. The cycle path has been upgraded in width to the point where it will connect into the existing 3m cycle path that is provided within Phase 3 of the development (to the south of Plot 135 of Phase 4). From there the 3m wide cycle path will connect to the wider cycle path network of the whole development. Thus, providing an enhancement to cycle connectivity not only for Phase 4 but for the wider development too. This also links with the wider encouragement of cycling into town over the canal bridge, which is now only open for none vehicular traffic. A cycle links map was also provided to demonstrate the wide cycle network connectivity throughout the Staynor development.

Bus Stop Accessibility

- 3.26 Finally the applicants produced an isochrone plan for bus access, which confirms that every home located in Phase 4 will be within a 5 minute walk of the bus stops located within the Staynor Hall development and on Abbot's Road. This evidence confirms that Phase 4 of the proposals does not need to accommodate a bus route. Officers are content that bus provision does not need to enter phase 4.
- 3.27 NYCC Highways noted the changes however indicated that "there should be a loop road layout from Phase 3 within Phase 4, for potential bus provision and less disruption in the future during maintenance works, a change to the layout where the emergency access joins the site carriageway, vehicle tracking for the emergency access and a request for a Road Safety Audit for the proposals affecting Staynor Avenue."
- 3.28 The applicants considered bus loop provision from phase 3 is unnecessary as all of the Phase 4 plots are located within 5min walk of a bus stop (as demonstrated on the submitted plan).
- 3.29 On account of the above officers are content to progress with the current scheme and further updates in respect of the highway matters can be provided via the officer update note. This is likely to include some changes to the conditions.

7 RECOMMENDATION

This application is recommended to be Granted subject to the expiry of the publicity on the 15.02.2022 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manger be authorised to issue the Reserved matters permission.

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

Location Plan	001	Rev A
Site Layout	100	Rev S
Residential and college access Staynor Avenue	LTP 2598 T1 04 01	Rev C
Residential and college access Staynor Avenue - Google earth mapping	LTP 2598 T1 04 02	Rev C
Nature Conservation Management Plan	Dec 21	Rev 3
Full site layout Plan 100		Rev A
Phase 3 Connection	100-Ph3	Rev A
Materials Layout	101	Rev C
Enabling Plan	103	Rev -
Landscape Layout Plot	102	Rev D
Landscape Layout POS	R-1283-15E	Rev E
Acoustic Amendments	110	Rev -
Acoustic Enhancement	110-2	Rev B
Street Scene & Section	100_WD10-1	Rev B

Sheet 1		
Street Scene & Section Sheet 2	100_WD10-2	Rev B
Barton	HB-WD10	Rev E
Barton Corner	HBC-WD10	Rev D
Belmont	WS-WD10	Rev J
Carleton	ST-WD10	Rev G
Carleton Extra Window	ST-WD10-2	Rev G
Coniston	CD-WD10	Rev H
Coniston Corner Bay	CDCB-WD10	Rev H
Derwent	HT-WD10	Rev G
Derwent Corner	HTC-WD10	Rev F
Elvington	EV-WD10	Rev -
Hornsea	RS-WD10	Rev D
Hornsea Extra Window	RS-WD10-2	Rev D
Howard	HO-WD10	Rev -
Lockwood	CA-WD10	Rev D
Lockwood Extra Window	CA-WD10-2	Rev D
Lockwood Corner	CCA-WD10	Rev C
Morden	MR-WD10	Rev T
Morden Extra Window	MR-WD10-2	Rev T
Moseley	MS-WD10	Rev AA
Stafford	SF-WD10	Rev J
Stafford Extra Window	SF-WD10-2	Rev J
Single & Double Garage	SDG-6x3-WD10	Rev –
Staynor Hall Overview -	LTP 2598 T1 01 01	Rev B
Staynor Hall Refuse Vehicle sheet 1 of 2	LTP 2598 T1 01 02	Rev B
Staynor Hall Refuse Vehicle sheet 2 of 2	LTP 2598 T1 01 03	Rev B
Staynor Hall Forward Visibility sheet 1 of 2	LTP 2598 T1 01 04	Rev B
Staynor Hall Forward Visibility sheet 2 of 2	LTP 2598 T1 01 05	Rev B
Drainage Strategy Layout Option A	P20-00552-Met-M2-C-001	V2

Reason

For the avoidance of doubt.

02. Prior to the occupation of plots 56 to 65 inclusive the following noise mitigation measures shall be installed:

- Enhanced double glazing to habitable rooms facing the Rigid site in line with paragraph 5.18 of the Noise assessment V3 i.e. glazing rated at ≥ 29 dB R_w+C_{tr} , such as a generic 8 mm float glass (16 mm air) 4 mm float glass double glazing system.
- That a mechanical ventilation strategy is provided to in line with paragraph 5.19 of the Noise Assessment V3.

- That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.

The noise mitigation measure shall thereafter be retained in working order for the lifetime of the residential use of plots 56 -65.

Reason

To safeguard the dwellings from noise from the adjoining industrial premises in line with Policies ENV 1 & 2 of the Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following requirements:

- 1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.
- 2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- o Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- o Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- o Flood sensitive equipment raised 600mm above floor level.
- o Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- o Anti flood valves on internal building drainage.
- o Water tight external door construction to minimum of 600mm above proposed floor level.
- o Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- o Water resilient ground floor coverings should be considered, such as clay tiles.
- o Waterproof seal between cladding and floor slab

Reason

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

04. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

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

Reason

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

06. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

07. No dwelling must be occupied until the related parking facilities 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

08. No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management Plan.

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

1. details of construction access to the site;

2. restriction on the use of the Staynor Avenue access for construction purposes during 'drop off and pick up times' of students at the start and end of the Selby College working day;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. a detailed method statement and programme for the building works; and
19. 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

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 2015/0452/EIA and associated documents.

Contact Officer: Gareth Stent (Principal Planning Officer)

Appendices:

Appendix 1 – Committee report 10 Nov 2021

Appendix 2 – Officer Update Note 10 Nov 2021

Appendix 1- report from Planning Committee meeting of 10 November 2021

Report Reference Number 2015/0452/EIA (8/19/1011AV/PA)

Agenda Item No:

To: Planning Committee
Date: 10th November 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2015/0452/EI A	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE: EXPIRY DATE:	30th April 2015 20th August 2015
PROPOSAL:	Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4		
LOCATION:	Staynor Hall Abbots Road Selby		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as this is a significant residential development that has received 3rd party objections, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations. The application is also EIA development owing to the original outline consent.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is known as Staynor Hall, which is a significant 56-hectare urban extension within development limits to the south east of the Selby town centre. Staynor Hall was granted outline planning permission in 2005 for a mixed-use development for 1,200 dwellings, employment floorspace, public open space, shopping and community facilities. The residential element of the development is divided in four main phases. Phases 1 and 2 are complete and Phase 3 is in the latter stages of completion, being built out by ten sub-phases, all of which have detailed permission. This site is known as phase 4 and lies in the north east corner of the site and would be the final phase of the development. The proposal also includes a small section previously known as 2D from the original phasing plan, adjacent to Staynor Avenue in the north western part of the site. The wider site has public open space, a central woodland (Staynor Hall Plantation), new community facilities and a new primary school within the centre of the development.
- 1.2 Access is gained via the existing estate road that runs through phase 3 leading from Bracken Way and loops through to Staynor Avenue and Abbot's Road to the west of the site adjacent to Selby College.
- 1.3 The site is L-shaped with the southern section abutting Staynor Plantation and adjoins phase 3. To the east and south east is a wooded area and beyond this is the A63 Selby bypass. To the north eastern corner of the site is the industrial complex known as VPK UK Holdings formerly known as Rigid Containers manufacturing plant. To the north is the Selby College and its playing fields beyond. The site at its western most point, adjoins the rear gardens of the established dwellings on Abbott's Road.
- 1.4 The site is currently in agricultural use and has a series of unclaimed footpath routes through and around the perimeter of the site. In landscape character terms the surrounding area is virtually flat and open with screening to the northern, eastern and southern boundaries.

The Proposal

- 1.5 The proposal is a reserved matters application for 215 dwellings, following outline approval CO/2002/1185 (8/19/1011C/PA). The outline consisted of the erection of 1200 dwellings, employment, public open space, shopping and community facilities together with associated footpaths, cycleways, roads and engineering works. The matters reserved were for the siting, design and external appearance of each building, a schedule of materials used, access from Staynor Avenue, landscaping and the means of sewage and surface water disposal.
- 1.6 The outline was also accompanied by a detailed Section 106 (dated 3.6.2005) agreement that covered aspects such as the site wide open space provision, affordable housing to be calculated on a phase-by-phase basis, archaeology, community centre, drainage works, travel plans, health care facilities, landscaping, nature conservation and off site highway works.
- 1.7 The application has been amended on several occasions to develop the site layout and address issues of the issues concerning the access to the college and the

impact on neighbouring businesses to the north. This has involved reducing the dwellings from 230 to 215 and site plan Rev Q is the latest version.

- 1.8 The application is also being considered alongside a further application for 44 dwellings (2015/0455/EIA) as a standalone reserved matters application. This is on the undeveloped part of the site immediately to the rear of the Selby College that earmarked for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for the pitch.

Relevant Planning History

- 1.9 Due to the sheer size of the site lots of history exists, which includes the first 3 phases, several deeds of variation, applications for the community centre, school extensions. Therefore, the relevant history is confined to this land along, the most relevant being the 2002 outline.
- CO/2002/1185: Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 sq.m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land (Details provided for Phase 1 comprising of 236 houses): Staynor Hall, Abbots Road, Selby, North Yorkshire, YO8 8EE: PER, 06-JUN-05.
 - 2007/0106/REM - Approval of reserved matters Phase 2 for the erection of 60no dwellings and associated works. Approved 26.3.2007.
 - 2009/0957/DPC: Discharge of conditions 33 (lopping/felling of trees) and 34 (archaeological investigation) in relation to approval 8/19/1011C/PA (CO/2002/1185) for 1200 dwellings: Staynor Hall, Abbots Road, Selby, YO8 8EE: COND, 21-JUL-11
 - 2009/0213/REM: Reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby, North Yorkshire: PER, 24-FEB-10
 - 2011/0066/DPC: Discharge of conditions 9, 13, 21, 22, 23, 25 & 32 of outline approval 8/19/1011C/PA (CO/2002/1185) for the erection of 1200 dwellings and associated works: Staynor Hall Development, Bawtry Road, Selby: COND, 26-OCT-11.
 - 2011/0076/DPC: Discharge of condition 3 (landscape management) of approval 2009/0213/REM (8/19/1011Y/PA) for reserved matters for the erection of 467 dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COND, 21-JUL-11
 - 2011/0507/MAN: Non material amendment to revise public open spaces on site to eliminate any conflict with easements and new road layout as well as revised play equipment and surfacing within LEAPS on site from approval 2009/0213/REM: Staynor Hall Development, Bawtry Road, Selby: PER, 27-MAY-11

- 2014/1186/COD: Request for written confirmation of conditions of planning approval 8/19/1011C/PA (CO/2002/1185) (ref 7 Jesse Close): Staynor Hall, Abbots Road, Selby: COD, 07-JAN-15
- NY/2014/0253/FUL: Erection of a new primary school with associated pitches, hardstanding, car parking, perimeter fencing and landscaping: Staynor Hall, Abbots Road, Selby: PER 13-JAN-15
- NY/2015/0149/A27: Application for the approval of details reserved by condition No's 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 21, 24 & 27 of Planning Permission Ref. No. C8/2014/0835/CPO which relates to construction work details, cycle parking facilities, archaeological field investigations, foul and surface water drainage, roof-mounted photo-voltaic or solar panels, ecological mitigation and enhancement measures, CCTV system, general and security lighting, measures for the prevention of discharge of surface water onto the public highway, highway improvement works and a Travel Plan: Staynor Hall, Abbots Road, Selby: PER 20-APR-16
- 2015/0556/CPO: Consultation on discharge of conditions application NY/2015/0149/A27 for approval of details reserved by condition No's 3, 4, 7, 9-16, 21, 24 & 27 of approval 2014/0835/CPO (NY/2014/0253/FUL) which relate to construction details, cycle parking facilities, archaeology, drainage, solar panels, ecology, CCTV, lighting, surface water, highway improvements and a travel plan: Staynor Hall Development, Bawtry Road, Selby: PER, 20-APR-16
- 2015/0579/REM: Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185 APPROVED 28.10.2015
- 2015/0580/EIA: Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185), Address: Staynor Hall, Abbots Road, Selby: PER, 21-OCT-16
- 2015/0455/EIA - Reserved matters application for the erection of 44 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2000 sqm of shops) together with associated footpaths, cycleway roads, engineering at Phase 4a. Pending Consideration.
- 2016/1077/FULM - Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F). PER 7.12.2018.
- 2018/0931/EIA: Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185): Staynor Hall, Abbots Road, Selby: Pending consideration
- 2019/0811/COD: Confirmation of discharge of conditions for approval 2009/0213/REM reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COD, 17-DEC-19

2. CONSULTATION AND PUBLICITY

2.1 Selby Town Council – No response received.

2.2 NYCC Highways

02.11.2021 - No objection to the proposals.

On Site Proposals. The onsite proposals are a continuation of the previous Phases of the Staynor Hall development. The current drawings, listed in the formal response, reflect the discussions that have taken place with the developer to which the LHA now have no objections.

Off Site Proposals. The principal of using Staynor Avenue to access the Staynor Hall development has already been established at Outline Planning stage. The off site element of this application was to assess the form of the access into the Staynor Hall development, from Abbots Road, along Staynor Avenue.

The LHA has been in dialogue with Selby College, being a major user of Staynor Avenue, discussing the proposals and listening to the concerns raised by the College. Information provided by the College has been used in achieving the final proposals. The LHA would like to point out that in addition to the already completed Stage 1 Road Safety Audit, taken at the completion of the preliminary design, a Stage 2 Road Safety Audit will be undertaken. The Stage 2 Road Safety Audit will be carried out at the completion of the detailed design process, any issues highlighted with the proposals will need to be addressed, to the satisfaction of the LHA, prior to the LHA allowing the developer to start the works to alter Abbots Road and Staynor Avenue. The proposals have been discussed and scrutinised at length by various LHA Officers and are now at a point where the LHA now have no objections.

Conclusion

The LHA raises no Highway related objections to the proposal if the development is carried out broadly in accordance with the drawings in the formal response. On this basis the LHA would ask that the requested conditions are attached to any planning permission that may be granted

2.3 13.5.2015 - Comments on the proposed site layout plan are as follows:

1. The 'Shared Space' roads should be laid out in accordance with the attached detail.
2. Is it possible for the footway/cycleway in the Staynor Hall Plantation to extend through to the access road as shown in pink on the attached plan.
3. Traffic calming in the form of raised tables should be provided at the locations shown in orange on the attached plan.
4. Plots 25 - 28 and 196 - 198 are three bedroom dwellings and as such two parking spaces for each dwelling are required.
5. Visitor parking spaces should be provided adjacent to the Shared Space roads.

2.4 3.6.2015 - Refer to previous response dated 13 May 2015 which dealt with the internal layout proposals. Following a recent site visit it was concluded that the proposed access arrangements from Staynor Avenue shown on drawing number YO7.2471.010D are unsatisfactory. The plan shows a slight re-alignment of

Staynor Avenue to provide a straight link through into the development site. However, it is not clear if the Applicant controls the land necessary to enable this work to be undertaken or to be offered for adoption as publicly maintained highway.

Access into Selby College has not been adequately considered. The drawing shows a simple spur off from the re-aligned section of Staynor Avenue. This is unsatisfactory as those vehicles which need to exit the college at this point will have difficulty seeing development traffic approaching from the east. The cross-roads arrangement which would be created is also unacceptable in terms of highway safety. The Applicant should discuss with the college and the Local Highway Authority an appropriate design which will provide a suitable access arrangement to both sites. A form of staggered crossroads might be the appropriate solution.

The Applicant should also consider the buses which presently park along Staynor Avenue at the start and end of the College day and the impact this will have on development traffic entering and leaving the site.

- 2.5 27.7.2016 - The Chapter refers to Larch Road on a number of occasions. It is presumed that the Transport Consultant actually means to refer to Hawthorn Road which is the northern main access road onto Bawtry Road. In section F5.1, no information has been provided as to how the trip rates were calculated. In section F5.2, no information has been provided as to how the trip rates for the Commercial Development have been calculated.
- 2.6 8.12.2020 - Holding response provided.
- 2.7 21.1.2021 – Transport Assessment & Travel Plan needs to be submitted. The proposals to alter Staynor Avenue need to be submitted. Regarding Site Layout, dwg no 100 Rev E, a meeting is welcomed with the Planning Officer and the Developer to discuss these proposals further.
- 2.8 18.5.2021 - Regarding the above 'LTP 2598 T3 01 01 Kerbside Space Comparison' drawing, the comparison does illustrate the space available for drop offs / pick ups to the west of the 'cut through', probably less than is available now due to the specific location for turning movements, but still useable. What the applicant has not shown is the vehicle tracking for coaches using the 'cut through' from either a north to south or south to north direction whilst dropping off / picking up. If this can be produced and shown to be acceptable then the LHA can be comfortable with the proposals and reply to the planning application accordingly.
- 2.9 18.6.21 – Comments on site plan Rev K. Can an indication of the carriageway, footway, verge & cycleway footway widths be shown throughout the development. Roads 1-5 need adjustment, forward visibility splay required, turning head extending, speed reducing features required. Parking assessment needs attention, additional spaces required, garages made larger across several plots.

Off site Element – No objections to the details supplied i.e.

Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E

Swept Path Analysis Bus (Coach) Link Road Connection, Dwg. No. LTP/2598/T2/01.07 Revision A

- 2.10 7.7.21 – Bin collection points need showing. Further amendments to the visibility splays required. Roads need to be designed to 20 mph speed limits. Parking changes still required.
- 2.11 3.8.21 – Site plan needs more annotation. Changes required to traffic calming. Parking spaces to front of garages need increasing.
- 2.12 26.8.21 – Minor annotations outstanding, parking adjustment required.
- 2.13 14.9.21 – Highways no objections, all remaining issues addressed.
- 2.14 SuDS And Development Control Officer – (17th June 2015) With reference to the above application for the approval of reserved matters, as the same documents were submitted for application refs. 2015/0452/REM, 2015/0455/REM and 2015/0580/REM, comments are the same as those for responses to the other applications in that:
1. The original decision notice requires details to be provided for the means of sewage and surface water disposal. The application documents include a drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse. This is satisfactory in principle but the required detail to assess the propriety of surface water management proposals is not present.
 2. Section 3.7 of the Drainage Statement states that the development will add further volumes of water to the general network, furthermore it is stated that SuDS will be utilised. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. In the same document, 4.27 later states: “The outlet control will be designed to reflect the natural run-off to the existing watercourses and therefore the rate of discharge will not exacerbate flood conditions in the downstream reaches”. However, section 3.10 states “The outlet control will be designed to the satisfaction of the Selby Area Internal Drainage Board and Yorkshire Water Services to reflect the agreed rate of discharge of 400 litres per second from the Staynor Hall Housing development, and this is a rate catered for in the design of the pump station that will not exacerbate flood conditions in the downstream reaches”. It is not likely that greenfield runoff from the undeveloped site is 400 litres per second and as such the discharge rate proposed in section 3.10 of the Drainage Statement is excessive and not in accordance with the rates described within sections 3.7 and 4.27.
- 2.15 Development Policy – No objection. The proposal is inside the Development Limits of the Principal Town and is therefore compliant with the adopted Selby District Local Plan. Provided there are no other adverse impacts identified by the case officer the Policy and Strategy team raise no objections to the scheme.

2.16 Environmental Health – No objection.

2.17 6th Sept 2015 - Further to your consultation dated 11th August 2015 concerning the above proposals. Environmental Noise Solutions (ENS) has submitted a noise impact assessment, reference NIA/5926/15/5822, on behalf of the applicant, the assessment concludes that the ambient noise climate across the application site is primarily associated with road traffic noise. The assessment states that providing the recommendations contained within the assessment are implemented the ambient noise climate does not constitute a constraint to the residential development of the site in terms of the National Planning Policy Guidance (NPPF). In view of the above it is recommended that the recommendations contained within the assessment are fully implemented in order to protect the residential development from noise from road traffic.

Additional information has been submitted in relation to this application from and on behalf of a nearby industrial / commercial operation, namely Rigid Containers Ltd. Rigid Containers Ltd have expressed concerns that the noise impact assessment does not adequately assess the likely impact of the industrial / commercial operation of their site on the residential amenity of the proposed development. While it is not intended to address every point made by Rigid Paper Ltd in relation to noise and the noise impact assessment comment as follows: Paragraph 123 of the National Planning Policy Guidance (NPPF) states that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

Furthermore, Selby Council's Core Strategy SP19 states that development should not be put at unacceptable risk from being adversely affected from unacceptable levels of noise pollution. The noise impact assessment does not specifically assess the potential impact on residential amenity of the development from the industrial / commercial operation nearby. Monitoring was undertaken near to the industrial / commercial site at monitoring location MP3 where "No significant noise emissions audible from the industrial units" was noted. The monitoring was undertaken on 13th April 2015 for two periods of fifteen minutes each. Since the monitoring was undertaken at a time when no noise emissions were noted from the industrial / commercial site it is not possible to assess whether or not the noise from the industrial / commercial site would give rise to an adverse impact on the residential amenity of the development.

In view of the above it is recommended that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site. The noise impact assessment submitted by the applicant considers various guidance, including WHO guidelines and British Standard BS8233: 2014. It is agreed that this guidance is applicable to the development site in this case in terms of absolute noise levels but would advise that British Standard BS4142: 2014 provides further guidance specific to this scenario.

2.18 3.8.2016 - Noise: Having considered the noise sections of the Supplementary Environmental Statement and the ENS Noise Impact Assessment and have a number of areas, as outlined below, where clarification is required or further information requested.

Significance Criteria: The Supplementary Environmental Statement in Section D3.3 of the noise chapter advises that significance of the noise levels will be determined according to the scale given in that section. It is asked that the applicant clarifies why this criteria has been used and not that provided in the Planning Practice Guidance on Noise.

Background Noise Levels: The ENS June 16 Noise Impact Assessment did not establish background noise levels during times when the factory does not operate and the Supplementary Environmental Statement in Paragraph D4.0 refers to baseline monitoring undertaken as part of the original outline Environmental Statement in October 2002 where it states that monitoring sites at the rear of 191 Abbot's Road and the boundary with Selby college are relevant to Phase 4/4A. However it should be realised that the noise environment will have changed in the intervening years especially due to the opening of the bypass and hence in order to establish the background levels in the vicinity of the factory when the factory is not operating further noise monitoring should be undertaken at monitoring point 3 and 3A. This information is required to input into the BS4142:2014 assessment (see below).

Comments made that the Supplementary Environmental Statement states in paragraph D4.11 that ambient noise levels at the development site were determined during the noise monitoring undertaken on the 13 and 14 April 2015. However, the comments in the Noise Impact Assessment where these results are reported in Table 3.1 mention that construction noise was audible.

BS4142:2014: Neither the Supplementary Environmental Statement or the Noise Impact Assessment carried out a BS4142 assessment in respect to the impact of the noise from the adjacent factory as requested in the memorandum consultation response of the 6 September 2015 which is referred to in Paragraph D3.4 of the Supplementary Environmental Statement. It is requested that a BS4142:2014 assessment on the noise from the factory is provided which includes all aspects of the noise from the factory at the various times of day compared to the current levels when the factory is not in operation. The assessment should also give specific consideration to the Pelleter noise (see below).

CRTN: The Supplementary Environmental Statement discusses in the Policy Context and Baseline Noise Level sections the impact of road traffic noise from the Selby bypass and how it should be assessed and gives an indication of the expected noise level at the boundary of the site at Monitoring Point 4/4A but does not discuss the impact on the residential receptors of the impact of the acoustic barrier on the map in Appendix 2. Also, the basis of the mitigation required has been determined by an undocumented method of determining the noise levels from the Selby bypass as shown in Sections D4.17 to D4.22 of the statement. It is suggested that it would be more appropriate, as the bypass is already in operation, to determine the actual noise levels due to traffic by monitoring. The results of this monitoring can then be used to determine the level of mitigation required to meet the levels in habitable rooms and the garden area.

Pelleter: It is noted that the mention of the air release from the Pelleter which occurs every two minutes with a mid to high frequency noise emission and is assumed to be a short term event although this is not specified. Even with the bund that it currently present this will result in a noise level in residential gardens of up to 60 dBA. It is the opinion of the EHO that this type of noise is likely to lead to complaints from the residents of the proposed properties in this vicinity and could result in

statutory nuisance action against the factory. It is therefore, requested that additional information on the noise itself including the frequency spectrum, operational hours, it is accessed as part of a BS4142 assessment and consideration given to the property layout in this area. It is noted that the exact layout would not seem to have been finalised as the Non-Technical Summary contains Test Layout Options 1 and 2 (drawing numbers YOR.2471.010D and YOR.2471.009E).

Mitigation: In section D6 of the Environmental Supplementary Statement various mitigation measures are discussed.

- During Construction: do these measures form part of a CEMP. It is recommended that this is conditioned if permission is to be given to this application.
- Viability of Existing Industrial Uses: in order to protect the proposed residential dwellings the Statement seems to be suggesting that it should entail acoustic bunding and glazing/ventilation and concludes in Section D7.4 that the proposed development is not an unreasonable restriction on the existing industrial uses. EHO is not of the opinion that this has been demonstrated and would also point out that the initial point of the NPPF relates to good design so that mitigation is not necessary. It is not felt that consideration has been given to the possible development of the business in the vicinity and any permission given will be reliant on the noise levels from the business not increasing which would place an unreasonable restriction on the development of the existing business.
- The mitigation section does not detail the provision of a bund in the southeast corner of the site to protect those properties from traffic noise from the bypass. Once this information has been provided, it is requested re-consulted occurs on this application.

2.19 28.6.2018 – Further to the memorandums of the 3 August 2016 and 7 September 2016 having reviewed the additional noise data provided in the ENS letter of the 18 April 2018 (Ref: NIA/6644/18/7787v1.0) comments are as follows:

Background Noise Levels: The revised assessment still does not establish background levels during times when the factory does not operate but calculates a night time level using monitoring undertaken in 2018. The monitoring was carried out over a period including a Monday and Tuesday. This is potentially not the lowest background levels that occur in this area as that would be at a weekend when there is no construction work on the Staynor Hall site, reduced industrial noise from the factories on East Common Lane and reduced traffic levels. This potentially elevated background noise level has an impact on the BS4142:2014 assessment below.

BS4142:2014: The revised assessment has conducted a BS4142:2014 assessment as requested but only for the night time period and considers character adjustments only the noise from the Pelleter. The assessment is based on a night time hour rather than an event specific noise of the Pelleter, which is discussed further below. Other noises that have been audible from the Rigid Containers Ltd site include FLT and HGV movements which would attract a penalty of 3dB as being distinctive against the residual acoustic environment. The assessment concludes that there is an indication of an adverse impact, depending on the context and includes the mitigation due to the 4m bund.

However, if the background level during the weekend nights is lower and an additional penalty added for the movement of FLT and HGV's the assessment would indicate a significant adverse impact.

Pelleter: it has been noted that the noise from the Pelleter has been included in the BS4142:2014 assessment as a penalty has been added for this noise source. However, the assessment has not considered the maximum level of the Pelleter noise in isolation from other noises from the Rigid Containers site to establish if this source alone would still be an issue to residents in the proposed dwellings. It was previously requested that the frequency spectrum and operational hours of this equipment is provided but it has not been. It is anticipated that where the Pelleter can be heard it will lead to complaints and this should be considered at the quietest time when the Pelleter is operational. The Pelleter has previously been quoted as having a level of up to 60 dB LAFmax on the development site despite mitigation due to the existing bund and the level of top of the bund being up to 69 dB LAFmax. , therefore, still do not have sufficient information to establish if the Pelleter will cause a loss of amenity to the residents of the new properties or not and request that this additional information is provided including a BS4142:2014 assessment on the Pelleter noise and has reference to Annex E of this document.

Traffic Noise from A63: the assessment has considered the impact of traffic on properties and private garden space and has concluded that internal design criteria can be achieved using standard thermal double glazing and trickle vents. Also, that garden area criteria of 50-55 dbLAeq (07:00 to 23:00) could be achieved with no specific attenuation measures. It is pointed out that the required level in private garden space is < 50dbLAeq (07:00 to 23:00) and hence some mitigation will be required to some of the site plots. The following conditions are therefore, recommended for this area of the site:

Private garden space to the proposed residential properties shall be protected from noise from the traffic on the A63 either by the residential property or by a barrier that shall be constructed of either timber and or concrete to a height of 2m above the surrounding ground level. The panels shall have a surface mass of not less than 17kgm² and shall be free from gaps and cracks. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

Double glazing with trickle vents shall be provided to all habitable rooms with a direct sight line to the A63.

Conclusion: Noted that the design of the site assessed in NIA/6644/18/7787v1.0 has considered the impact of noise from the A63 and the Rigid Containers site leading to the 4m bund and football pitch being provided in the north east corner of the site. It is also envisaged that the residential properties would be orientated to ensure that private garden space is protected from noise from these sources. Conditions relating to the A63 are given above and no further information is required in this respect.

It is also noted that besides the 4 m bund, enhanced double glazing and mechanical ventilation are recommended for habitable rooms on the elevations of properties facing the football pitch or Rigid Containers, which there are no objections to, however as stated above there is not sufficient information to establish if the Pelleter will cause a loss of amenity to the residents of the new properties and additional information is requested.

2.20 9.11.2018 - Further to previous memorandums including the 28 June 2018 it is advised that EHO have now received an email from Thomas Crabb of ENS on the 2

November 2018 (see attached). As concluded in previous memorandum the outstanding issue was in relation to the Pelleter noise and how this would impact on residential receptors. Having considered the information provided as above and the previous noise assessments provided with this application and would advise that concerns remain that noise from the pelleter will give rise to complaints from residents in the proposed residential properties to be located adjacent to the proposed football pitch.

The method used to establish the impact in the above document averages out the noise from the pelleter over a 15 min period which does not give a true indication of what would be heard outside or inside the proposed properties. It is suggested that the most effective way of alleviating this issue would be to mitigate at source and that this may be discussed with management representatives of Rigid Containers Selby Plant.

It should be noted that having previously recommended conditions be applied to limit the noise level in private garden spaces and in respect to glazing and ventilation to habitable rooms facing the A63. Also, that the provision of the 4m bund and design of the site with the football pitch location being closest to the Rigid Paper site and private garden spaces being shielded by the residential properties are part of the mitigation measures required to protect residents.

- 2.21 13.3.2020 - Having considered the information provided in the revised Noise Impact Assessment NIA/8699/19/8772/v2/Staynor Hall Phase 4/4A and new layouts proposed in Drawings No 100 and No 100 Rev A and would comment as follows: Considering the information provided the noise from the Pelleter is unlikely to cause sleep disturbance if the enhanced double glazing rated at >29dB Rw+Ctr and the mechanical ventilation system as referred to in paragraph 5.19 is installed to the facades of the properties shown on drawings in Appendix 3 of the Noise Impact Assessment.

In respect to the private garden space the noise from the Pelleter will be mitigated by the 4m acoustic bund and the residential properties but is likely to still be audible. As previously referred to the method used to establish the impact in the above document averages out the noise from the Pelleter over a 15 min period which does not give a true indication of what would be heard outside the proposed properties. Have also previously suggested that the most effective way of alleviating this issue would be to mitigate at source and that this may be discussed with management representatives of Rigid Containers Selby Plant.

Putting aside the possibility of mitigation at source, as the applicant has advised this is not a viable option, the impact on the residential receptors in the private garden space remains a vague area in that it cannot be determined if this noise would be upheld as a statutory noise nuisance by a Magistrate, however, it is accepted that there is little more mitigation can be put in place unless it is at source.

- 2.21 10.12.2020 - Further to consultation dated 1st December 2020 concerning the above proposals. Having considered the information provided by the applicant and would make the following comments:

It is noted the amended plans for the site including the revised layout. There are no additional comments to make to in the communication of the 13 March 2020.

2.22 11.6.2021 - Having now reviewed the revised acoustic assessment NIA/8699/19/8772/v3/Staynor Hall Phase 4 the following is recommended:

- i) That the enhanced double glazing to habitable rooms facing the Rigid site be conditioned to the specification given in paragraph 5.18 of the above assessment. This should be applied to Plots 56 to 65 inclusive.
- ii) That a mechanical ventilation strategy is provided too Plots 56 to 65 inclusive in line with paragraph 5.19 of the above assessment.
- iii) That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.

2.23 Yorkshire Water Services Ltd – (26th May 2015) - The Drainage Statement (prepared by MET Consulting Engineers - Report ATK/11644/5002 dated January 2009) is acceptable. The site layout submitted on drawing YOR.2471.010D dated March 2015 that has been prepared by Pegasus are NOT acceptable to Yorkshire Water. The following points should be addressed.

- 1) the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site, contrary to our request
- 2) the submitted drawing should show the site-surveyed position of the public sewer crossing the site
- 3) the submitted drawing should show the required building stand-off from public sewer or an agreed alternative scheme
- 4) the submitted drawing should show foul and surface water drainage proposals both on and off site
- 5) no trees to be planted within 5m of the public sewer

2.24 2nd Response: 16th August 2016

The content of 'Volume 1' Environmental Statement Non-technical Summary (prepared by Persimmon- Report 11610217v1 dated June 2016) is noted. The report indicates;

- i) Foul water will discharge to a public combined water sewer in East Common Lane, via a sewer requisitions.
- ii) Surface water is to discharge to watercourse - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.

Note: There is no site layout included in the above report. According to the Statutory Sewer Map, there is a 300 mm, 450 mm, 750 mm and 1000 mm diameter public sewer and a 225 mm rising main recorded to cross the site or near the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance: a stand-off distance of 3 (three) metres is required at each side of the 225 mm diameter rising main and the 300 mm diameter public sewer centre-line a stand-off distance of 3.5 (three and a half) metres is required at each side of the 450 mm diameter public sewer centre-line a stand-off distance of 4

(four) metres is required at each side of the 750 mm diameter public sewer centre-line a stand-off distance of 5 (five) metres is required at each side of the 1000 mm diameter public sewer centre-line There are surface water outfalls to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

2.25 3rd Response - 18th December 2020.

Yorkshire Water has no objection to the discharge of the reserved matters. Yorkshire Water has no objection to the proposed building stand-off distances from public sewer centre-lines as submitted on drawing 100 (revision E) dated 26/10/2020 prepared by Persimmon Homes Yorkshire. The submitted drawing does not show any foul water or surface water drainage proposals.

2.26 4th response – awaited – reconsulted Yorkshire Water on site plan Q. Members will be updated at Planning Committee.

2.27 Environment Agency – No objection. (5.5.2015) - According to our records, the EA were not consulted on the original outline application for this development. The EA did however give a response to a previous Reserved Matters application. Previous response dated 31 October 2013 Ref RA/2013/126547 (2013/0983/REM).

2.28 11.8.2015 – Reiterated that the EA has no further comments to make on the Reserved Matters application.

2.29 9.8.2016 – Reiterated that the EA have no further comments to add regarding this Reserved Matters application.

2.30 Selby Area Internal Drainage Board – (1.12.2020) No objections subject to standard conditions.

2.31 HER Officer – (20th May 2015) can confirm that no archaeological recording is required during this phase. However, as archaeological recording and excavation is still required in subsequent phases of development.

2.32 Designing Out Crime Officer – (11.5.2015) No objections but suggested some design changes. - The Layout drawing indicates a development where properties have been sited to maximise natural surveillance. In the majority of cases, rear gardens have been plotted against other rear gardens. This minimises the risk of possible unwanted access. Front doors would be clearly visible and not hidden in deep recesses or behind building lines. Parking spaces are being provided within the curtilage of dwellings through a drive and/or garage or a secure space to the front of the property. These parking spaces will be directly overlooked by the residents that they are designed to serve. Rear parking courts have been avoided. Proposed roads and footpath links within the development are positioned to ensure good levels of natural surveillance. The proposed Local Equipped Area of Play is sited a) where it will achieve good surveillance opportunities and b) is located far enough away from properties to ensure that residents do not suffer from loss of amenity as a result of noise, nuisance or other anti-social behaviour.

Recommendations - The application documents contain no details to show how the applicant has considered crime prevention and how it will be incorporated into their proposal. The layout drawing contains very little detail in respect of boundary

treatments and landscaping. Recommendations on both boundary treatments and landscaping were made.

The layout drawing indicates an area of ambiguous space located between the rear of plots 123 to 130 and Selby College. This area will not be directly overlooked by any properties in proximity to the space. The space could therefore provide a venue for anti-social behaviour and loitering as well as providing the criminal with hidden access to rear gardens. This space should be 'designed out'. It lacks obvious purpose or ownership and does not relate to structures/spaces around it.

2.33 22.7.21 - The documents submitted would appear to be an updated Environmental Impact Assessment. It is now generally accepted that the commission of crime and anti-social behaviour has a carbon footprint and therefore any new development has the potential to have a negative impact on the environment if designing out of crime and disorder is not considered and implemented. Therefore, reference is made to previous report dated 11th May 2015 (221-2/2015/JS), which was in response to consultation request for the reserved matters application for this development.

2.34 11.12.2020 – The response was revised due to the National Planning Policy Framework (NPPF) has been revised since the submission of previous reports in 2015.

Design and Layout - The overall design & layout continues to provide a scheme with many positive aspects in terms of Designing Out Crime.

Tenure - The current Site Layout identifies that affordable housing will be spatially integrated to ensure that tenure is blind, which will promote a cohesive community. This conforms to the guidance contained within the document Building for a Healthy Life 20191 (BHL).

Access & Movement - The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.

Site Layout (Drawing No 100 Rev E), that there appears to be four footpath links on the Southern boundary providing access to open space outside the limits of 1 The industry standard, endorsed by government, for well-designed homes and neighbourhoods the site area. And a further two links on the Eastern boundary, which in my opinion creates excessive permeability.

Whilst it is acknowledged that residents require access to local amenities, excessive permeability can undermine the security of a development by providing offenders with multiple accesses and escape routes and therefore careful consideration needs to take place when considering the amount and positioning of pedestrian/cycle routes to provide connectivity to the wider area.

Public Open Space - The drawings submitted with this current application do not identify any areas of Public Open Space (POS), within the site, however, there is an area in the North-East corner of the scheme that was previously identified as being a football pitch.

However, the route to it is well overlooked from surrounding dwellings, which will make it more difficult to move around unobserved. The area itself is also provided with good levels of overlooking, which provides a sense of guardianship that can deter criminal and anti-social behaviour.

Children's Play Area - It is also noted that the drawings submitted with this current application do not show the inclusion of a children's play area, but as can be seen from the previous Site Plan, there was a Local Equipped Area of Play (LEAP) in the North-East corner of the site.

Ambiguous Space - There are some examples of this type of feature that can be found to the sides of Plots 22 and 23, and also between Plots 29 & 30.

In his report Mr. Shanks identified an area between Selby College and the rear of what were Plots 123 and 130 (now Plots 124 and 125), as ambiguous space. It is noted that this area is now described as a "10m wide Landscape Buffer" and the submitted drawings show that this is to be planted. There is no information to indicate the reason for this "buffer", but it is assumed that there is some rationale for it being incorporated. This area originally lacked overlooking and would have provided an offender with an area of concealment in which to operate. The amended drawings show this area as being capable of being overlooked from some nearby dwellings and there is the opportunity for passive surveillance from the road.

Defensible space & Boundary Treatments - It is pleasing to see that each property has a buffer zone to the front between the dwelling and the public realm. However, for this to become defensible space, unless the area immediately to the front of the property is providing vehicle parking, when a symbolic barrier, such as a change in road surface colour and/or material is appropriate; then some form of physical demarcation, such as a wall or fence to a maximum height of 1m or robust planting, should be provided.

Although it is acknowledged that the Landscape Plan (Drawing No 102) shows the inclusion of planting to the front of properties, this is generally shown as being immediately to the front of the dwelling and not where the private frontage meets the public realm. Defensible space also requires the clear demarcation of private spaces between house frontages, as failure to provide this can lead to neighbour disputes over ownership or maintenance. This demarcation is lacking on a number of plots.

Careful consideration needs to be taken when using physical boundaries at the front of properties to define defensible space, not to create climbing aids at the same time that would assist potential offenders to overcome the boundary protection to the rear garden. There are a number of locations where a climbing aid has been created, where the 450mm knee rail abuts the boundary treatment to the rear garden.

The submitted drawings show rear boundary and sub-divisional treatments to a height of 1.8m, which is appropriate and will provide a good level of security. As already referred to, there are a number of properties where the boundary treatments have been supplemented with hedging on the outer face and this will enhance the security of these dwellings.

Car Parking - In general the proposed parking provision is to be commended as it complies with best practice by either providing a garage, having in curtilage parking

or parking in front of the property where it can be seen by the owner and avoiding the excessive use of rear parking courts.

It is noted that the amended layout has introduced a small number of parking courts. The number of dwellings served by these parking courts is small in number and conforms to guidance. It is pleasing to see that visitor parking has been provided as this reduces the likelihood of neighbour disputes caused by indiscriminate parking.

Landscaping - The proposed landscaping details are appropriate and raise no concerns in relation to designing out crime.

Planning Condition suggested requiring that prior to the commencement of any works that the applicant provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed.

2.35 North Yorkshire Fire & Rescue Service - The consultation appears satisfactory, and meets the access requirements concerning fire service appliances, to the proposed development. It is assumed that water supplies for fire hydrants will meet the requirements set out in National guidance document on the provision of water for fire-fighting, Appendix 5.

2.36 The Woodland Trust - The Trust objects to planning application 2015/0452/EIA on the basis of damage to Staynor Wood a Plantation on Ancient Woodland Site designated on Natural England's Ancient Woodland Inventory.

Ancient Woodland - Natural England and the Forestry Commission defines ancient woodland "as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD.

"It includes: "Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration Plantations on ancient woodland sites - [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"

Both ASNW and PAWS woodland are given equal protection in government's National Planning Policy Framework (NPPF) regardless of the woodland's condition, size or features. Loss of or damage to Ancient Woodland

National Planning Policy Framework, paragraph 180 states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

Impacts to Ancient Woodland

Natural England has identified the impacts of development on ancient woodland or veteran trees within their standing advice. This guidance should be considered as Natural England's position with regards to development impacting ancient woodland.

Indirect impacts

"Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland and other habitats
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light pollution
- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area"

When land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects and significantly threatens the resilience of the ecosystem over time.

The Trust are specifically concerned about the following impacts to the ancient woodland:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling and litter.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, grasslands, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs areas in active use, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Adverse hydrological impacts can occur where the introduction or expansion of hardstanding areas and water run-offs affect the quality and quantity of surface and groundwater. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Introduction of non-native and/or invasive plant species into gardens by residents can aid their colonisation of the woodland;
- Where gardens abut woodland or the site is readily accessible to nearby housing, it gives the opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It can also create pressure to fell boundary trees because of shade and leaf fall and interference with TV reception. It also forces boundary trees to be put into tree safety inspection zones resulting costs for neighbours and increasingly comprehensive felling.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Of particular concern in this case are the positions of plots 23-42 as depicted on the layout plan (dated 26/11/20); these dwellings appear to have gardens facing directly onto Staynor wood, with no indication of a buffer zone.

Given the presence of trees directly adjacent to the site, the Trust are also concerned that an up-to date arboricultural survey does not appear to have been submitted with this application. It is requested that until such time as a report is submitted that the application is delayed due to lack of information.

Mitigation

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

Buffering

This development should allow for a buffer zone of at least 20 metres to avoid root damage and to allow for the effect of pollution from the development. The Council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. The buffer should be planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

Conclusion - The Trust objects to this planning application unless the applicant commits to providing a 20m buffer between any development and Staynor Wood.

Note the Trust has been reconsulted on the revised plan and the response is awaited.

- 2.37 Low Carbon Project officer – It would be good if the Council could encourage some further tree planting to extend the woodland, as it is classed as ancient woodland. This might be challenging so perhaps an option once the development is complete and the open green spaces are handed over to the council for maintenance.

Looking at the plan, the planting proposes Callery Pear, native to China and European Hornbeam. It would be nice if the planting options included only native species, and perhaps more than just 2 tree species to ensure a bit more biodiversity. However, there isn't a description of the three types of landscape beds so these might also include some more planting.

Publicity

- 2.38 The application was widely advertised since 2015, with the application appearing in the Selby Times 14.5.2015 & 28.7.2016. Several rounds of neighbour notification has occurred direct by post and site notices have been erected on Staynor Avenue, Abbots Road, East Common Lane and Far Moss Drive within the Phase 3 connection from Staynor Link. The latest notices were posted 21.10.21, which expire 16.11.21. The latest neighbour notification letter expires 12.11.21.
- 2.39 Selby College 18.12.20

There has been significant concern registered from Selby College through numerous emails and representation letters, which for the purposes of this report

are consolidated into 1 objection: These were presented by Janet O'Neil with assistance from highway consultants WSP. These are very detailed representations stemming from the proposed new access adjacent to the entrance of Selby College.

The concerns are listed in a letter from Selby College Principal.

College Entrance/ Road Safety / Traffic Management

The entrance onto the College campus is via Staynor Avenue. At various times of the day the entrance is very busy with College traffic – cars, bikes, buses, minibuses and contractors' vans. Many hundreds of pedestrians who are mainly students and staff gain access to our site from Staynor Avenue.

It's unclear from the plans how construction and residential traffic would gain access and egress to and from the development before, during and after the building phase. The plans do not appear to show any access from Staynor Avenue. Vehicular access onto/off the proposed estate from Staynor Avenue, either during construction or afterwards, would we believe represent a significant danger to anyone entering the College.

The College needs clarification and assurance that this will not be the case.

It is understood that in 2015 Persimmon offered to let the College have their detailed proposal showing how site access would work. The College has received no plans since and can't see how a safe working junction can be created without adversely affecting the existing College access.

1. Can the College have a copy of the detailed Site Access Proposal from Persimmon, if they are still planning to employ it? If Persimmon Homes are planning to access the site for vehicles from Staynor Avenue during construction or thereafter, the College strongly oppose this. If so:
2. Can the College have sight of any Traffic Management Plans for the development – before, during and after construction?
3. Has consideration been given to heavy plant accessing and egressing the site during the building phase?
4. How would heavy goods vehicles be directed on and off the building site?
5. What route would they take?
6. Would a banksman be deployed?
7. If there was an intention for the two entrances to exist side-by-side then how would this be done safely?
8. If there were to be an increase in traffic volume on Staynor Avenue around the College entrance, what safety measures have been considered to ensure there's no increased risk to pedestrians (students/staff/contractors/visitors) coming on and off the campus?
9. Can assurances be given that construction traffic will not be permitted access onto the development via Staynor Avenue at peak student arrival and departure times?
10. Has consideration been given to the buses pick-up, drop-off and waiting points outside the College gates which could conflict with traffic going on and off the housing estate?
11. What are the long-term plans for allowing residential traffic onto the Staynor Hall development?

Environmental Considerations

Concerned about site noise damaging the learning and physical environment of the College:

- 12) What procedures will be in place to ensure that noise levels during the building phase will not affect teaching?
- 13) Have maximum noise levels been set? How will this be monitored? It is requested to have sight of the Noise Management Plan.
- 14) How will risks of building dust blowing into the campus be dealt with?
- 15) What is the proposed timescale for the development?
- 16) What are the proposed hours of working?
- 17) How will the section of Staynor Avenue directly outside the College gates be kept clean and tidy if allowed to be used? What plans would there be for clearing up mud deposited on surrounding roads by construction vehicles?
- 18) How will the site hoardings be decorated?
- 19) Will they detract from the overall appearance of the College?
- 20) Is there potential for the developers to wrap the hoardings in College branding (at their expense) during the construction phase to compensate for any negative visual impact of the building site?

Security

It is anticipated that there will be an increased security risk to College during the development, as trespassers on the building site may be tempted onto College grounds.

- 21) What security measures will be deployed by the developers?
- 22) Will this cover College too e.g., overnight patrols / extra CCTV?

Community Benefits

- 23) The College would be happy to engage with relevant parties to explore how the local area could benefit from any potential investment in community facilities and infrastructure e.g. improved signage directing visitors to College / investment in the highway / enhanced street lighting / traffic calming measures / pedestrian crossing etc.
- 24) Is there potential for contractors to provide work placements for students e.g. construction / engineering / electrical / joinery etc.?
- 25) What short, medium and long-term employment opportunities will be created?
- 26) Is there potential for contractors to access training provided by Selby College?

Ongoing Communication

It is worth noting that to date, the College has had limited meaningful discussion with Persimmon Homes during the planning phase of the development. Important information requested has not been provided.

As a major local stakeholder, this is bitterly disappointing. From the questions above, it is shown that the College have had no contact from the contractor about the reactivation of the site near the College.

The College would welcome the opportunity to actively engage in meaningful consultation and dialogue with partners throughout the process with a view to minimising disruption and facilitating the best possible outcomes for all parties.

Having assessed the highway documents and consultation responses the College maintain the view below:

- (Selby college) have made the case consistently that the applicants must take account of the movements of the College for the safety of the students and staff.
- This is not least in relation the 400 students who every weekday arrive and leave by 6 contract buses, which currently lay up in Staynor Avenue, a cul-de-sac.
- The road becoming a thorough route creates a number of hazards, such as lack of safe waiting space for the 400 students, and absence of adequate laying up provision for the buses.
- The road safety audit prepared by the applicant's highway consultants is basically flawed, as assessed in detail by WSP, consultants for the College.
- The audit takes no account of the movements of over 1000 people on the site on weekdays, not least the range of buses that manoeuvre twice a day in what is currently a cul-de-sac, and where 400 students gathering to await the buses are currently safe. Creation of a through road for a 1200 unit housing scheme radically changes this situation.
- The College have submitted details of a video recording of these movements at the end of a typical day, showing students and buses.
- The application's highway design is therefore inappropriate and unsafe.

The College were reconsulted 22.10.21 once all the latest documentation was uploaded and the response is awaited.

2.40 Rigid Containers/now VPK UK Holdings

Similar to the above, the application has received numerous representations from the manufacturing plant to the north of the site once known as Rigid Containers and now know as VPK UK Holdings. The representation have been presented through Buckles Solicitors and more recently Berry's planning consultants.

The concerns are as follows:

June 2015 –

- Rigid Papers occupy the site at East Common Lane, where they relocated to in 2005 from the former Paper Mill site at Denison Road. This was on the back of storing advice from the council that reinvestment of the Denison Road site for continued employment purposes was unacceptable, due to the conflict with residential uses.
- The current scheme places residential dwellings very close to the existing rigid site. No objection in principle, but object to the current layout as it takes homes very close to the boundary between the two site without any consideration of the noise impacts on the residential amenity of these units, or any screening/buffers that may be required as mitigation.
- No Noise assessment work has been undertaken. Note that Environmental health requested an assessment to take into account the impacts of noise

from the college and this should be extended to consider noise from all adjoining land uses to ensure no conflicts exist.

- Suggest repositioning the sports pitch within the site to run parallel with the northern boundary to act as a buffer.
- The proposal as it stands is contrary to NPPF which requires that noise impacts on health and quality of life are taken into account when taking planning decisions. Also contrary to CS19 (Design Quality) of the Core Strategy which requires new development should not “contribute to or be put at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.”

2.41 25.8.2015

- Concerns over the adequacy of the applicant’s noise report. The ENS noise report is very limited, no noise mitigation has been identified for the site boundary and the report fails to meet the requirements of BS 8233. The report fails to explain how the required internal noise limits are met through insulation/glazing. Therefore, there are unresolved questions over the adequacy and accuracy of the assessment. Unless this is satisfactorily dealt with before permission is issued, Rigid Paper will be left with no choice but to challenge any such permission by Judicial Review. Failure to consider whether the ENS report is adequate and provide adequate assessment of the necessary mitigation measures would amount to failure to take into account material considerations in the decision-making process.
- Rigid Papers objective is limited to requiring adequate consideration of noise impacts on future residential occupiers and securing mitigation measures, so that all parties can co exist in harmony, its seems much more sensible for the council to require the applicants to address this issue property now rather than going down more contentious routes.

17.12.2020 – Representation from Berrys Planning Consultants on behalf of VPK UK Holdings (formally Rigid Containers)

- VPK have operated at the site for 15 years and it is imperative to them that any development within the surrounding area does not impact upon the commercial operations at the East Common Lane site.
- Concerns have been raised by VPK since application ref: 2015/0452/EIA was first submitted in 2015 specifically in regard to how potential noise concerns from the conflicting land uses would be mitigated against by the applicant. It is feared that without adequate noise mitigation strategies on site that once residential occupants move onto the site that VPK could begin receiving noise complaints due to the proximity to the VPK site impacting upon their residential amenity.
- Objections have been previously been submitted behalf of VPK in June 2015 regarding the 2015/0452/EIA application. With regard to revised noise assessment this isn’t uploaded onto the website so VPK maintain the objection. In summary we object on behalf of our clients to application ref: 2015/0452/EIA in its current format for the following reasons:

- Lack of clarity as to the location and extend of the proposed acoustic bund we propose that the layout plan is amended to provide this information.
- Currently unable to fully assess the proposal and how noise impact will be mitigated against as the revised noise assessment has not been submitted as a publicly accessible document.

2.42 VPK were reconsulted on the 22.10.21 and any further representations will be provided within the update.

2.43 Representations from Residents.

There has been 9 letters of objection:

- As a local resident directly affected by the new plans, object to the inconvenience of the noise and lack of privacy from the building site, of which is usually a tranquil setting, also the air pollution from the building dust, causing dirty windows, conservatory and house which is rendered and cream, also won't be able to have windows open or hang washing out.
- Object to the above application that is proposing to use the road on Staynor Avenue as an access road to Staynor Hall estate. This road is already very well used by the college with cars and buses using it at all times of the day and in the evening.
- No construction traffic should enter via Staynor Avenue due to the 7.5t weight limit.
- It will also be hazardous for elderly and disabled persons trying to cross the road to get to the local shops and the bus stop. In the past this road has subsided due to the weight of the traffic using it so an increase in traffic could exacerbate this problem.
- Increase traffic flow will inhibit access to property.
- The new houses are proposed to be built on land that is proven to be affected by regular flooding by the year 2030.
- Have ongoing issues with the drains outside houses due to the weight of the said busses, although the bus companies refute they are the cause of this problem. The use of heavy plant machinery and implied use of Lorries using this as an access route will further impinge this effect see number 2 for further issues of heavy plant machinery and increase of Lorries and potential affect.
- Have concerns relating to potential structural damage to our property relating to any piledriving which may have to be undertaken whilst digging the footings for proposed properties. These properties on Staynor Avenue have already been subjected to these practices from the new estate being built further away from us on land subjected to flooding.
- The proposed site of the new development in the field directly behind Staynor Avenue shows signs of water-logging and may therefore suggest that pile-

driving may be required to stabilise the properties proposed prior to building upwards. Resident's home has and is subject to the effects of vibration whilst this practice is being done further on the new estate being built. Would therefore anticipate provision of an independent structural engineer, paid for by either the Council or the developers, to ascertain any damage incurred to resident's properties will be as a direct result of these buildings being built. Furthermore, would expect any potential damage/repairs to be made good by a third party at no cost to residents.

- Would further ask that the boundary line (dwellings on Abbots Road) is left accessible to allow maintenance of the property. Whilst it is appreciated that residents have no right to loss of view over land which they do not own, it would be appreciated that the newly developed properties do not directly face onto existing houses, as residents do have a right to privacy which residents currently have and would be reluctant to lose. The properties built further up on the Abbots Road estate have been built with little or no regard or consideration of this in mind to their occupants.
- The development is an over crowding of the woodland driving all the wildlife away. The abundance of natural bluebells within the wooded area suggests that the wood can be considered as ancient woodland. Living within the said area are (to name but a few) are badgers, foxes, visiting and established herd of roe deer, owls, woodpeckers, nesting red kites, have any considerations even made towards the maintenance of the woodland area, or will this be 'developed' too?
- The site plan shows a footpath going through the middle of this which should not be allowed due to this being ancient woodland. The effect on the woodland due to reducing habitats next to the woodland and the connections between them. Increasing the amount of air and light pollution. Changing the water table around the woodland.
- Housing will see a loss of wildlife, an alternative should be park for children as this would still attract wildlife from the woods.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within the development limits of Selby, is a major residential site by virtue of the outline consent and is within Flood zone 3.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction

of the Secretary of State and which have not been superseded by the Core Strategy.

- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options 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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.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;
 - SP8: Housing Mix
 - SP9: Affordable housing;
 - SP15: Sustainable Development and Climate Change
 - SP18: Protecting and Enhancing the Environment;
 - SP19: Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development.
 - ENV 10 - General Nature Conservation Considerations
 - ENV 20 - Landscaping Requirements
 - ENV 21 - Landscaping Requirements
 - T1 - Development in Relation to the Highway.
 - T2 - Access to Roads.
 - RT2 – Open Space Requirements
 - SEL/2 - Land for housing development between Abbots Road/Selby Bypass, Selby.

4.8 Other Policies and Guidance

Affordable Housing Supplementary Planning Document
NYCC Interim Parking Standards 2015

5 APPRAISAL:

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

Principle of development
Layout, Scale and Design
Affordable housing
Access, highway layout and parking
Flood Risk and Drainage
Impact on residential amenity and the noise environment
Archaeology
Recreational Open Space
Landscape features
Contamination
Climate change and Broadband

Principle of development

- 5.2 The Core Strategy sets out the Vision for the District, which includes the need to provide a suitable level of new homes for the district. Selby is the main focus of growth given its the principal town. The Core strategy notes that there has been significant investment in Selby's infrastructure to allow for this, which includes the bypass which skirts the site to the east, modern flood defences, wastewater treatment works and upgrading of its transportation connections. Selby is the most self-contained settlement within the District and the most suitable location for further growth.
- 5.3 Core Strategy 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 will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
- 5.4 CS Policy SP2 ('Spatial Development Strategy') sets out that development will be directed to the towns within the District, including Selby as Principal Town Centre which will be the focus for new housing, employment, retail, commercial and leisure facilities.
- 5.5 The site is within the development limits of Selby and is allocated for development by Local Plan policy SEL/2 and has an extant permission, a product of the 2005 outline planning permission for the allocation as a whole. The principle of proposed development of 215 no. dwellings therefore accords with the policies of the Development Plan and has also been established through the granting of Outline Planning Permission. The proposal will also help maintain the Council's 5 year housing land supply. The proposal is also considered to constitute sustainable development in accordance with Policy SP1 and the NPPF due to the location of the site.

- 5.6 In terms of the approved master plan, the use of the site for residential purposes is consistent with the master plan, which showed the land to be used for medium and low-density development at 30-35 dwellings per hectare. The master plan always showed a link through to Abbots Road via Staynor Avenue.

Layout, Scale, Design and Housing mix.

- 5.7 SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be taken into account when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character, identity and context of its surroundings.
- 5.8 Paragraph 130 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and establish a sense of place.
- 5.9 CS Policy SP8 seeks the creation of mixed communities by ensuring that the types and sizes of dwellings provided in housing developments reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.
- 5.10 The outline consent and accompanying master plan set out the design parameters in relation, to accessibility and permeability and the nature of the land use. The master plan showed an access from phase 3 looping through to Staynor Avenue. It is therefore necessary that this reserved matters submission makes the best and most efficient use of land, without comprising local distinctiveness, character and form. Also, that the layout positively contributes to an area's identity and minimise risk of crime or fear of crime, particularly through active frontages and natural surveillance. It is also necessary to ensure the woodland is afforded the relevant protection.
- 5.11 The layout provides for a mixture of detached, semi-detached and terraced properties arranged around a series of estate roads and cul-de-sacs predetermined at the Outline Planning Stage. These properties are a mixture of 1 (Maisonettes), 2 and 2 & a half dwellings designed in a similar manner to those already approved on previous phases of the development as a whole. The density is 42dph, which is slightly above what the master plan envisaged. Car parking provision accords with NYCC standards and this is considered to achieve an appropriate balance between providing adequate provision and car parking not dominating the street scene. The layout of the scheme provides for a mix of 1 (16), 2 (45) 3 (113) & 4 (41) bedroomed dwellings.
- 5.12 The design and layout of the proposed scheme has been amended on several occasions in response to the consultation responses in particular highways, designing out crime officer to ensure a layout that is safer, allows sufficient off-street parking and respects the plantation to the south of the site.
- 5.13 The layout generally provides for the main elevations of dwellings facing the street scene, with open green frontages or boundary treatment set back with planting in front to soften the impact of hard boundary treatment. It is noted that some dwellings have been designed to consist of double frontages or windows inserted to create

more active frontages. The larger 4 bed dwellings have been placed on key vistas to define corners and street frontages. When this is not the case the design and layout has ensured that suitable boundary treatment and landscaping is utilised.

- 5.14 The design and layout has largely been welcomed by the Designing Out Crime officer who notes that parking is generally overlooking and active frontages to provide natural surveillance to the vacant areas.
- 5.15 Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact proposals would have on the amenity of neighbouring occupiers.
- 5.16 The site is largely self-contained with the only dwellings immediately affected are the dwellings in the northwest corner of the site on Abbots Road. Plots 215-205 have a separation distance of over 27m in terms of direct elevation to elevation distances. Plot 205 is also 23m away from No.16 Staynor Avenue. In terms of the internal distances plot to plot, these are generally acceptable. There are instances where distances are slightly below standards that would normally be expected but it is considered that they are sufficiently mitigated against with the position of boundary treatment, side gables and windows etc.
- 5.17 In terms of the impact on Staynor Plantation, the proposal has received an objection from the Woodland Trust, who wanted a greater buffer between the dwellings and the wood. The amended layout takes account of some of these concerns by removing gardens from the woodland to avoid shading and to also 'front on' from a good design point of view.
- 5.18 The dwellings are generally set away from the wood with only a small number being within 15m of the edge of the wood and only plot 136 being within 7m but it has its side gable facing the wood. Similarly, plot 137 has its main aspect and garden facing away from the wood. The redesign of the layout generally reflects the character and form of the masterplan and provides sufficient space between the wood and the new occupiers to ensure no harm is created.
- 5.19 On balance and taking account of the above, it is considered that the layout has achieved a balance between minimising crime through layout considerations, providing a visually pleasing street scene, functions correctly and maintains the interest of the historic woodland. In this context the Layout, Scale and Design of the proposed development is considered as far as reasonable in the context of an amended reserved matters proposal acceptable in accordance with Policy ENV 1 (4) of the Local Plan and Policies SP8 & SP19 of the Core Strategy.

Affordable Housing

- 5.20 CS Policy SP9 seeks to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council normally negotiates for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings or more.
- 5.21 In terms of affordable housing, the Section 106 agreement within the outline submission concluded that the level of affordable housing within the development was to be agreed on a phase-by-phase basis. This was to be via a scheme prior to development of each phase commencing. Therefore, whilst Affordable Housing is

not a reserved matter defined by Condition 2 of the outline consent, it is appropriate for it to be considered within this application as it ties in with the terms of the outline consent. This phased approach allows the current market conditions to be taken account of, as an when the particular phase comes forward. This is particularly important given the outline was granted in 2005, some 16 years ago.

- 5.22 The level of affordable housing contribution has been the subject of significant debate in recent months between the applicants and the Local Planning Authority. In order to assess the amount of affordable housing necessary the applicants commissioned a Financial Viability Assessment, by Allsops dated May 2021. This notes that previous phases of development on Staynor Hall have delivered between 14% and 28% affordable housing, with an average of 20% across all phases. This is below the target policy level of 40%. The assessment delivers a negative residual land value of around – (minus) £123,000. The report by Allsops concludes that, to make the scheme viable, the proportion of affordable housing needs to be reduced to 12%.
- 5.23 This was assessed by the Local Planning Authority’s Independent Viability experts CPV, who use the ARGUS Developer toolkit. This is an industry approved cash-flow model, designed specifically for residual appraisals. The assessor also engaged a third-party independent quantity surveyor (RCS Construction Ltd) to undertake a review of the costs put forward in Allsops’ appraisal.
- 5.24 In summary, CPV’s modelling demonstrates that an onsite affordable housing provision of between 68 and 86 dwellings can be provided (31.63% to 40%). They therefore disagree with Allsop’s findings and consider the offer of 12% affordable housing to be significantly below expectations. CPV conclude that the Council is justified in seeking to retain its policy ask for affordable housing (i.e. 40%).
- 5.25 Allsop’s provided a rebuttal based on the CPV’s initial assessment. They maintained their view on adopted revenues and abnormal costs, however did revise their profit levels of 20% to 19%, and accept a revised BLV position. Allsop’s concluded that a revised affordable housing provision of 18% is acceptable, but a figure in excess will be unviable.
- 5.26 CPV reassessed the Viability report in response to Allsop’s rebuttal. This shows the scheme is viable with 60 affordable units (34 social rent and 26 intermediate) which is 27.91%. CPV stressed that this is the bottom end of what they consider to be viable (if the RCS abnormal are applied the level of affordable units increases closer to 40%). The Local Planning Authority’s assessor suggested the affordable housing offer by the applicants of 18% is therefore too low and should be refused. 27.91% is the minimum that is deemed to be viable.
- 5.27 The Applicants wrote to the Local Planning Authority on the 24th September 2021 outlining that the applicants final offer was to deliver 20% affordable homes at the site. The letter states “whilst Persimmon Homes stand by the evidence submitted on their behalf and are being advised by their experts to maintain the current identified offer of 18%, they are seeking to make this offer in order to move the application forward.”
- 5.28 The Agent explained that the offer was made on the basis of the Council’s emerging planning policy position in respect of affordable housing (and its supporting evidence) and the historical level of affordable housing delivery at the Staynor Hall site. Both of which identify that the provision of 20% affordable homes at the site is

justifiable. The Agent stressed that anything in excess of this may lead the scheme to be unviable.

- 5.29 The letter also highlighted the recent discussions with the Council's Housing Officers to identify the Council's aspirations in respect of the mix and tenure of the affordable housing to be delivered within the scheme. The letter also alluded to the Applicant's agreement in principle to the prospect of the Council purchasing the Affordable Rent Units which would be provided.
- 5.30 Finally, the Agent indicated that the percentage of affordable housing for the initial phase of the development was agreed at 23%. On the latter phases it was then agreed at 20% (phase 3). Furthermore, the abnormal/build costs of the latest phase 4 are worse due to the need for piled foundations. Whereas there was no piling required to date on either of the two earlier phases.
- 5.31 In light of the above, whilst 20% which equates to 43 units is below what the Council's viability expert considered obtainable, it does reflect a similar percentage of what has been delivered across the wider site. To move the application forward, Officers consider that the 20% offer is a reasonable compromise. Members are therefore invited to support this figure, alternatively if Members wish to hold out for the 27.9% suggested by the viability experts, then a refusal of planning permission or a deferral may be necessary.
- 5.32 In terms of the affordable housing mix, this would be 22 units affordable rent and 21 shared ownership and these are evenly distributed throughout the layout. The proposal therefore will provide for a mixed and diverse housing offer and provide a reasonable level of affordable housing in line with Core Strategy Policies SP8 and SP9.

Access, highway layout and parking

- 5.33 Policies ENV1 (2), T1 and T2 of the Selby District Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T2 specifically states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.34 The Outline Planning Permission permitted two principal accesses from Bawtry Road, with a third off Abbot's Road. The junctions onto Bawtry Road have been constructed and now serve the completed phases of the development.
- 5.35 It is proposed that the site will be accessed via the existing Phase 3 linking through Staynor Hall in the southern tip of the site and then heading north west to be accessed via Staynor Avenue. Various highway improvement works are shown at the Staynor Avenue entrance, with access to the college being separated from the residential access.
- 5.36 This access through Staynor Avenue has generated considerable concerns from the adjoining Selby College (detailed in the representations section of this report), who initially considered that the scheme failed to take account of the movements of the College for the safety of the students and staff. This is in relation the 400

students who every weekday arrive and leave by contract buses, which currently lay up in Staynor Avenue cul-de-sac.

- 5.37 The College considers the road becoming a through route creates a number of hazards, such as lack of safe waiting space for the students that use the bus to access college, and absence of adequate laying up provision for the 12 (6 morning + 6 evening) buses that visit the site between 08:40-9:10 and 16:15-16:45. The college made representations through WSP Highway consultants to advise and considered the Road Safety Audit submitted as being inadequate. WSP produced an Access Review document (22.2.2021), which was considered by the applicants and NYCC highways.
- 5.38 The WSP report considers “the design of the access has been developed to utilise public highway which has led to a compromised highway design. The scheme is vehicle-orientated and does not take into account the bus movements in this area. The duplication of roads also provides additional conflict points for pedestrians and cyclists.”
- 5.39 A further Road Safety Audit was also undertaken, but needed to be revisited to be surveyed in the correct period i.e. when buses arrive and leave Staynor Avenue. The report concludes by encouraging Persimmon to work with the College to enable a suitable design to be developed for access to both the College and residential development.
- 5.40 The transport consultants LTP working on behalf of Persimmon produced a kerbside space comparison assessment to show that the reconfigured highway design would not reduce available kerbside space for buses. NYCC Highways stated that the Kerbside Comparison’ drawing, does illustrate the space available for drop offs / pick ups to the west of the ‘cut through’, probably less than is available now due to the specific location for turning movements, but still useable. The applicants were asked to show the vehicle tracking for coaches using the ‘cut through’ from either a north to south or south to north direction whilst dropping off / picking up.
- 5.41 The College then provided details of the numbers of students (450-500) that use the buses and the times and numbers of buses. A plan of the bus waiting areas was supplied as well as a Video Footage review by WSP. The college maintained the view that the arrangements for the transport of the students is an existing situation that would result in significant highway safety risks if not taken into account in the consideration of this planning application. The safety of the students is of paramount importance to the Principal and Governors of the College.
- 5.42 The applicant’s highway consultant (LTP) supplied the revised swept path analysis for bus/coaches link road connection. This shows this movement for 4 buses laying up with both the existing and proposed layouts, which demonstrates that there is no material difference in the manoeuvring space/ability for these vehicles.
- 5.43 The LPT also noted that the representations by the college show that Staynor Avenue is utilised by four buses, all of which use the road layout in a clockwise direction (i.e. north to south), as other vehicles that travel north on Abbot’s Road after boarding/alighting pupils are not required to park/turn on Staynor Avenue (and therefore remain on Abbot’s Road). LTP did not shown the anti-clockwise movement (i.e. south to north) however this was later supplied.

5.44 The applicants via LTP considered the representation submitted on behalf of Selby College and do not consider that there is anything that changes the requirements for the proposed works to Staynor Avenue. LTP noted that all of the services are public buses, not dedicated private services, and that the use of Staynor Avenue (rather than Abbot's Road) by the buses is more related to turning/waiting preferences, given that there are no formal bus stops on Staynor Avenue. They therefore consider that the vehicle tracking provides the appropriate information required to facilitate confirmed acceptance of the Staynor Avenue access design. The college still maintain the view that 11 buses use the visit the college and at least 3 are double decked. The applicants responded by stating:

- *The kerbside space available for bus parking (whether single or double decker) will marginally increase by 3m. So it is effectively the same.*
- *We will be providing formalised/safe pedestrian crossing points which do not currently exist. One across Abbot's Road and one across the new entrance to the site.*
- *The works will create a better flow of vehicle movement through formalising the design of the existing roundabout.*
- *We have tracked the movement for both the existing and proposed junction layouts and there is no material difference in the manoeuvring space/ability for buses.*
- *The proposals retain the ability for the College to utilise the current access for two-way movements in the future. Though the current movements are 'one-way' (arrivals only), we wanted to make sure that the ability for two-way movements wasn't impeded in the future.*
- *We have provided off-road parking for existing residents within our scheme to ensure that they wont be impacted by the proposed amendments to the junction.*
- *The latest scheme includes amendments to incorporate all comments/requests from the Local Highway Authority and the recommendations from a formal Road Safety Audit.*
- *Whilst 11 buses may operate to/from the College, a number of them either stop on Abbot's Road (where there are formal bus stops that also accommodate the wider public) and those that do access Staynor Avenue wouldn't access it at the same time as there wouldn't be sufficient space now.*

5.45 In terms of parking and the wider estate layout, the plans were then amended on multiple occasion throughout recent months to address technical inadequacies concerning parking, garage spaces, refuse collection, forward visibility and the connection to phase 3. NYCC Highways have been consulted and following requests for revisions have no objections subject to various planning conditions being attached to any permission. It is considered therefore that the proposal is acceptable and in accordance with SDLP Policies T1, T2 and also national policy contained in the NPPF.

Flood Risk and Drainage

5.46 Policy SP15 SDCS and Chapter 14 of the NPPF 2021 meeting the challenge of climate change, flooding and coastal change set out the key considerations with regards to flooding and drainage. The site is located within Flood Zone 3 (High risk) as identified by the Government Flood Maps for Planning and as such it is necessary to consider the flooding implications of the proposal. The submission was supported by a Drainage Statement and Flood Risk Assessment. Drainage was

a reserved matter within condition 2 (iv) of the outline. The overall drainage strategy therefore needs agreement.

- 5.47 Despite the whole site being located within Flood Zone 3, the principle of development has already been established by the outline consent, so there is no need to apply the sequential and exception tests.
- 5.48 The Environment Agency did not provide any detailed comments on the reserved matters as they state they were not consulted on the outline application. They instead said the comments previously provided for phase 3 under application 2013/0983/REM were applicable. Within this 2013 response, they stressed the importance of the site being within flood zone 3 and provided suggested conditions to ensure floor levels were set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing. These conditions are therefore carried forward to this current application.
- 5.49 Yorkshire Water were initially concerned with the original layout in terms of the dwelling's proximity to a water main that crosses the site, however subsequent plan revisions have overcome this concern. This was based on site plan revision E, which has once again evolved into revision Q, so Yorkshire Water have been reconsulted. Officers do not expect there to be any new issues based on the revised design. Yorkshire Water also noted the lack of surface water and foul drainage detail.
- 5.50 Similarly, the LLFA considered the drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse as being satisfactory in principle, but the required detail to assess the propriety of surface water management proposals is not present within the submission. The LLFA also raised issues with the potential SuDS arrangements. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. Concern was also raised over the discharge rates suggested in the drainage statement.
- 5.51 The applicant revised the drainage strategy for the amended layout and points out that the wider scheme needs only to be agreed in principle, which the documents within the submission comprehensively do. This is because full details are caught by Condition 25 of the outline approval. This is a pre-commencement condition, which specifically requires full details which the developer will need to discharge before commencing Phase 4 in due course. The condition states as follows: -
- No development shall be commenced on any phase of the development until schemes for the disposal of foul and surface water drainage for the said phase including details of any balancing works and off site works has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved schemes have been fully implemented. The works detailed in the approved schemes shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.*
- 5.52 So all that needs to be 'approved' in the Reserved Matters scheme is the principle and a number of documents have previously been submitted to demonstrate this. The outline also includes various other drainage conditions similar to those

suggested by the IDB within their consultation response. Taking into account the aforementioned policies the proposal is considered to be acceptable in terms of flooding and drainage and subject to new updated details being supplied via the outline conditions this will ensure that the detailed technical designs can be approved prior to commencement of this reserved matters submission.

Impact on residential amenity and the noise environment.

- 5.53 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Paragraph 130 of the NPPF similarly seeks to ensure that developments; are attractive and welcoming places to live as a result of layout, building types and landscaping.
- 5.54 SDLP Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.
- 5.55 The application site lies to the south west of an allocated employment site, which is occupied by VPK UK Limited (formally Rigid Containers Limited - cardboard packaging), located off East Common Lane. The application has received a representation from VPK Limited, who explain how they relocated to the current site in 2005 on the advice from Selby District Council due to the future expansion concerns of the Denison Road site due to neighboring residential uses. The current site was said to have been chosen due to its remoteness from residential dwellings.
- 5.56 The representation points out that whilst the company has no objection in principle to the residential development, they objected to the initial layout as it took residential homes right up to their boundary without any consideration of noise impacts on the residential amenity of these units or any appropriate screening/buffers that may be required as mitigation. No noise assessment was initially supplied within the 2015 submission. The 2015 objection letter details how the sports pitch that's shown in the north western corner should be relocated and run parallel with the northern boundary to provide a buffer.
- 5.57 A noise report was commissioned by the applicants dated 9th June 2015 by ENS limited. This considered potential noise from the college, adjacent A63 and the adjoining industrial premises. This noted that the industrial units were 110m beyond the north eastern site boundary. During the course of the noise survey, distant road traffic (including the A63 Selby Bypass) was noted to be the main noise source across the site, with no significant noise emissions noted from Selby College or the industrial unit either during the daytime or night time monitoring periods.
- 5.58 The report concluded that sound attenuation measures could ensure satisfactory living environments are created. In terms of glazing and ventilation as the development footprint is set back at least 100 metres from the A63 Selby Bypass, the internal design criteria can be achieved across the development using standard thermal double glazing and window frame trickle vents.
- 5.59 In terms of garden areas, based on the measured noise levels, the guideline design criteria of 50 - 55 dB LAeq(0700-2300) in gardens can be achieved across the majority of the development without any specific attenuation measures. For the southernmost plots, in closest proximity to the A63, it is recommended that a 1.8

metre high reflective acoustic barrier is installed along the site boundary in this area to provide screening to the plots from traffic noise. As a precautionary measure, it also recommended that a 1.8 metre high reflective acoustic barrier is installed along a section of the northern site boundary to provide screening to the plots from the sports pitches.

- 5.60 Solicitors for Rigid Paper at that time commented on the Noise Assessment by ENS and raised concerns over level of assessment and the lack of mitigation on the northern boundary of the site. The Environmental Health Officer (EHO) assessed the noise report and considered the representations by Rigid Paper. The EHO recommend that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site.
- 5.61 The Noise consultant ENS responded 21.6.2016 setting out that the LPA was aware of the allocation of the land for housing when the Rigid Paper application was applied for in 2003, therefore phase 4 is not about the principle of development adjacent to the Rigid Paper site but more about developing an appropriate noise attenuation scheme. Several email exchanges occurred over the period 2016-2020, where the noise assessment was discussed between EHO and the noise consultants ENS.
- 5.62 The plans were subsequently amended in Nov 2020 (Rev E), which reduced the number of dwellings (215) and moved the dwellings away from the northern boundary and showed an acoustic planting buffer. An acoustic enhancement plan was also provided, showing an elevated 2m acoustic fence sat on a 2m high bund around the north eastern corner of the site. The location plan was also enlarged to enable this to sit within the reserved matters site and be delivered.
- 5.63 VPK UK Holdings Limited (formerly Rigid Containers Limited), once again commented on the proposals, reiterating previous concerns about the revised noise assessment not being available to view and that the 4m high acoustic bund details were not on the website. VPK Holdings support alteration to the proposed site layout, which has enabled a larger distance between the dwellings located in the north of the site and the commercial buildings at East Common Lane. They also support the use of enhanced double glazing and the orientation of private garden space to protect occupants from potential noise from the neighbouring commercial land uses.
- 5.64 The EHO officer reviewed the latest layout and Revision 3 and raised no objection to the development providing conditions were imposed ensuring that the enhanced double glazing to habitable rooms facing the former Rigid site be conditioned to the specification given in paragraph 5.18 of the Noise assessment and applied to Plots 56 to 65 inclusive. Also, that a mechanical ventilation strategy is provided in line with paragraph 5.19 of the above assessment. Finally, that the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.
- 5.65 The planning agent questioned the need for Plot 65 being included, and the EHO confirmed that the wording in paragraph 5.18 recommends "that habitable rooms fronting towards the Rigid site should be fitted with enhanced double glazing". Plot 65 does face the Rigid site and has a living room and bedroom on the protruding

part of the design. Both of these are habitable rooms. The agent accepted the condition in relation to mitigation inclusive of plots 56-65.

- 5.66 VPK were formally reconsulted and any response will be included as an officer update for members. Officers are however expecting no objections being raised on account of the amendments and the EHO being satisfied.
- 5.67 To conclude, the revised scheme with the dwellings pulled away from the northern boundary, together with the proposed hard landscape fence/buffer and noise mitigation requirements for the habitable rooms of the dwellings that face the employment site to the north, will ensure that future occupants can enjoy a good level of amenity. This will ensure that both the new residential dwellings and the established major employer can co-exist. The proposal is considered to be in compliance with SDLP Policies ENV 1, ENV2 and Section 12 of the NPPF.

Archaeology

- 5.68 As part of the Section 106 Agreement attached to the Outline Planning Permission an Archaeological Scheme for the pre-determined zone of Archaeological Sensitivity (area around Staynor Hall) was required to be submitted. Also, an archaeological scheme is not a reserved matter as defined by condition 2 of the outline planning permission and therefore is not being considered as part of this reserved matter application. Furthermore phase 4 is not within the pre-determined zone of Archaeological Sensitive Area (area around Staynor Hall). Therefore, as the Archaeology consultation response has indicated phase 4 doesn't require any further assessment.

Recreational Open Space

- 5.69 Policy RT2 of the Selby District Local Plan refers to Public Open Space and the requirements for its provision. The Master Plan illustrates how open space is to be provided across the whole site. It proposes a total of 21 hectares, which includes both formal and informal open space area together with the retention of the Staynor Hall Plantation, which sits immediately to the south of this proposed phase 4. This final phase does not provide any formal Recreational Open Space provision. Occupants will be able to use the plantation for informal recreation and the facilities and provision within the wider Staynor Hall estate for recreation. There is a Locally Equipped Area of Play (LEAP) proposed to the south of the site where the access from Staynor Hall occurs.
- 5.70 This reserved matters application also sits alongside the outstanding application for 44 dwellings (2015/0455/EIA). This is on the undeveloped part of the site immediately to the rear of the Selby College that designated for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for a pitch. The applicant's position is that this pitch is not necessary, however the merits of this will be discussed within the determination of the relevant application. In terms of this current Reserved Matters submission, this proposal does not impinge or reduce the amount of POS originally allocated. The scheme is therefore considered to be in accordance with the provisions of the outline consent.

Nature Conservation

- 5.71 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and chapter 15 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.72 The Staynor Hall outline consent site was accompanied by an Environmental Statement. In 2002 the site was recorded as principally arable farmland habitat, with the land being flat with few hedgerows. The arable agricultural land was considered to be of minimal ecological value due to the intensity of management. None of the hedgerows within the site qualify as important hedgerows under the Hedgerow Regulations 1997 based upon their ecological importance. The northern boundary of the site was demarked by urban development and Selby College, with Selby Bypass to the south of the site. A drainage ditch running from Staynor Plantation across agricultural farmland to the east was recorded. There is no evidence to suggest that the land management on the site has changed significantly between 2002 to this present day. The ES (October 2002) did not identify the presence of any plant species or habitats protected by law, or considered rare in the UK within development area relevant to this document. Therefore whilst NYCC ecologist hasn't been actively involved in the phase, there is no reason to suggest the terms ecological conditions or terms of the outline have changed in order a different recommendation could be reached.
- 5.73 The development of phase 4, will however naturally enclose the Staynor Hall woodland to the south of the site, which is known to host a variety of species which include deer, fox, birds of prey specifically commented on in the letters of objection. The development has no direct impact on the woodland and the dwellings have been set away from the perimeter, however it will further enclose this habitat. This however is a product of the outline consent and cannot be revisited. The proposed scheme retains all of the existing boundary planting to the north and east and plan shows a new boundary buffer planting to the eastern rear boundary of Selby College. The scheme is also accompanied by a landscaping scheme, which will provide some planting within the residential plots and some boundary planting to improve biodiversity.
- 5.74 Also, as part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. This covered the need for POS and nature Areas, which are on earlier phases of the scheme, particularly measures covering the woodland. The Nature Conservation Plan obligation for phase 3 to the south has been discharged and will soon be implemented, as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission. The Nature Conservation Plan is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme.

Landscape Features

- 5.75 The National Planning Policy Framework states that planning policies and decisions should “contribute to and enhance the natural and local environment” by: “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)” (paragraph 174.a); and “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and

ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland” (paragraph 174.b).

- 5.76 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.
- 5.77 The outline consent agreed the principle of developing the site and phase 4 comprises of generally flat agricultural land that is divided into 2 agricultural fields. The site is enclosed to the north west by the college, to the south by the plantation and phase 3, and then to the east by a copse before the A63.
- 5.78 There are very few other internal natural landscape features within the site, apart from boundary planting to the college on its southern boundary. Residents of Abbots Road and phase 3 currently have uninterrupted views across the site. The site is also used for walking with access from Staynor Avenue and a number of unadopted routes exist on the land.
- 5.79 As part of the overall concept of the wider site new planting and other landscaping are incorporated with the key elements being as follows:
- Buffer planting 10 metres deep with native planting on the western boundary adjacent to the rear of the college.
 - Planting of public open space and amenity areas.
 - Local planting to the housing areas.
- 5.80 The Council’s Landscape Officer has not been directly involved in this scheme given the outline already being agreed, and the internal planting proposed is relatively standard in its specification. The landscape plans were amended to include greater detail and more tree planting, which sees the main road running through the site being tree lined. Conditions (31-33) are already included within the outline covering tree protection and replacement planting. On this basis the proposed landscaping scheme will mitigate any harm caused by the residential use of the site and soften the transition between the existing built development and the current use of the site, in accordance with the aforementioned policies.

Contamination

- 5.81 The outline application did not consider contamination to a concern, and no conditions were attached to the consent. The Environmental Statement that accompanies this application states; “There is no evidence that the site has been used for anything other than agriculture. The study did not identify any potentially contaminative activities that may have been located on the site. It is considered unlikely that the existing ground conditions at the development site pose a risk to human health or to the quality of controlled waters.”
- 5.82 The report goes onto say “The area of the former Selby Brick Works, close to the western boundary of the site is a site of potentially contaminated land. Although it is considered that the likelihood of the migration of landfill gases from the filled areas to the development site is low, a gas assessment should be carried out in the western part of the site. If necessary, gas control measures will be incorporated into the development to minimise any possible impacts.”

- 5.83 The outline also agreed the principle of developing this site for residential purposes and contamination is not a reserved matter. Any gas control measures will also be picked up by Building Regulations. Officers are therefore satisfied that the scheme accords with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Climate Change & Broadband

- 5.84 A condition is recommended for Electric Vehicle Charging points to be submitted to and approved in writing. Core Strategy Policy SP15 specifically deals with Sustainable Development and Climate Change consideration is given to key design principles and environmental requirements. In particular this policy requires that new development should deliver high standards of sustainable design. Opportunities to minimise the adverse impacts arising from pollution runs through the Core Strategy document with all development encouraged to minimise impacts on air quality. The use of electric vehicles is a key measure in reducing emissions locally and therefore the provision of infrastructure to facilitate and stimulate this change is essential. Growth in the uptake of plug in vehicles is also growing significantly and therefore it is important that developers recognise and respond to this change. In turn provision should be made within new developments to facilitate this. This doesn't have to be onerous, more the provision of an outside socket on the external wall or garage of the dwellings proposed. Such provision will make for a scheme that complies with Core Strategy Policy SP15.
- 5.85 In respect of broadband, this is now a vital component of infrastructure in today's world. It is key to growing a sustainable local economy, vital for education and home working and an increasingly central part of community cohesion and resilience, particularly in rural areas. In addition, Local Authorities are increasingly reliant on digital infrastructure to provide services and interact with their customers.
- 5.86 As key place shapers at the centre of their communities Local Planning Authorities have a pivotal role to play in encouraging developers to 'future-proof' their developments by installing high speed broadband infrastructure. The NPPF in Paragraphs 114 to 118 Supports high quality communications infrastructure. Paragraph 114 states "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments"
- 5.87 A condition is recommended to resonate with this requesting details of measures the developer will take for to facilitate the provision of high speed broadband for the dwellings. Such works will then be required to be carried out in accordance with the approved details prior to occupation of each dwelling.

In terms of the remaining proposed planning conditions, this submission address much of the outstanding detail and where necessary the applicants will have to make a separate discharge of condition request to tie up any outstanding matters from the outline consent.

6 CONCLUSION

- 6.1 The application seeks reserved matters permission for the erection of 215 dwellings following outline consent granted for 1200 dwellings, employment, open space and community uses on the 6.6.2005. The site is the final phase (4), with phases 1,2 and 3 being completed. The outline consent and accompanying master plan set out the parameters for the wider development which involved a link through to Staynor Avenue. Phase 4 has always ever been the residential part of the scheme.
- 6.2 A number of issues are not for consideration within this application as they are governed by the original outline and accompanying Section 106 agreement. These include for example ecology, archaeology and affordable housing, however this is explained within the report as to how the 20% contribution is reached.
- 6.3 The proposal has seen a reduction in dwelling numbers and mitigation measures to safeguard new occupiers from any amenity concerns from the industrial developments to the north. The layout and design of the scheme has also been amended on numerous occasions to address concerns that have arisen from consultations responses, particularly highways, designing out crime officers and to lessen the impact on the adjacent woodland. There also remains strong opposition from the adjacent Selby College over the access arrangements, however NYCC Highways are consent with the submissions. The site lies within Flood Zone 3 however has previously been found to be acceptable and flood mitigation measures are included. A new drainage design will be necessary and will be dealt with through the outline conditions. The impacts on residential amenity are considered to be acceptable.
- 6.4 The Reserved Matter scheme is therefore considered to comply with the provisions of the Development Plan and those of the Core Strategy. There are no other material considerations that are considered to be of sufficient weight to warrant refusal of this reserved matters scheme. The Reserved Matters is therefore recommended for approval subject to conditions.

7 RECOMMENDATION

This application is recommended to be Granted subject to the expiry of the publicity on the 16.11.2021 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manger be authorised to issue the Reserved matters permission.

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

Location Plan	001	Rev A
Site Layout	100	Rev Q
Phase 3 Connection	100-Ph3	Rev A
Materials Layout	101	Rev B
Enabling Plan	103	Rev -
Landscape Layout Plot	102	Rev B
Landscape Layout POS	R-1283-15A	Rev A
Acoustic Amendments	110	Rev -
Acoustic Enhancement	110-2	Rev B
Street Scene & Section	100_WD10-1	Rev B

Sheet 1		
Street Scene & Section Sheet 2	100_WD10-2	Rev B
Barton	HB-WD10	Rev E
Barton Corner	HBC-WD10	Rev D
Belmont	WS-WD10	Rev J
Carleton	ST-WD10	Rev G
Carleton Extra Window	ST-WD10-2	Rev G
Coniston	CD-WD10	Rev H
Coniston Corner Bay	CDCB-WD10	Rev H
Derwent	HT-WD10	Rev G
Derwent Corner	HTC-WD10	Rev F
Elvington	EV-WD10	Rev -
Hornsea	RS-WD10	Rev D
Hornsea Extra Window	RS-WD10-2	Rev D
Howard	HO-WD10	Rev -
Lockwood	CA-WD10	Rev D
Lockwood Extra Window	CA-WD10-2	Rev D
Lockwood Corner	CCA-WD10	Rev C
Morden	MR-WD10	Rev T
Morden Extra Window	MR-WD10-2	Rev T
Moseley	MS-WD10	Rev AA
Stafford	SF-WD10	Rev J
Stafford Extra Window	SF-WD10-2	Rev J
Single & Double Garage	SDG-6x3-WD10	Rev –
Staynor Hall Overview -	LTP 2598 T1 01 01	Rev B
Staynor Hall Refuse Vehicle sheet 1 of 2	LTP 2598 T1 01 02	Rev B
Staynor Hall Refuse Vehicle sheet 2 of 2	LTP 2598 T1 01 03	Rev B
Staynor Hall Forward Visibility sheet 1 of 2	LTP 2598 T1 01 04	Rev B
Staynor Hall Forward Visibility sheet 2 of 2	LTP 2598 T1 01 05	Rev B
Drainage Strategy Layout Option A	P20-00552-Met-M2-C-001	V2

Reason

For the avoidance of doubt.

02. Prior to the occupation of plots 56 to 65 inclusive the following noise mitigation measures shall be installed:

- Enhanced double glazing to habitable rooms facing the Rigid site in line with paragraph 5.18 of the Noise assessment V3 i.e. glazing rated at ≥ 29 dB Rw+Ctr, such as a generic 8 mm float glass (16 mm air) 4 mm float glass double glazing system.
- That a mechanical ventilation strategy is provided to in line with paragraph 5.19 of the Noise Assessment V3.

- That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.

Reason

To safeguard the dwellings from noise from the adjoining industrial premises in line with Policies ENV 1 & 2 of the Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following requirements:

- 1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.
- 2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- o Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- o Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- o Flood sensitive equipment raised 600mm above floor level.
- o Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- o Anti flood valves on internal building drainage.
- o Water tight external door construction to minimum of 600mm above proposed floor level.
- o Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- o Water resilient ground floor coverings should be considered, such as clay tiles.
- o Waterproof seal between cladding and floor slab

Reason

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

04. All tree planting, landscaping, seeding or turfing comprised in the approved Detailed Landscape Plan Rev B shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason

In order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

05. Before the development is first occupied or brought into use a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason

In the interests of amenity and in order to comply with Plan Policy ENV1.

06. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

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

Reason

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

08. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

09. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing,

must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

10. The development must not be brought into use until the access to the site at Staynor Avenue has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:

The access must be formed broadly in accordance with: Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E and that part of the access road extending 30 metres into the site must be constructed in accordance with Staynor Hall, Phase 4, Selby, Site Layout, drawing number 100 Rev Q.

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.

11. No dwelling must be occupied until the related parking facilities 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

12. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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

Reason:

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

13. No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management Plan.

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

1. details of construction access to the site;
2. restriction on the use of the Staynor Avenue access for construction purposes during 'drop off and pick up times' of students at the start and end of the Selby College working day;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. a detailed method statement and programme for the building works; and
19. 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

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 2015/0452/EIA and associated documents.

Contact Officer: Gareth Stent (Principal Planning Officer)

Appendices: None

Appendix 2 - Officer Update Note 10th November 2021

The following update was presented to Members at committee:

Item 5.3

APPLICATION NUMBER:	2015/0452/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE: EXPIRY DATE:	30th April 2015 20th August 2015
PROPOSAL:	Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4		
LOCATION:	Staynor Hall Abbots Road Selby		
RECOMMENDATION:	Grant		

Consultation response from Selby Town Council

- Selby Town Council would like to see the woodland protected and the open space that is mentioned in the report form a buffer between existing houses on Abbots

Road and the Woodland, thereby allowing the line of desired footpath between the Staynor Hall development and Selby College to be retained.

- Selby Town Council strongly suggests that the access road onto Staynor Avenue should be removed, and an access road be provided to the bypass, as the Town Council is concerned that Abbots Road is already a busy road and would be in danger of being overloaded with traffic.

Additional representation from the college.

The college is urging committee to defer the application to allow the College to engage with the applicants and County Highways to resolve the safety issues.

The range of evidence-based responses that we have submitted on behalf of the College have not been taken into account. For example, we commissioned and submitted a video of the end of the college day showing the students waiting for the buses and the bus manoeuvres. These arrangements have worked in the past as Staynor Avenue is a cul-de-sac. Being the access to 1200 houses is a totally different situation and changes to this arrangement must be required of the applicant.

We say that a revised stage 1 Road Safety Audit is required for the scheme before this application could be put before the Committee. Stage 2, as requested by NYCC, is too late.

Therefore, we maintain our position that the submitted scheme is inappropriate for the location and the circumstance of a 1000+ college community entering and leaving the campus daily. It is inappropriate for the safety of the college community in terms of, for example adequate areas for large groups of students to wait for buses and for laying up spaces for the buses, and that of residents of the estate who expect adequate highway arrangements. The principle of creating a through road is not challenged.

The College leadership has a duty of care to its students and staff. To seek to determine this application before a response to the College's expert submissions has been made negates the whole consultation process (which began over a year ago) and would lead to an unsound decision.

Comments from WSP – (College's consultants.)

- Firstly the latest revision of the Staynor Avenue layout is referred to as revision E, this plan was produced in January 2018 and so no changes have been made over the last year to address our concerns.
- Even though the swept paths are for a single decker buses they would still be applicable for a double decker bus, so I am comfortable with the swept paths shown.
- It is quite clear from the swept paths that the buses won't be able to access the spaces on the south side of Staynor Avenue without having to shunt within the road. The spaces are too close to the right turn from the northern part of Staynor Avenue and so the buses will be parked at an angle to the kerb and likely to block the flow of traffic in both directions, this is not a problem in the current situation as Staynor Avenues is not used to access 1200 residential units but this will be an issue once this road provides access to the development.

- As highlighted previously the design does not address significant numbers of pedestrian movements in the PM peak, as indicated in our technical note dated 12th May 2021. The revised data has simply shown squares on a plan where buses could park, but the parking of the buses was not the main concern, which is the movement of students in the area, no design amendments have been suggested to improve pedestrian and cycle flow or improve areas where they wait for buses. The photos in our technical note show the concerns regarding this and the previous bullet point.
- Based on the flaws pointed out with the production of the stage 1 road safety audit (RSA) I have yet to see a revised version taking into account the additional data we have provided and the issues highlighted. NYCC in their response dated 2nd November indicate that they will request a stage 2 RSA but this is too late, a Stage 1 RSA is to assess the acceptability of the scheme put forward, which at this stage is not acceptable. A new stage 1 RSA is needed before the planning is determined. The Stage 2 RSA simply checks the detail of the scheme and does not check if the scheme is correct for this situation.

The information provided is simply saying the way things work now can still do so in the future, this still doesn't address the key fact that Staynor Avenue will become a through route to a development with 1200 houses, this will create a completely different dynamic on the road network in this location and further improvements to the scheme are needed to ensure road safety is maintained especially for pedestrians.

X7 additional objection letter from local residents

- Concern over widening of Staynor Avenue and use of the green triangle, as a storm drain exists underneath.
- Also noted is that the verge outside houses 2 to 16 is to be considerably widened, this results in potential danger to pedestrians and vehicles accessing properties on Staynor Avenue.
- There are driveways which we as private homeowners paid Selby District Council to have tarmac laid which appear to be removed or reduced in size, who will be responsible for recompense for monies paid for this?
- What are the proposals for the mature trees on the Avenue? In the current climate considerations will they just be disposed of or replaced?
- There are currently double yellow lines outside the properties on Staynor Avenue, these were placed to allow safe traffic control due to inconsiderate parking of vehicles outside our property and blocking open access, will they be replaced?
- How is traffic to be controlled whilst the proposed changes are made? How will those of us who use vehicles to drive to work be able to access the road outside our homes?
- Concern over the impact on the college traffic flow.

- As a resident of Staynor Avenue, I can say we have concerns that little or no thought has been made to those of us living here and the impact on the safety of pedestrians on this part of the estate.
- Concern that the building of the houses will eventually lead to a loss of the whole woodland. Concern over the loss of the wildlife.
- Concerns over flooding, and the drainage capacity of the area.
- The footpath to the rear of Abbots Road is a public right of way and should be maintained.
- A water pipeline exists 2.5m from the fence line on Abbots Road. (shown on the site plan in yellow) This should not be disturbed.
- The land should be used as a children play area/football pitch.
- Concern over the increased pressure on the hospital.
- Concerns over privacy from the residents on Abbots Road, compensation claims will be made.
- Other non-material issues were raised such a devaluation of dwellings and condition of roads and public areas within Selby.

Additional Representation from the agent.

Please review and let me know if you would like to discuss anything further ahead of committee next week: -

Layout, Scale, Design & Housing Mix

- We have worked very closely over a number of years with Officers to improve the layout and design of the scheme. The inclusion of tree-lined avenues and fronting onto Staynor Wood are two key elements that show an improvement on what has previously been approved at the site.
- The outline approval didn't provide any requirements in respect of housing mix, meaning we could have delivered a mix of our choice. However, the mix provided aligns with that outlined in the Council's SHMA meaning it will meet the identified housing needs of the District. Indeed, it is the delivery of a significant number of 1, 2 & 3 beds which is driving the scheme's net density. The gross density is much lower due to the significant amount of greenspace which will be provided.

Ancient Woodland

- The scheme has been amended to create a buffer from the Wood and to also 'front on' to ensure that there will be no impact on the amenity of properties due to shading.

- There is no requirement in the outline approval which requires a buffer to be provided.
- The approach to the Wood is far better than that which has been approved on previous phases where homes lie directly adjacent to it.
- The buffer area shown on the layout relates to the outer edge of the canopy spread of the closest trees located in the Wood. Meaning the new homes will be located outside of Root Protection Areas.

Affordable Housing

- The 20% offer which has been made mirrors that delivered on previous phases of the development.
- The 20% offer which has been made mirrors the Council's own emerging policy and evidence base for the new Local Plan, which recently underwent public consultation. Meaning the applicant could have delayed the scheme coming forward until this policy is adopted. However, they took the sensible approach that it was better to meet local housing needs now.
- The mix and tenure of the proposed affordable housing meets identified local housing needs and has been agreed with the Council's Housing Officers.
- There is the potential for the new affordable homes to be obtained by the Council, as a registered provider. But this will be decided following a tender process.

Selby College & Highways Matters

- The outline permission requires an access to be delivered to Staynor Avenue. There is no requirement in the outline application for the development to provide a new access for Selby College.
- For the avoidance of any doubt to members, the applicant has consulted with the College. This can be seen in the correspondence/reports submitted with the application.
- The kerbside space available for bus parking (whether single or double decker) will marginally increase by 3m. So it is effectively the same.
- Whilst 11 buses may operate to/from the College, a number of them either stop on Abbot's Road (where there are formal bus stops that also accommodate the wider public) and those that do access Staynor Avenue wouldn't access it at the same time as there wouldn't be sufficient space now.
- We will be providing formalised/safe pedestrian crossing points which do not currently exist. One across Abbot's Road and one across the new entrance to the site. Meaning students can circumnavigate the formalised roundabout safer than they do now.
- The works will create a better flow of vehicle movement through formalising the design of the existing roundabout.
- We have tracked the movement for both the existing and proposed junction layouts and there is no material difference in the manoeuvring space/ability for buses.

- The proposals retain the ability for the College to utilise the current access for two-way movements in the future. Though the current movements are 'one-way' (arrivals only), we wanted to make sure that the ability for two-way movements wasn't impeded in the future.
- We have provided off-road parking for existing residents within our scheme to ensure that they won't be impacted by the proposed amendments to the junction.
- The latest scheme includes amendments to incorporate all comments/requests from the Local Highway Authority and the recommendations from a formal Road Safety Audit.
- It is highly likely that the majority of the traffic from this phase will access/egress the site from Bawtry Road. However, if the traffic from this phase used the Staynor Avenue access, at peak hours we would be looking at circa 1-2 car movements a minute. Which is very low in highway terms.
- There is no requirement for a TA or Travel Plan to be submitted alongside this Reserved Matters application. There is an obligation in the S106 to submit a Travel Plan pre-commencement of development and thus we intend to fulfil this obligation in accordance with the approved trigger point.

Noise

- A number of Noise Impact Assessments and Addendums have been submitted to respond to the comments raised by the Council's EHO.
- The layout was revised to remove homes from the northern boundary of the site, the result being an increase in separation distance between the new homes and the Industrial Unit to approximately 160m.
- In addition there will be a 4m high acoustic bund and fence located on the site's boundary, and the nearest properties will also 'front on' and have enhanced glazing.
- The response to noise matters is therefore extremely comprehensive and is effectively 'belt and braces'.

Climate Change & Broadband

- It must be stressed to members that there are no conditions attached to the outline approval in association with the provision of Electric Charging Points and High Speed Broadband. Meaning they shouldn't be requested at this stage. However, in order to work positively with the Council towards achieving their climate change aspirations Persimmon Homes are happy to retain these proposed conditions.
- With regards to Proposed Condition 6 – Persimmon Homes are happy to agree to a condition which requires the submission and approval of an electric vehicle charging plan for the site. This plan will indicate the location and type of socket to be installed at properties with parking spaces adjacent to the dwelling or garage. This is a further measure which goes beyond the parameters established by the outline planning permission at the site.
- Persimmon Homes are happy for proposed Condition 7 to remain as worded.

- There are a number of other conditions that mirrors those which are attached to the outline approval.

Socio-Economic Benefits

- As there is no mention to the socio-economic benefits of the scheme in the report, can the following please be added to the update report: -
 - A total construction investment of £30m
 - Ensuring the protection of 146 local jobs currently working on existing phases of the development – which would be at risk if the application was refused.
 - £5m spending from new residents to existing leisure and retail facilities in Selby.
 - New residents and students to sustain local schools and Selby College.
 - A further contribution of £500,000 towards education upon completion of the 1000th dwelling, which can only be realised with the approval and delivery of this application.
 - Delivery of new market and affordable homes which will meet identified local needs.

Additional Comments North Yorkshire Police

Access & Movement

It would appear that the number of footpath links, as referred to in paragraph 4.3.2 of my previous report, has been reduced, and this is welcomed as this removes additional access/escape routes for an offender.

Ambiguous Space

In paragraph 4.6.4 of my previous report, I provided details of three areas of ambiguous space and outlined the potential issues relating to this kind of feature, and it is pleasing to note that due to the redesign of the layout, two of these areas have been removed

Defensible Space & Boundaries.

In section 4.7 of my previous report, I highlighted that there was a lack of physical demarcation to clearly identify “defensible space¹”. It is pleasing to note that the Landscape Layout drawing now shows that the majority of properties have been provided with clear demarcation between private frontages and the public realm to provide this. However, there are still a number of plots where this is lacking and these include Plots 7, 21, 96, 142, 169, 204 and 205.

There are also a number of properties where only part of the frontage is provided with physical demarcation and these are mainly corner plots. However, both Plots 184 and 190 are good examples of appropriate demarcation to corner properties and this should be replicated across the site for all dwellings of this type.

There are also a number of plots that lack physical demarcation between private frontages, and these include Plots 20 & 21, 56 & 57, 66 & 67, 68 & 69, 98 & 99, 108 & 109, 118 & 119, 124 & 125, 158 & 159, and 182 & 183.

The drawing also shows a number of plots which comprise of ground and first floor flats and there is no clear allocation of the private amenity space to the rear of these properties. This may result in neighbour disputes over its use and maintenance, with a consequent demand on Police services.

Car Parking

It is noted that the parking provision for Plots 206 and 207 is located to the side of Plot 206, with the parking space for this plot being furthest away from the property. To enable the residents of this plot to be able to see their vehicle from within the dwelling, consideration should be given to swapping the parking spaces and ensuring that there is a window in the side elevation of Plot 206 from an “active room”².

Additional Comments VPK Holdings

I had a video call with VPK earlier this week to discuss the amended plans.

VPK seek to continue to utilise their existing site as part of their commercial operations and hope that the approval of this application will not impact their ability to grow and expand their existing operations within the site.

We are happy to see that additional levels of acoustic protection has been included within the latest revised plans. We agree with the Environmental Health Officer’s comments that the enhanced glazing, mechanical ventilation and acoustic bund should be conditioned as part of any approval.

VPK remain concerned that in the future occupiers of plots 56-65 could potentially replace the enhanced double glazing with regular double glazing (when the time comes for the windows to be replaced) which could lead to higher noise levels within the properties potentially leading to complaints about VPK’s operations.

Amendment to condition 02.

Prior to the occupation of plots 56 to 65 inclusive the following noise mitigation measures shall be installed:

- Enhanced double glazing to habitable rooms facing the Rigid site in line with paragraph 5.18 of the Noise assessment V3 i.e. glazing rated at ≥ 29 dB Rw+Ctr, such as a generic 8 mm float glass (16 mm air) 4 mm float glass double glazing system.
- That a mechanical ventilation strategy is provided to in line with paragraph 5.19 of the Noise Assessment V3.
- That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion form external to internal in line with paragraph 5.20 of the above assessment.

The noise mitigation measure shall thereafter be retained in working order for the lifetime of the residential use of plots 56 -65.

Reason

To safeguard the dwellings from noise from the adjoining industrial premises in line with Policies ENV 1 & 2 of the Local Plan.

Amendment to conditions

Condition 4 - Landscape Planting - Delete as this mirrors condition 32 of the outline.

Condition 5 - Landscape Management Plan – delete as this is covered by the Section 106 agreement.

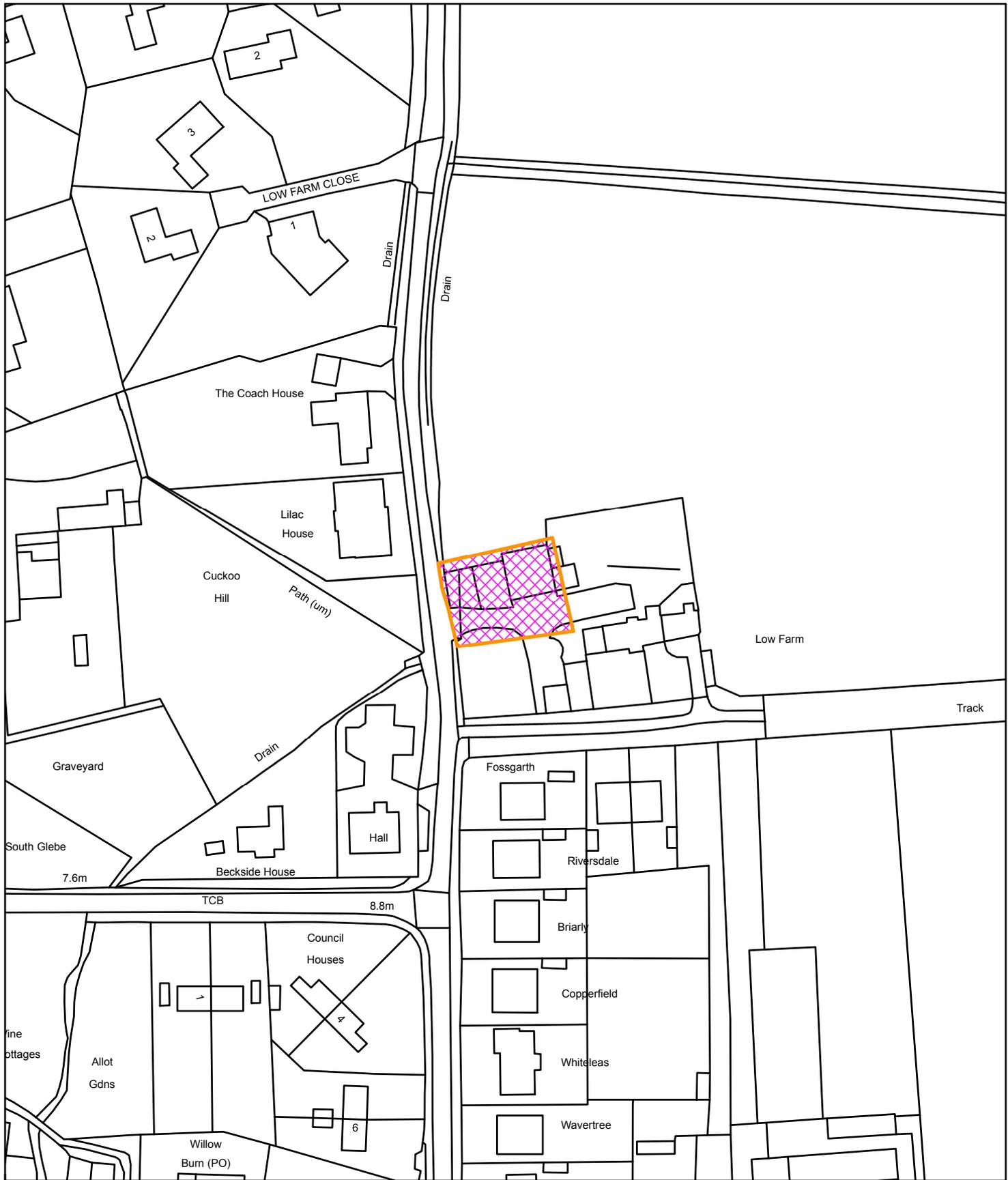
Condition 9 - Footways and Footpaths - Delete as this mirrors outline Condition 6.

Condition 12 - Travel plan. Delete as this is covered in the Section 106.

Condition 13 - Construction Management Plan – Delete as this is covered in outline conditions 14,17,18 and 22.

Agenda Item 5.2

Low Farm, Low Farm Road, Bolton Percy
2019/0522/FUL



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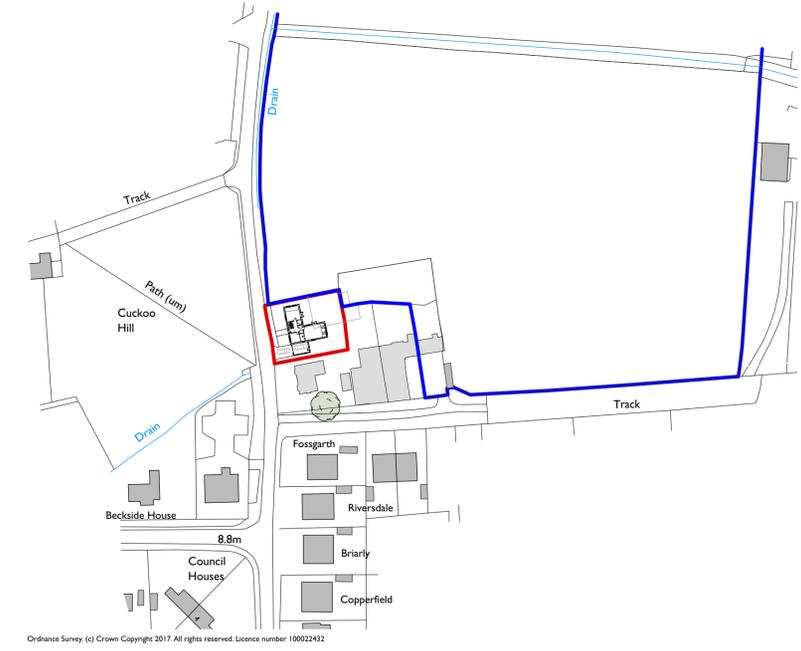
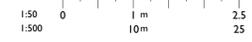
REVISION HISTORY			
REV	DESCRIPTION	DATE	APPROVED
A	Blue line highlighting land also in applicants ownership amended.	20/04/18	SW



Page 103

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I
301A PROPOSED SITE BLOCK PLAN
Scale: 1:500



3
301A SITE LOCATION PLAN
Scale: 1:1250



NATIVE CHARTERED ARCHITECTS
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RIBA WORK STAGE 3

CLIENT
Rob Penty

JOB
Low Farm

JOB NO.
17025

DRAWING
Proposed Site Block Plan & Location Plan

DRG NO. SCALE
301A 1:500 @ A1



DRAWN APPROVED DATE
ASN SW 12/12/17



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Report Reference Number: 2019/0522/FUL

To: Planning Committee
Date: 9 February 2022
Author: Mandy Cooper (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0522/FUL	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr Robert Penty	VALID DATE:	4th June 2019
		EXPIRY DATE:	30th July 2019
PROPOSAL:	Proposed erection of a three-bedroom dwelling and garage following demolition of existing buildings		
LOCATION:	Low Farm Low Farm Road Bolton Percy York YO23 7AH		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of the Head of Planning Services.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site lies outside the development limits of Bolton Percy; a Secondary Village as identified in the settlement hierarchy of the Core Strategy and is therefore located in the open countryside.
- 1.2 The site, has its frontage to Old Road, is part of the curtilage of the original farm complex known as Low Farm on the northeast side of the village. It is bounded to the northwest by Old Road, to the south by an unadopted track and to the north and northeast by open fields.
- 1.3 The village development limits run through the centre of the farm site with this application sitting just outside but adjoining the boundary. It is within the Bolton Percy Conservation Area and lies within Flood Zone 1.

Background

- 1.4 The proposal is a re-submission of a previously refused application (2018/0260/FUL) for an identical form of development. The submitted Planning Statement advises that it is clear that the sole reason for refusal is the sites location which is outside the Development Limits of Bolton Percy. The statement also refers to the Local Planning Authority's (LPA) requirement to review development limits as part of the Allocations Plan.
- 1.5 In 2010 the application site along with the adjacent farmyard was granted permission for the change of use to garden land (linked to the converted barns to the south as approved under: 2010/0828/FUL), with the barns on this application site remaining in situ under application ref: 2012/0553/COU. The barns have since been used for the storage of farm vehicles, with some outdoor storage of bales immediately west of the barns and one of the extended curtilages of the barns abuts part of the proposed rear garden of the application site.
- 1.6 There have been two previous applications on this site (2017/0118/FUL and 2018/0260/FUL) for the erection of a four-bedroom dwelling and three-bedroom dwelling respectively, both of which were refused.

The Proposal

- 1.7 Proposed erection of a three-bedroom dwelling and garage following demolition of existing buildings. The property would be detached and of a medium scale, set in a moderately sized plot with the principal elevation fronting Old Road. The dwelling has been designed and has the appearance of historical smaller additions which is reflective of the traditional properties within the settlement and has been designed also to appear as part of the traditional farm complex to which it adjoins.

Relevant Planning History

- 1.8 The following historical applications are relevant to the determination of this application.
 - 2008/0400/FUL, Alt Ref: 8/78/100/PA: Proposed conversion of agricultural buildings to create 4 No self-contained dwellings: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: REF: 03-FEB-10
 - 2010/0828/FUL, Alt Ref: 8/78/100B/PA: Conversion of redundant agricultural buildings to 2 No. dwellings including the addition of a two storey and a single storey extension: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: PER: 18-NOV-10
 - 2012/0553/COU, Alt Ref: 8/78/100C/PA: Change of use of part of former farmyard to garden land: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: PER: 12-FEB-13
 - 2013/1046/DPC, Alt Ref: 8/78/100F/PA: Discharge of conditions 7 (contamination) and 8 (remediation) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to 2 No

dwellings including the addition of a two storey and a single storey extension:
Low Farm, Low Farm Road, Bolton Percy, YO23 7AH

Decision: COND Decision: 22-OCT-13

- 2013/1083/DPC, Alt Ref: 8/78/100G/PA: Discharge of condition 9 (Remediation Scheme) of approval 2010/0828/FUL conversion of redundant agricultural buildings to 2 No. dwellings including the addition of a two storey and a single storey extension: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: COND Decision: 12-NOV-13
- 2015/0683/FUL, Alt Ref: 8/78/100H/PA: Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2 No. dwellings with garden land and the erection of 2 No. dwellings: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: PER: 07-SEP-16
- 2017/0118/FUL, Alt Ref: 8/78/100J/PA: Erection of a four-bedroom dwelling and garage: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: REF: 31-JAN-18
- 2017/0978/DOC, Alt Ref: 8/78/100K/PA: Discharge of conditions 02 (Materials), 03 (Ecology), 05 (Landscaping), 07 (Site Enclosure), 08 (works around trees), 09 (Ground Works - Surface Water), 10 (Ground Works - Highways), 11 (Construction Method Statement) of approval 2015/0683/FUL for retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. dwellings with garden land and the erection of 2No. dwellings: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: COND Decision: 11-MAY-18
- 2018/0260/FUL, Alt Ref: Proposed erection of a four-bedroom dwelling and garage: Low Farm, Low Farm Road, Bolton Percy, YO23 7AH
Decision: REF: 06-SEP-18

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – The Local Highway Authority recommends Conditions relating to Private Access/Verge Crossings; provision of a 2m wide footway to east side of Old Road and a Construction Method Statement.
- 2.2 **Yorkshire Water Services Ltd** – No response received.
- 2.3 **Ainsty (2008) Internal Drainage Board** – Application sits close to the Drainage Board's district. Proposal appears to 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 Board notes that they have reviewed this development site previously and most recently in Planning application 2018/0260/FUL, which has in any event now been refused and is therefore reviewing the matter in fresh for this new planning application.

- Standard comments about requirement for consent in regard to surface water discharge
- Requirement for use of soakaways subject to testing in accordance with BRE Digest 365
- Condition requiring all drainage works to be agreed including discharge of foul drainage (following treatment) with recommendations in respect to climate change and flows

2.4 **Environmental Health** – The proposed development is adjacent to an agricultural dwelling and associated site and the Planning Statement submitted with application does not specify whether this is to be operational or not. This may have impact on the residential amenity of the proposed dwelling if the agricultural site is currently operational or may return to use in the future. The proposed dwelling will be in very close proximity to farm buildings potentially used for agricultural purposes including for the housing of livestock. This gives rise to the potential for an adverse impact on residential amenity due to noise, dust, and odour to the development from nearby farming operations.

Concerns that the introduction of an independent dwelling so close to farming operations without any proposed remedial control measures has the potential to give rise to unacceptable levels of pollution affecting the development.

2.5 **Natural England** – Natural England has no comments to make on this application.

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

2.7 **Yorkshire Wildlife Trust** – No response received.

2.8 **Contaminated Land Consultant (Final Response)** – Conditions updated since the 2018 application so new ones attached which require the same level of Investigation/remediation and verification works.

2.9 **County Ecologist (Initial Response)** – It is understood that this application is a resubmission of a previous identical application (2018/0260/FUL) - as such the comments provided below are similar to those provided in March 2018. The application is accompanied by an Ecological Impact Assessment (MAB - March 2018). It is considered that this ecology report is still valid for the current application, The CE adds that if there is a delay in determining the application then updated surveys may be required.

Agree with the assessment made of no likely significant effects upon the nearby SSSI & SINCs due to the size of the development and the distance from the sites.

Bats:

Satisfied with the assessment of the building as having low/negligible potential to support bats and agree that no further survey work is required, and no specific mitigation is proposed. However, it is acknowledged that works to an adjacent building will provide roost features in the new building, which will have beneficial effects for bats within the local area. There is a recommendation (section 9.1 of the report) that no new lighting from this proposal should illuminate either the foraging or roosting habitat - this will need to be secured as part of the current permission as increased light levels have the potential to impact the likelihood of bats using the new roosts.

Breeding birds:

Potential for presence of nesting birds within the hedge adjacent to the road and within the barn itself, an informative is recommended to ensure that removal of the hedge and demolition of the barn are undertaken outside of the bird breeding season, generally taken to be 1st March to 31st August inclusive.

Barn Owl:

It is understood that there is no recent records/evidence of barn owls using the barn, however a pre commencement check of the barn for barn owls is recommended

- 2.10 **County Ecologist (Final Response)** - As a starting point would expect the consultants to cross check the information provided in 2018 to the current situation now. Would not expect there to be any changes to the assessment on the SINC/SSSI, the key species to consider any changes are bats and barn owl. A single visit may be sufficient for the consultants to confirm the same status as previous. If the building has become more suitable for bats or barn owl then further detailed work may be required.
- 2.11 **Parish Council** - The councillors of the above Parish Council have no further suggestions to make except what they reported on the previous three planning applications which were refused. The proposed site is still outside the village envelope and this application should not be able to be re-submitted again.
- 2.12 **Conservation Officer** – Proposal is the same as application 2018/0260/FUL which was refused on the principle of development. There were no objections raised from a conservation perspective following amendments to design of dwelling.

Design complements character and appearance of the conservation area by reflecting regular proportions with use of local materials. There are single and two storey elements which break up the massing of the structure.

Complies with Core Strategy Policy SP18 and Local Plan Policy ENV25 as enhances and preserves the character and appearance of the conservation area by replicating traditional design details and materials.

Submitted Heritage Statement does not fully meet requirements of NPPF paragraph 194 as little assessment of significance and identification of character and local distinctiveness of the area and requires more detail in terms of the significance of surroundings. Also impact and mitigation assessments demonstrating how development would contribute to character of the village.

Recommendation

Development has the potential to enhance character and appearance of this part of the conservation area. No objections from a conservation perspective regarding design but a more thorough Heritage Statement required to meet requirements of paragraph 194 of NPPF. Conditions are recommended in relation to the detailing of the dwelling.

Publicity

- 2.13 The proposal was advertised by way of direct neighbour notification, site notice and in the Yorkshire Evening Press. A total of 4 letters have been received (including

two letters on behalf of John Smith's Brewery) in response to publicity which object to the proposal for the following reasons:

General

- Supporting letter only addresses reasons for refusal on previous application (2018/0260/FUL) which is incorrect as does not represent a definite starting point in regard to determination of a further proposal
- Existing timber barn appears incapable of conversion to residential use
- No change to previously refused application other than inclusion of a number of appeal decisions which bear no relation to this location
- Storage of plastic covered bales demonstrates that site is still required for agricultural purposes
- Additional development is not sustainable – local school at Appleton Roebuck is oversubscribed with no plans to increase places, despite considerable development within Appleton Roebuck
- Serious risk of loss of countryside gaps and independent village character

Policy

- Site cannot be considered as Previously Developed Land (PDL) as occupied by an agricultural building
- Site lies in open countryside therefore Policy SP2 should be used to determine application
- Proposal does not meet criteria of Policy SP10 and would create activity levels and associated domestic paraphernalia: lighting, garden, car movements, washing lines etc beyond the settlement and into the open countryside
- No reference to positive contribution to the rural economy or rural communities
- Fails to accord with Policies SP2 and SP10 with no material considerations demonstrated which would outweigh the conflict
- Proposal is unsustainable and would not enhance the vitality of the village
- Outside development limits in open countryside and if permitted would set a precedent for more sprawling development
- Not environmentally responsible to encourage large growth of housing in such a small village
- Overdevelopment of a secondary village – existing significant development taking place within the village through infill and conversions on existing farmsteads therefore no evidence that the village is underdeveloped

Ecology

- Impacts on nature conservation addressed via a submitted Walkover Ecological Assessment (dated March 2018) and no detailed analysis of impacts on Great Crested Newts. Applicant should be required to update the report to include or explain why not included in the survey
- Applicant needs to consider the worst-case scenario in respect of the impact of proposal on protected species and other nature conservation interests
- Cannot be conditioned as part of a decision and should be included prior to determination of application
- Previous Ecological Assessment states the habitat is suitable for Great Crested Newts and other amphibians therefore reasonable likelihood that

important nature conservation interests would be affected by the development

- Full survey with approved methodologies and standards is necessary

Affordable Housing/Community Benefit

- No provision for affordable housing or a commuted sum when Policy SP9 requires a commuted sum equal to 10% provision and therefore of no benefit to village community and therefore contrary to Policy SP9
- If owner of land had considered provision of community space (with this and other recent developments) which would benefit community, there would be more acceptance

Residential Amenity

- Reduce amenity for existing households
- Occupant of an adjacent dwelling advises that the large window currently flooding house with light would block existing views of adjacent farmland and reduce light levels
- Loss of residential amenity due to increase in traffic movements and noise
- Significant impact on adjacent dwellings (to south) also recently built by this landowner

Drainage

- Drainage ditches to either side of road are liable to flood in heavy rain
- Village is at considerable risk of flooding as witnessed during winter of 2015
- Issues with inadequate drainage which is an ongoing concern for residents

Highway Safety

- Insufficient off-street parking indicated with only one space provided
- Highway Officer comments do not give a clear view but merely offers conditions should the proposal be permitted
- Traffic problems due to extreme difficulties passing on the narrow lane with highway already overloaded due to recent development near site
- Limited availability of public transport meaning residents must use cars to travel outside the village
- No provision for off road deliveries

Design, Scale, Character & Impact on Heritage Assets

- Unsympathetic design and position on road frontage would create a heightened effect of enclosure in this area of the settlement
- Inappropriate scale relative to density, character and form of surrounding area as Bolton Percy is rural, dispersed and an agriculturally based settlement with little high density urban development
- Adverse impact on Conservation Area therefore provides additional weight as a sensitive area
- Currently relatively open and accessible agricultural yard area and development would alter this aspect of the village by replacing with an enclosed residential frontage and garden area and associated vehicles, play equipment, sheds and glass houses

- Would be a marked change due to above from within the settlement and conservation area due to size and appearance and potentially brightly coloured and obviously no longer agriculture in nature and would be viewed from public roads and public rights of way from the north
- Scale and design of proposal indicates a large, private residence rather than a smaller, typical rural workers dwelling which are apparent in the surrounding area
- Would impact on unique character and appearance of Bolton Percy

3 SITE CONSTRAINTS

- 3.1 The site is located outside the Development Limits but within the Conservation Area; within a coalfield area; Airfield Air Protection Zone and potentially Contaminated Land. It is adjacent to the settlement limits of Bolton Percy which is a secondary village in the Core Strategy.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP8 – Housing Mix
SP9 - Affordable Housing
SP10 – Rural Economy
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
ENV25 – Development in Conservation Areas
T1 - Development in Relation to Highway
T2 - Access to Roads

5 APPRAISAL

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

- Principle of Development
- Impact on the Character and form of the village and the locality
- Heritage Assets
- Highway Safety / Access
- Residential Amenity
- Flood Risk, Drainage and Climate Change
- Ecology
- Land Contamination
- Affordable Housing
- Waste & Recycling

Principle of Development

5.2 Paragraph 12 of the NPPF re-emphasises the above as the starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan it should not usually be granted, unless there are material considerations which outweigh policy (para. 47). Local planning authorities may however take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 5.3 Core Strategy Policy SP1 outlines that *"when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF and should be afforded significant weight.
- 5.4 Core Strategy Policies SP2 and SP4 direct the majority of development to Selby as the district's Principal Town; then the Market Towns of Sherburn in Elmet and Tadcaster and Designated Service Villages (DSVs) and restrict development in the open countryside. Policy SP2A(c) 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 Policy SP2 also identifies Bolton Percy as being a Secondary Village and states that limited amounts of residential development may be absorbed *inside* its development limits where it will enhance or maintain the vitality of rural communities. However, the full extent of the application site lies outside the defined development limits of Bolton Percy. The proposed development does not fall within any of the exceptions set out in SP2 c) and would therefore conflict with the aims of this policy
- 5.6 The consistent approach of this authority has been to refuse proposals outside of the development limits. The applicant's agent refers to some circumstances where permission has been granted for small scale development outside of development limits, However, the limited number of cases have been in more sustainable locations such as Designated Service Villages where a number of other site specific or historic factors in addition to the sustainability of the location or the physical characteristics have additionally contributed towards the justification. However, in all cases the overriding consideration and starting point for determination is the development plan policy which comprises the saved policies of the Local Plan and the Core Strategy. The applicant's agent refers to the emerging local plan and the commitment to review development limits. However, at the present time this is at an early stage and little weight can be afforded to any progressing policy approach. The saved policies of the Local Plan and the Core Strategy remain the adopted development plan for the area for the purposes of Section 38(6) of the Town and Country Planning Act. This site lies outside the development limits of a secondary village. Bolton Percy is one of the smallest and least sustainable settlements within the district and the proposed development would project beyond the development limits.
- 5.7 It is noted that the agent has referred to two other applications which have been approved outside Development Limits within the district, one within the settlement of Skipwith (2020/0343/FUL) and the other in Eggborough (2021/0965/OUT). Eggborough is a Designated Service Village within the Core Strategy and the Selby District Local Plan and is considered to be a sustainable location where there is some scope for additional small scale residential development to support its sustainability. The application in Skipwith was approved on the basis that it immediately adjoined the Development Limits, was surrounded to three sides by existing and approved development, with substantial weight given to the locational characteristics including the boundary which did not project beyond the edge of the development limits to the east and west and was a natural continuation. The site essentially had the characteristics of an infill plot due to existing surrounding development and was not

highly visible. The Bolton Percy site is different as it is surrounded by open countryside on two sides and lies at the outer edge of the settlement and would therefore be highly visible from the northern approach to the settlement.

- 5.8 The agent has also submitted supporting information advising that the Development Limits were defined several years ago and that the settlement has outgrown the defined settlement limit and provides several examples of allowed Appeals from various parts of the country, where development sites have been approved outside of Development Limits. Whilst it is acknowledged that Selby District are in the process of updating the existing Core Strategy and Development Limits will be *reviewed*, there is currently no indication of how or where or how much would be appropriate. Moreover, changes to the plan are not yet completed and it is still in the early stages with any changes being finalised in 2023 and therefore do not carry weight at this time. In addition, there is nothing within the NPPF which suggests that the definition of settlement boundaries is no longer a suitable policy response and that such policies are out of date. Whilst there are recent developments which have gone beyond the defined settlement boundaries, each case has been determined on its individual merits including the two referred to, where circumstances are materially different to this application. These do not bind the Council to approve this application.
- 5.9 Furthermore, the submission by the agent of several appeal cases from around the country are noted but again are considered to carry no weight, given that the circumstances of each site are unrelated to the Selby District and comprise of large sites for development, whilst this application relates to a small site for a single dwelling.
- 5.10 In consideration of the above policy context the proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise.

Impact on the Character & Form of the Village & the Locality

- 5.11 Relevant policies in respect of the effect upon the setting of heritage assets include Local Plan Policy ENV1 and Core Strategy Policy SP19. Policy SP19 states that development should achieve high quality design regarding the existing local character, identity and context of its surroundings. In addition, the relevant guidance within the NPPF which relates to design includes paragraphs 126 to 135.
- 5.12 The Bolton Percy Conservation Area largely retains its character with green spaces, mature trees, historic buildings. Modern development in the 20th century has resulted in a mix of architectural styles and dwelling sizes with modern and traditional development to the south of the application site.
- 5.13 The existing farm buildings on this site are a common characteristic of villages, often located to the outer edges of settlements. Although the proposed dwelling has been sympathetically designed to appear as if it were originally associated with the adjacent brick barn complex, the development would still introduce a new urban dwelling as the main prominent feature on this edge of settlement site. New tree and hedgerow planting has already taken place beyond the site to the north. Notwithstanding this, the planting would take a significant amount of time to mature sufficiently to screen and soften views and the proposal would extend the built form beyond the village limit to this side of the street which currently is a transition from field to farm building to dwelling. The site is quite separate from the conversion

complex to the south and highly visible from the northern approach. As such the approach to the village would be dominated by a new modern detached dwelling rather than the existing transition from fields to farmyard and then dwellings. This would result in a harsh urban edge, particularly when viewed from the north approach and would cause harm to the character and appearance of the area.

- 5.14 In consideration of the above elements of the scheme it is considered that there would be a materially harmful impact on the character and form of the locality due to the introduction of a dwelling into this semi-rural edge of village location outside of the development limits. The development does not accord with Local Plan Policies ENV1 (1) and (4) and ENV15 and Core Strategy Policies SP18 and SP19 and the NPPF in this regard.

Heritage Assets

- 5.15 Local Plan Policies ENV1 and ENV25, Core Strategy Policies SP18 and SP19 and the NPPF require proposals to take account of their impacts on heritage assets. The Local Plan Policies should be afforded significant weight.
- 5.16 In accordance with paragraph 194 of the NPPF, Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Planning (Listed Building and Conservation Areas) Act 1990 requires, with respect to any buildings or land in a Conservation Area, that special attention be paid to the desirability of preserving and enhancing the character or appearance of the area.
- 5.17 The site lies within the Bolton Percy Conservation area which extends to include the whole of the Low Farm site. The applicants Heritage Statement indicates that the plot currently includes a large timber framed barn which will be removed to leave a flat, level and largely open plot with a perimeter defined by a timber post and rail fence. Boundaries would be reinforced and enhanced with new perimeter hedges of native species including hawthorn, blackthorn, holly and hazel to provide privacy when mature.
- 5.18 The village of Bolton Percy includes dwellings of various styles, from different periods and at various scales and as such the existing character and appearance of the conservation area in the village is quite indistinct, especially with the larger more modern dwellings recently built such as the adjacent dwellings to the west side of Low Farm Road.
- 5.19 The proposed dwelling reflects some of the detailing found on the older more traditional village properties. The additions shown to the three subsidiary elevations appear as if added over time, as cottages were often extended. The dwelling has a simple design appropriate to its location with the form and composition of a familiar, domestic dwelling.
- 5.20 The Conservation Officer's (CO) comments advise that the proposal due to its scale, form and arrangement would be well related to the local vernacular and conservation area. The CO adds that the submitted Heritage Assessment is however lacking and does not comply with the requirements of the NPPF – specifically paragraph 194 whereby an applicant is required to “*describe the significance of any heritage assets affected, including any contribution made by their setting*” and advises that it is lacking with regard to how the proposal would be of benefit to the local character. However, the CO concludes that subject to conditions relating to all materials,

windows and doors, the proposed development has the potential to enhance the character of this part of the Conservation Area.

- 5.21 Having had regard to the above comments and considering Paragraph 135 of the NPPF, the proposals are acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Local Plan Policies ENV1 and ENV25, Core Strategy Policies SP18 and SP19 and the NPPF.

Highway Safety / Access

- 5.22 The proposed dwelling would have an access directly onto Low Farm Road, with parking for one car plus a garage and a 2m footpath would be provided across the frontage of the site.
- 5.23 The concerns of local residents in relation to parking, service vehicles and deliveries, footways and road safety are noted. However, the Local Highway Authority have not raised objections to the scheme but have included a suite of conditions in response,
- 5.24 The scheme would provide a safe means of access to the dwelling and would include adequate parking. It is therefore considered to be acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 110 b) of the NPPF with respect to the impacts on the local highway network.

Residential Amenity

- 5.25 Criterion 1) of Local Plan Policy ENV1 relates to the impact of development on adjacent properties.
- 5.26 The nearest dwellings are the existing Farmhouse immediately south of the application site, together with the new house on the adjoining plot and the converted farm buildings. There are two relatively modern semi-detached dwellings which front the unadopted side lane opposite the site to the south. In addition, there are two recently built dwellings on the opposite side of the main road to the west.
- 5.27 The Environmental Health Officer (EHO) has raised concerns in respect of the continued operation of the adjacent farm and use of the associated outbuildings and the impact on the proposed residential dwelling from noise, odour and dust. All the relevant farm buildings have been converted to dwellings and the development of the site would include removal of the remaining barns, including a smaller barn immediately adjoining the application site to the east. Therefore, none of the above concerns raised by the EHO have any bearing on the proposal.
- 5.28 The occupant of the adjacent dwelling located immediately south of the application site (Fossgarth) has raised concerns in respect of the impact of the dwelling on existing windows to their property. Whilst there are windows facing the development site, these are either secondary windows or do not serve habitable rooms, including the large window serving the stairwell (and hall in part). Moreover, the dwelling would face the side elevation of this property and not the rear or principal elevation.
- 5.29 The design of the scheme ensures that no significant detriment would be caused through overlooking, overshadowing, or creating an oppressive outlook on either the future residents of the proposed dwellings or the occupiers of adjacent properties. Adequate distances exist between the buildings, together with the existing and

proposed arrangement of private garden areas to the rear of the scheme is considered acceptable. Therefore, the proposal would not cause a detrimental impact on the residential amenities of the existing dwellings and an adequate standard of amenity can be provided for future occupants in accordance with Policy ENV 1 (1) of the Local Plan and the NPPF.

Flood Risk, Drainage & Climate Change

- 5.30 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. The application site is in Flood Zone 1 (checked on latest maps) (low probability of flooding) and as such it is not at risk from flooding. In respect of surface water, it is proposed to control run-off via an existing watercourse. Foul water would be disposed of via the existing main sewer.
- 5.31 The concerns of the Parish Council and Local Residents in relation to problems with drainage are noted. However, the Internal Drainage Board do not raise any objections, subject to the inclusion of conditions requiring surface water drainage to be agreed prior to the commencement of development and to include evidence of current discharge from the site to the watercourse; soakaway testing, extent of run-off and the requirement to gain consent to discharge to an IDB owned watercourse.
- 5.32 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate to meet eight criteria set out within the policy. Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree and dependant largely on the nature and scale of the proposed development.
- 5.33 In respect of energy efficiency, no information is included in this application but given that it is the same as the previous refusal it is presumed that renewable materials would (as before) be utilised as far as possible. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.34 The proposal would not have a significant impact on flood risk, drainage, and the sewerage system. Having had regard to the above and subject to the inclusion of conditions the proposed scheme is therefore considered acceptable in accordance with Local Plan Policy ENV1(3), Core Strategy Policies SP15 B) and SP16 and the NPPF with respect to flood risk, drainage, and climate change.

Ecology

- 5.35 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.
- 5.36 Core Strategy Policy SP18 and paragraphs 179 to 182 of the NPPF set out the considerations with regards to the impact of development on habitats and biodiversity.
- 5.37 The Ecological Appraisal submitted confirms that there are no notable or protected habitats on site. There were no signs of use by protected species nor did the site offer suitable habitat for any. The site consists of bare ground, a section of species-

poor hawthorn hedge, a small strip of improved grassland, and an open-sided barn. The barn offers no bat roosting potential, and no further bat survey work is required. A barn owl has previously used the barn as an occasional feeding roost site, but there is no evidence of recent usage. A permanent internal barn owl nest box is being provided within a building adjacent to the site, which is subject to recent planning approval and condition. There would be loss of nesting habitat in the agricultural building and there could be risk of disturbance to nesting birds if hedges or building removal takes place in the nesting season or if active nests are present. However, this can be controlled through a suitable planning condition.

- 5.38 Comments received in respect of Ecology are noted and there are local records for Great Crested Newt (GCN) within Bolton Percy. The NYCC Ecology Consultant (EC) has reviewed the submitted assessment and raises no concerns in this regard and states that due to the fact that the development site is within an active farmyard, and there is the absence of a suitable GCN habitat on site, presence/absence surveys are not required. The EC does add however that whilst the current survey is still valid (March 2018), if there is further delay in determining the application then updated surveys may be. Having contacted the EC again, she has stated that it is unlikely there would be any changes to the assessment on the SINC/SSSI and that key species to consider in respect of changes are bats and barn owl. The EC adds that a single visit may be sufficient for the consultants to confirm no changes in status as previous but if the building has become more suitable for bats or barn owl then further detailed work may be required and the EC consulted again. This would of course only be required, should the application be approved.
- 5.39 In light of the circumstances of the site and comments from the NYCC Ecology Officer, it is considered that subject to an update to the initial assessment as referred to above, the proposal would be in accordance with Policy ENV1 (5) and the advice contained within the NPPF with respect to nature conservation.

Land Contamination

- 5.40 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 states that 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 183 (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.
- 5.41 A Phase 1 Contamination Report was submitted as part of the application and the Contaminated Land Consultant (CLC) has responded advising that they would require standard conditions relating to land contamination which were included in response to application ref: 2018/0260/FUL
- 5.42 As such the proposal is acceptable with respect to contamination in accordance with Local Plan Policy ENV2 k), Core Strategy Policy SP19 and the provisions of the NPPF.

Affordable Housing

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

- 5.44 Core Strategy Policy SP9 states 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.
- 5.45 The NPPF is however a material consideration and states at paragraph 64 that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* ‘Major development’ is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”
- 5.46 The application proposes one dwelling and as such is not a major development. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the national policy contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Waste & Recycling

- 5.47 The Selby District Council Developer Contributions SPD requires that all new residential developments are to be designed to accommodate refuse bins and waste recycling facilities in a way that facilitates the collection of refuse and materials for recycling, without harming residential and visual amenity.
- 5.48 The SPD requires schemes of 4 or more dwellings to contribute financially towards waste and recycling facilities. As the proposal is for a single dwelling, no financial contribution would be required, and the size of the site would be suitable to accommodate the necessary waste and recycling facilities.

6. CONCLUSION

- 6.1 The application site is outside the development limit of a Secondary Village and would not fall within any of the categories of acceptable forms of development set out in Policy SP2 A(c). Whilst there would be some positive impact on the Conservation Area, it is considered that this is insufficient to outweigh the harm to the character and appearance of the area as identified and not considered to outweigh the conflict with the settlement policies. The proposal therefore conflicts with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Moreover, the proposed development would not amount to a sustainable form of development and would thus be contrary to Core Strategy Policies SP1 and Policy SP2 A(c). The application should therefore be refused on this basis.
- 6.2 The development would project beyond the existing village settlement limits by extending the built form beyond the village limit. As such the approach to the village would be urbanised and dominated by a new modern detached dwelling rather than the existing transition from fields to farmyard and then dwellings. This would result in a harsh urban edge and a sharp transition from field to a dwelling, particularly when viewed from the north approach and would cause harm to the character and appearance of the area. The scheme would therefore result in a development which would have a significant and demonstrable harmful impact on the character and setting of the village, contrary to the aims of Core Strategy Policies SP1 and SP19, Local Plan Policy ENV 1 and with the aims of the NPPF.

7. RECOMMENDATION

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

1. The site lies outside the Development Limits of a Secondary Village on land within the open countryside which is a less sustainable location and the economic benefits to the local economy arising from a single dwelling would be limited. The expansion of the village beyond the development limits would undermine the spatial integrity of the development plan and the ability of the council to deliver a plan led approach. The proposal does not fall within any of the categories of development specified as being acceptable in the open countryside as set out in Policy SP2 (c) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposed development would not amount to a sustainable form of development and would thus be contrary to SP1 and Policy SP2A(c) of the Core Strategy and paragraph 14 of the NPPF.
2. The development would project beyond the existing village settlement limits by extending the built form beyond the village limit. As such the approach to the village would be dominated by a new modern detached dwelling rather than the existing transition from fields to farmyard and then dwellings. This would result in a harsh urban edge, particularly when viewed from the north approach and would cause harm to the character and appearance of the area. The scheme would therefore result in a development which would have a significant and demonstrable harmful impact on the character and setting of the village, contrary to the aims of Core Strategy Policies SP1 and SP19, Local Plan Policy ENV 1 and with the aims of the NPPF.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/0522/FUL and associated documents.

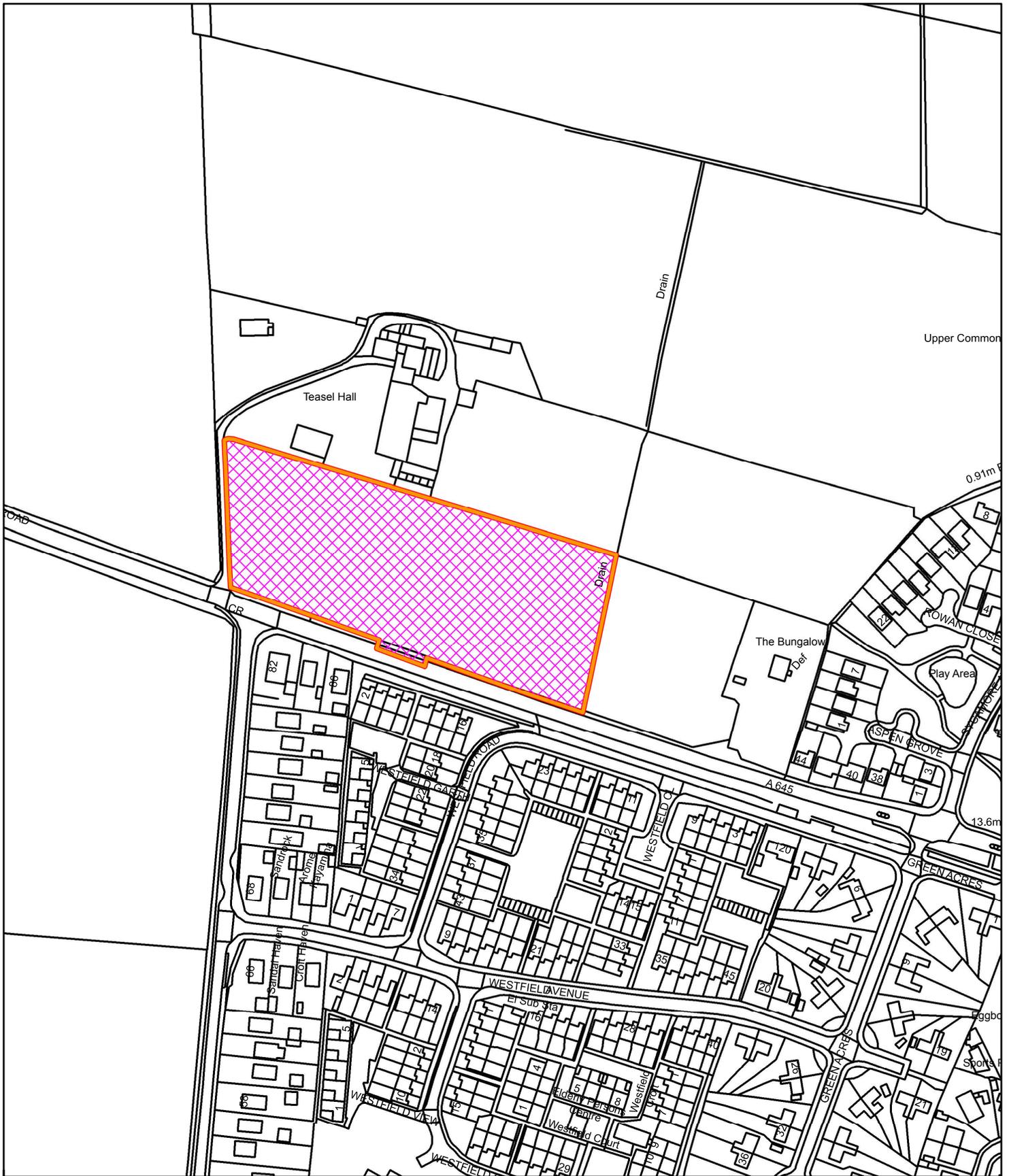
Contact Officer: Mandy Cooper (Senior Planning Officer)

Appendices: None

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Agenda Item 5.3

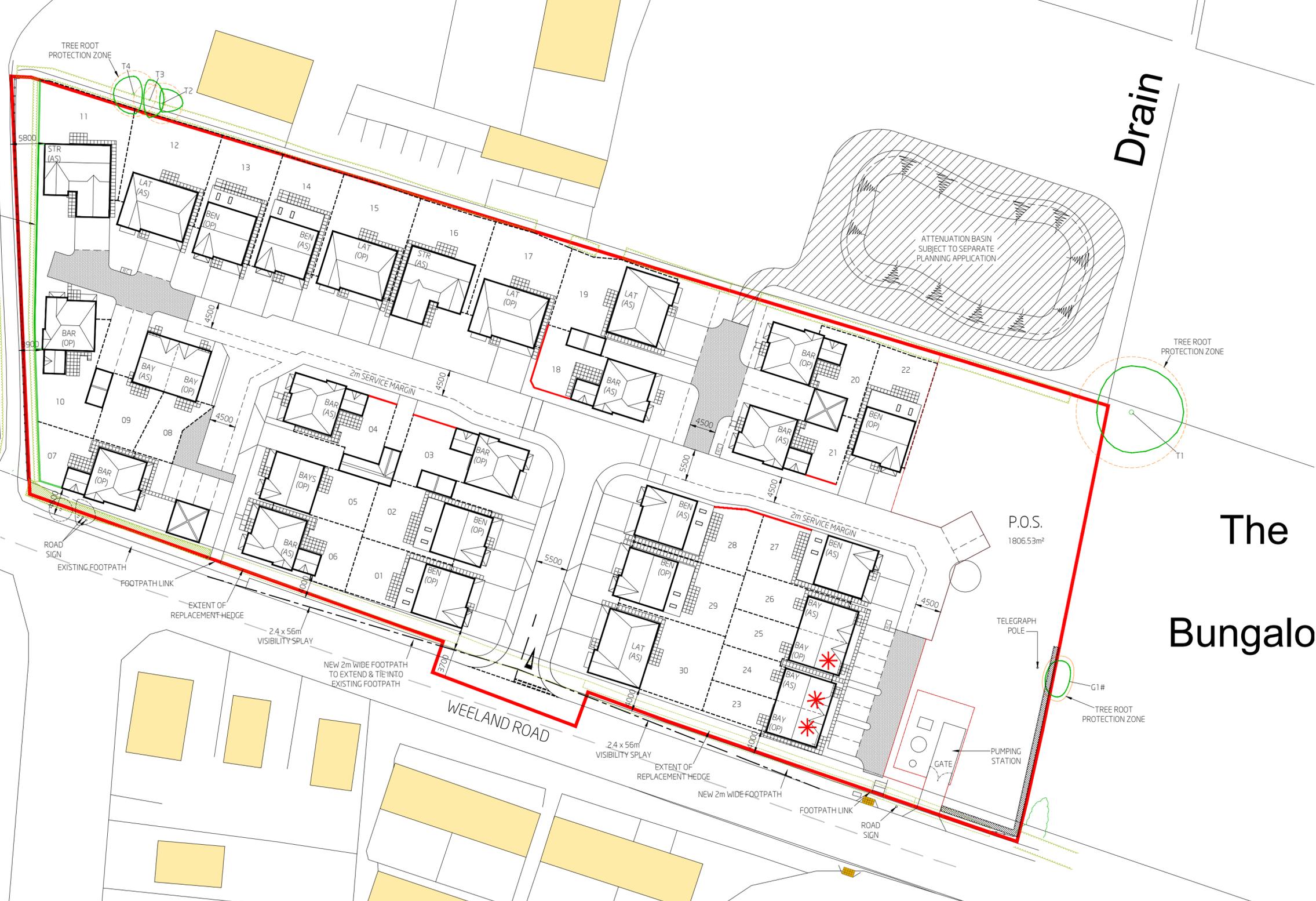
Aspen Grove, Weeland Road, Eggborough
2019/1328/REMM



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- LEGEND:**
- PROPOSED FENCING / WALL. REFER TO BOUNDARY TREATMENT LAYOUT FOR TYPE & LOCATION
 - BRICK WALL & TIMBER SCREEN (SF1 FROM JH STANDARD BOUNDARY TREATMENT)
 - EXISTING FENCING
 - 0.5m HIGH WALL
 - 1.5m HIGH WALL
 - EXISTING HEDGE REDUCED TO 1m IN HEIGHT
 - EXISTING HEDGE REMOVED FOR CONSTRUCTION OF FOOTPATH. PLEASE REFER TO LANDSCAPING PLAN FOR REPLACEMENT DETAILS
 - PROPOSED HEDGE PLEASE REFER TO LANDSCAPING PLAN FOR FURTHER DETAILS
- NOTE: REPLACEMENT HEDGE SET BACK FROM NEW FOOTPATH BY 1m WITH GRASS VERGE BETWEEN
- PROPOSED TREE
 - EXISTING TREE
 - EXISTING TREE TO BE REMOVED
 - * DISCOUNT FOR SALE UNITS
 - RC REFUSE COLLECTION POINT

The Bungalow

KK	22.12.21	REMOVED RC FROM PLOT 08. ADDITION OF PROPOSED HEDGE TO POS.	SM
J	09.12.21	2m SERVICE MARGIN. LOCATION CHANGED TO AVOID CLASH WITH SW DRAINAGE	SM
II	01.12.21	PLOTS 13,14 & 22 MOVED BACK TO ALLOW 5.6M DRIVE, ROAD AND SERVICE MARGIN EXTENDED TO FRONT OF PLOT 13	SM
HH	03.11.21	AMENDED IN LINE WITH TRANSPORT CONSULTANTS COMMENTS	SM
GG	26.10.21	AMENDMENT TO PLOT 9 & 8 SHARED GARDEN BOUNDARY	SM
FF	25.10.21	ADDITION OF VISITOR PARKING AMENDMENT TO TURNING HEAD NEAR PLOT 22	SM
EE	21.10.21	AMENDED FOLLOWING CLIENTS COMMENTS. REMOVED PLOT 28 GARAGE AND MOVED TOWARD ROAD	SM
DD	21.10.21	AMENDED FOLLOWING CLIENTS COMMENTS. CHANGES TO PLOT 28 HOUSE TYPE AND PLOT 3 BOUNDARY	SM
CC	20.10.21	AMENDED FOLLOWING CLIENTS COMMENTS. INCREASED DISTANCES FROM BOUNDARY TREATMENT TO SITE BOUNDARY	SM
BB	07.10.21	AMENDED FOLLOWING PLANNING COMMENTS	PG
AA	19.07.21	PLOTS 27, 20, 21 & 22 UPDATED AT CLIENT REQUEST. POS INCREASED & AMENDMENTS MADE TO TURNING CIRCLE	SM
Z	14.07.21	PLOTS 21 & 27 UPDATED AT CLIENT REQUEST	SN
X	13.07.21	TOTAL NUMBER OF PLOTS REDUCED TO 30	SN
Y	02.06.21	CLIENT AMENDMENTS TO PLOTS 2 & 11. DRIVE BETWEEN PLOTS 20 & 22 UPDATED	SN
W	25.05.21	CLIENT AMENDMENTS	SN
V	19.05.21	BOUNDARY AMENDMENTS TO CLIENT COMMENTS	SN
U	13.05.21	HOUSES ALONG WEELAND ROAD AND THE WEST OF THE SITE MOVED AWAY FROM THE SITE BOUNDARY. PLOT 15 CHANGED TO A BENTLEY. PUMPING STATION RE-LOCATED	SN
T	25.03.21	PLOT 26 CHANGED TO A BENTLEY HOUSE TYPE	SN
S	28.01.21	UPDATED TO HIGHWAYS OFFICER COMMENTS	SN
R	17.12.20	CLIENT AMENDMENTS	SN
Q	26.11.20	OFF SITE ATTENUATION BASIN AND PUMPING STATION ADDED	SN
P	03.07.20	BOUNDARY TREATMENT & HEDGE AMENDED TO SITE FRONTAGE ALONG WEELAND ROAD FOLLOWING PLANNING OFFICER COMMENTS	SN
O	08.06.20	EXISTING HEDGE UPDATE	SN
N	02.06.20	CLIENT AMENDMENTS	SN
M	07.05.20	TURNING HEAD AT WEST OF SITE UPDATED FOLLOWING VEHICLE TRACKING EXERCISE	SN
L	04.05.20	RADIUS CURVES ADDED TO SHARED SURFACES TO THE FRONT OF PLOT 4. SHARED SURFACE WIDENED AT PLOTS 26-30 & AT THE SIDE OF PLOT 31	SN
K	27.04.20	SHARED SURFACES TO THE FRONT OF PLOTS 4 & 25 AMENDED TO ACCOMMODATE VEHICLE SWEEP PATH	SN
J	14.04.20	CLIENT AMENDMENTS	SN
I	18.03.20	CLIENT AMENDMENTS	PG
H	13.03.20	CLIENT AMENDMENTS	PG
G	10.03.20	SCHEME UPDATED. RETAINED TREES AND ROOT PROTECTION ADDED	PG
F	26.02.20	AMENDED FOLLOWING PLANNING COMMENTS	PG
E	22.11.19	BLOCK PAVING SHOWN TO PRIVATE DRIVES SINGLE GARAGE ROOF LINES AMENDED. PRIVATE DRIVE SERVING PLOTS 26-29 EXTENDED. PLOT 10 & 11 PARKING AMENDED.	JB
D	18.11.19	BAYCLIFFE HOUSE TYPES AMENDED AND BASIN ADDED.	JB
C	11.11.19	BAYCLIFFE HOUSE TYPES AMENDED TO LATEST CLIENT ISSUE. PLOT 3 GARAGE POSITION ADJUSTED. PLOTS 26-30 POSITIONS ADJUSTED.	JB
B	01.11.19	SITE LAYOUT RE-DRAWN. SCHEDULE OF ACCOMMODATION UPDATED.	JB
A	28.08.19	SITE BOUNDARY AMENDED & OS PLAN ADDED FOLLOWING RECEIPT OF INFORMATION FROM CLIENT.	JB
revision	date	content	initials

AMENDED DRAWING

Schedule of Accommodation							
To be read in conjunction with drawing no. 3052-0-001 - Latest revision							
Housetype	No. of Beds	Type	No. of Units	Percentage	Sq. Ft.	Total Sq. Ft.	
BAY	BAYCLIFFE	3 Bedrooms	Semi-detached/Detached	6	20.00	941	5646.00
BEN	BENTLEY	4 Bedrooms	Detached	8	26.67	1619	12952.00
BAYS	BAYSWATER	4 Bedrooms	Detached	1	3.33	1448	1448.00
BAR	BARBRIDGE	4 Bedrooms	Detached	8	26.67	1668	13344.00
STR	STRATTON	5 Bedrooms	Detached	2	6.67	1678	3356.00
LAT	LATCHFORD	5 Bedrooms	Detached	5	16.67	1786	8930.00
Totals				30	100.00		45676.00

SKETCH subject to structural review subject to accurate measured survey

project	PROPOSED RESIDENTIAL WEELAND ROAD, EGGBOROUGH
client	JONES HOMES
title	PROPOSED SITE LAYOUT
date	04.07.19
scale	1:500@A2
drawn	JB
drawing number	3052-0-001 KK

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 Deck 2 The Waterscape
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Report Reference Number: 2019/1328/REMM

To: Planning Committee
Date: 9 February 2022
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1328/REMM	PARISH:	Kellington Parish Council
APPLICANT:	Jones Homes (Yorkshire) Limited & Glade Developments Ltd	VALID DATE: EXPIRY DATE: EXTENSION OF TIME:	18th December 2019 18th March 2020 11 th February 2022
PROPOSAL:	Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 30 residential dwellings, pursuant to outline permission reference 2016/0124/OUT		
LOCATION:	Land Adjacent Aspen Grove Weeland Road Eggborough Goole East Yorkshire		
RECOMMENDATION:	GRANT, subject to completion of Deed of Variation		

This application has been brought before Planning Committee as the proposals reduce the amount of recreational open space to be provided on site from the 2,900 square metres agreed by the Planning Inspectorate in December 2016 to 1,800 square metres. Furthermore, notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals, which requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary. This is subject of planning application reference 2020/1369/FUL, which has also been brought before Planning Committee for consideration, and is the next item on the agenda, given its link to this application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises an undeveloped agricultural field to the west side of Eggborough village on the northern side of Weeland Road. There is an undeveloped agricultural field between the application site and the built development within Eggborough village on the northern side of Weeland Road, however, the application site only extends slightly beyond the existing development limit bounded by Kellington Lane on the southern side of Weeland Road. The application site does not extend as far back from Weeland Road as the recent development off Sycamore Avenue, with the site's northern boundary in line with the northern boundary of The Bungalow, to the south of Teasel Hall.
- 1.2 The area to the east and south of the application site is predominantly made up of built development forming part of Eggborough Village (with the exception of the undeveloped agricultural field to the immediate east of the application site, which has a limited frontage along the road). To the north of the application site is Teasel Hall, set within and surrounded by undeveloped agricultural fields. To the west of the application site are undeveloped agricultural fields.

The Proposal

- 1.3 The application proposes the erection of 30 residential dwellings pursuant to outline planning permission reference 2016/0124/OUT.
- 1.4 The proposed dwellings would be accessed from a new vehicular access from Weeland Road, towards the centre of the site frontage with Weeland Road, which was agreed as part of the outline planning permission.
- 1.5 This would lead to a T-shaped internal road layout to be adopted by the Highway Authority, with three private drives leading off to the north, east and west, around which the residential dwellings would be sited. The residential dwellings would be predominantly four and five bedroomed two-storey detached properties, although four three bedroomed two storey semi-detached dwellings would also be provided, three of which would make up the affordable housing provision on the site.
- 1.6 To the east end of the application site would be an area of recreational open space, totalling approximately 1,800 square metres, along with a pumping station.
- 1.7 Existing green boundaries would be retained to the north and east of the application site. A 0.5-1.5-metre-high wall with hedge planted to the front, to be maintained at a minimum target height of 1.5 metres, would be introduced to the western boundary of the application site. The southern boundary of the application site would comprise a mixture of existing and proposed hedgerow maintained at a minimum target height of 1.8 metres. A 2-metre-wide footway would be provided along the site frontage with Weeland Road as per condition 6 of outline planning permission reference 2016/0124/OUT.
- 1.8 Notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals, which requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary. This is subject of planning application reference 2020/1369/FUL,

although the proposed layout of the off-site SuDS basin to the north of the application site has been shown on the submitted plans for information purposes.

Relevant Planning History

- 1.9 The following historical applications are considered to be relevant to the determination of this application.
- 2016/0124/OUT - Outline planning application for up to 34 residential dwellings with all matters reserved except for access – Refused - Decision Date 09-MAY-16. Subsequent appeal allowed 28-DEC-2016.
 - 2018/1074/DOV - Request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme approved under reference 2016/0124/OUT for up to 34 residential dwellings with all matters reserved except for access – Granted – Decision Date 09-MAR-2020.
 - 2020/1369/FUL - Installation of a Sustainable Drainage System (SUDS) basin in respect of the adjacent residential development for 30 dwellings – Pending Consideration.

2. CONSULTATION AND PUBLICITY

The proposals have been amended and re-consulted on a number of times throughout the application process. The most recent responses from consultees are summarised below.

- 2.1 **Kellington Parish Council** – In respect of foul drainage, the applicant simply states they will be connecting into the public sewer. This will be the Eggborough sewer that has, once again this year, been shown to be not fit for purpose - heavy rain has seen raw sewerage in gardens, toilets full and sewerage coming out of a shower. Comment that dwellings cannot keep being added to a system that is inadequate.
- 2.2 **Eggborough Parish Council** – No response.
- 2.3 **Landscape Architect** – Latest written comments dated 04.03.2021, prior to the submission of the most recent amended plans.
- Overall, the proposed scheme does not provide a suitably designed layout and landscaping scheme incorporating public open space and is likely to impact on local amenity, landscape character and setting of the existing settlement.
 - Western and southern boundaries – substandard amount of standoff space to allow for retention of existing hedgerows and new landscape and hedgerow boundary treatment to protect local character and setting.
 - Recreational open space – should be well laid out and exclude pumping stations and other conflicting infrastructure. A central location would be more meaningful to the development as a whole. If attenuation basins are to be considered part of recreational open space, then they should be sympathetically designed and contribute as attractive meaningful landscape areas, not steep-sided engineered structures.

Verbal comments to most recent amended plans provided in December 2021. No objections, subject to conditions relating to: (1) implementation of landscaping

scheme; (2) tree/hedge protection measures and arboricultural method statement; (3) maintenance and management plan for existing and proposed trees and hedgerows.

2.4 **Urban Designer** – Latest comments dated 16.03.2021, prior to the submission of the most recent amended plans.

- Western boundary – Substandard amount of space available for perimeter planting. Consideration should be given to allowing more space between the site boundary and the residential properties with a mix of wall and planted boundary.
- Boundary materials throughout the development – boundaries facing the public realm should be brick to match the properties which they serve rather than close boarded timber fences. Boundaries to the fronts of properties should also adopt similar principles although combinations of brick and rail or other types of appropriate fencing/hedging might be appropriate.
- Building materials - recommend a consistent use of materials for properties bounding the edge of the development (but not buff brick), rather than the current pick and mix approach. Greater variety within the site might however be an acceptable feature. Materials should be conditioned subject to approval of samples.
- Pedestrian/cycle gates to the western and southern boundaries should be explored.
- Recreational open space has been pushed to the edge of the development and includes the pumping station as a central feature. The potential to locate the recreational open space more centrally within the site should be explored.

2.5 **Designing Out Crime Officer** – No objections - previous concerns raised appear to have been addressed through the submission of amended plans.

2.6 **NYCC Highways** – No objections, subject to conditions.

2.7 **The Environment Agency (Liaison Officer)** – No response.

2.8 **SuDS and Development Control Officer** –The reserved matters application seeks approval for the site layout. However, no drainage details have been submitted in support. In accordance with paragraph 165 of the NPPF, all major development must provide a sustainable drainage system, which must have minimum operational standards. The condition applied to the outline appeal decision requires the drainage system to be design in accordance with Defra’s Non-Statutory Technical Standards for SuDS. The condition is sufficient to secure the drainage design, however, the applicants and the Local Planning Authority should satisfy themselves that the site’s storage requirement can be provided within the proposed site layout.

2.9 **Danvm Drainage Commissioners Shire Group of IDBs** – No response.

2.10 **Yorkshire & Humber Drainage Boards** – No objections.

2.11 **Yorkshire Water Services Ltd** – No comment.

2.12 **Contaminated Land Consultant** – Further works to carry out iterative refinement of the CSM, including testing for pesticides and sampling of the made ground, will be required.

- 2.13 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.14 **Education Directorate North Yorkshire County Council** – No contribution sought.
- 2.15 **Stephanie Porter Vale of York CCG** – No response.
- 2.16 **Public Rights of Way Officer** – No response.
- 2.17 **Waste and Recycling Officer** – Each property will require an external storage area for 4 x 240 litre wheeled bins - 1x refuse, 1x green waste, 2 x recycling. As there are more than four properties in the development, the developer would be required to pay for and provide the bins. Refuse collection vehicles will not access private drives or use them for turning, therefore refuse collection points will be required where there are private drives. These should be located within 10 metres of the junction with the main road and be large enough to accommodate 2 x 240 litre wheeled bins per property. Swept path drawings have been provided to show the turning areas for refuse collection vehicles, however, there is potential for on-street parking to cause an obstruction to refuse collection vehicles in the area around the recreational open space.
- 2.18 **Neighbour Summary** – The application was advertised by neighbour notification letter, site notice and press notice. No letters of representation have been received as a result of the advertisement of this application.

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 for planning policy purposes.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding. A watercourse runs along the eastern boundary of the application site.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219....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 – The Scale and Distribution of Housing
SP8 – Housing Mix
SP9 – Affordable Housing
SP15 – Sustainable Development and Climate Change
SP16 – Improving Resource Efficiency
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
ENV2 – Environmental Pollution and Contaminated Land
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT2 – Open Space Requirements for New Residential Developments
CS6 - Developer Contributions to Infrastructure and Community Facilities

National Planning Policy Framework^[JT1]

4.8 The relevant National Planning Policy Framework chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities

5 APPRAISAL

5.1 Since the principle of development and the access have been established under the outline planning permission (reference 2016/0124/OUT), the main issues to be taken into account when assessing this reserved matters application for layout, scale, appearance and landscaping are:

- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Waste and Recycling
- Flood Risk and Drainage
- Affordable Housing
- Recreational Open Space
- Other Issues

Design and Impact on the Character and Appearance of the Area

5.2 Saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area.

5.3 In terms of layout, the submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) demonstrates that the application site would accommodate 30 residential dwellings, which would be four less than the maximum amount allowed under the outline planning permission. The proposed dwellings would be accessed from a new vehicular access from Weeland Road, towards the centre of the site frontage with Weeland Road, which was agreed as part of the outline planning permission. This would lead to a T-shaped internal road layout to be adopted by the Highway Authority, with three private drives leading off to the north, east and west, around which the residential dwellings would be sited. Properties would be sited side onto the frontage with Weeland Road and side onto the access track to Teasel Hall to the west, with a linear row of dwellings to the rear of the site, aside from where the access to the proposed off-site SuDS basin (subject of a separate planning application, reference 2020/1369/FUL) is located where four properties are turned 90 degrees to front onto the private drive which would be used to as a maintenance access for the SuDS basin. To the east end of the application site would be an area of recreational open space, totaling approximately 1,800 square metres, along with a pumping station. The proposed layout is considered to be acceptable and would not be harmful to the form and layout of the village and would not harm its intrinsic character. It is noted that proposed layout reduces the amount of recreational open space to be provided within the site to that agreed by the Planning Inspectorate in December 2016, and that the SuDS basin is now proposed to be provided off-site as opposed to on-site. These matters will be addressed in later sections of this report.

- 5.4 In terms of housing mix, residential dwellings would be predominantly four and five bedroomed, although four three bedroomed dwellings would also be provided, three of which would make up the affordable housing provision on the site. This would not be in accordance with the demand and profile of households evidenced from the most recent strategic housing market assessment, as required by Policy SP8 of the Core Strategy. However, following discussions with the applicant and legal advice being sought from the Council's Solicitor, it has been confirmed that in the absence of a condition at the outline stage relating to housing mix, this is not something which can be considered at the reserved matters stage as it does not relate to one of the reserved matters for consideration at the reserved matters stage, those being layout, scale, appearance and landscaping. Therefore, on the basis that there is no condition attached to the outline planning permission relating to housing mix, it is considered that the proposed housing mix is acceptable in this instance.
- 5.5 In terms of scale and appearance, the design and materials of surrounding properties are a mixture. The submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) demonstrates the site would comprise of two storey properties formed from size dwelling types, mostly detached but one of which would be semi-detached and would feature in a couple of areas around the site. The proposed elevations for each of the house types demonstrate each of the dwellings would have a simple traditional appearance with pitched or hipped roof forms, with gable or pitched projections at either two storey or single storey level to either the front, side or rear. Garages would either be integral to properties or provided as single or double detached garages. A materials layout plan was originally submitted with the application but has subsequently been removed as a result of concerns raised by the Council's Urban Designer regarding the materials being proposed. The Council's Urban Designer recommends a consistent use of materials for properties bounding the edge of the development (but not buff brick), rather than the pick and mix approach proposed on the materials layout plan originally submitted with the application. Greater variety of materials within the site may be considered to be an acceptable feature. An amended materials plans has not been submitted for consideration at this stage, and it is considered that materials could be conditioned as part of any permission granted under this application. Having regard to the location of the proposed development and the context of the site, it is considered that the scale and appearance of the proposed development would be acceptable and would not have any significant adverse impact on the character and appearance of the area.
- 5.6 In terms of landscaping, the submitted Soft Landscaping Plan (drawing no. 4126-210-K) demonstrates that existing green boundaries would be retained to the north and east of the application site. A 0.5-1.5-metre-high wall with hedge planted to the front to be maintained at a minimum target height of 1.5 metres, would be introduced to the western boundary of the application site. The southern boundary of the application site would comprise a mixture of existing and proposed hedgerow maintained at a minimum target height of 1.8 metres. A 2-metre-wide footway would be provided along the site frontage with Weeland Road as per condition 6 of outline planning permission reference 2016/0124/OUT, which would require the part of the existing hedgerow to the site frontage with Weeland Road to be removed and replaced with a new hedgerow set slightly further back into the site. Pockets of landscaping would be provided to the front of and surrounding residential properties. Furthermore, the recreational open space would comprise a grassed area for informal recreation with a native buffer mix and trees planted to the north and part of the eastern side, and native and formal hedgerows planted to the western, southern and part of the eastern sides, with a scattering of trees being

planted. The Council's Landscape Architect raises no objections to the proposed landscaping, subject to conditions relating to: (1) implementation of landscaping scheme; (2) tree/hedge protection measures and an arboricultural method statement; and (3) a maintenance and management plan for existing and proposed trees and hedgerows. Officers consider it would also be prudent to attach a condition to any permission granted under this reserved matters application requiring further landscaping to be provided around the pumping station, such as a hedge, to provide screening and reduce its prominence when viewed from within the application site. Subject to these conditions being attached to any permission granted under this permission, it is considered that the landscaping of the proposed development would be acceptable and would not have any significant adverse impact on the character and appearance of the area.

- 5.7 In terms of boundary treatments within the application site, these are proposed as shown on the submitted Boundary Treatment Plan (drawing no. 3052-0-018-I) and are considered to be acceptable and would not have any significant adverse impact on the character and appearance of the area. A condition could be attached to any permission granted under this reserved matters application to ensure that the brick walls facing onto the public realm are constructed from the same materials as the dwellings to which they relate.
- 5.8 Subject to the aforementioned conditions, it is considered the proposals are acceptable in accordance with saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.9 Saved Policies ENV1 and ENV2(A) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.
- 5.10 Given the size, siting and design of the proposed dwellings and their relationship to neighbouring residential properties outside the application site, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any neighbouring residential properties outside the application site. While the proposals would have an effect on views from existing neighbouring properties, with dwellings being seen in place of open undeveloped land, this is not a material consideration which can be taken into account in the determination of this application. The outline planning permission, reference 2016/0124/OUT, has already agreed to the principle of development at the site which would see a change from open undeveloped land to residential development.
- 5.11 Given the layout, scale, appearance and landscaping of the proposed dwellings, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any residential properties within the application site. Furthermore, it is considered that the proposed dwellings would each benefit from an adequate amount of useable external amenity space for the occupiers of the proposed dwellings.

- 5.12 Having regard to the above, it is considered the proposals are acceptable in accordance with saved Policies ENV1 and ENV2(A) of the Selby District Local Plan and national planning policy contained within the NPPF.

Impact on Highway Safety

- 5.13 Saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and paragraphs 110 and 111 of the NPPF set out the considerations with regards to the impact on highway safety.
- 5.14 The access has been established under the outline planning permission (reference 2016/0124/OUT), however, it is necessary to assess whether the layout, scale, appearance and landscaping of the development, proposed under this reserved matters application would have any adverse impact on highway safety.
- 5.15 North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the layout, scale, appearance, and landscaping of the development in so far as they relate to highway safety. A number of conditions have been proposed to be attached to any permission granted, however a number of these relate to the access to the site which was considered and conditioned under the outline planning permission and is not for consideration under the current reserved matter application. However, it would be considered reasonable and necessary to attach to any permission granted under this reserved matters application relating to: (1) detailed plans of road and footway layout; (2) construction of roads and footways prior to occupation of dwellings; (3) discharge of surface water; (4) verge crossings; (5) provision of approved access, turning and parking areas; and (6) conversion of garages to habitable accommodation.
- 5.16 Subject to the aforementioned conditions, it is considered the proposals are acceptable in accordance with saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Waste and Recycling

- 5.17 The Developer Contribution Supplementary Planning Document sets out considerations with regards to waste and recycling.
- 5.18 Each property is considered to have sufficient external storage space within its curtilage to accommodate 4 x 240 litre wheeled bins - 1x refuse, 1x green waste, 2x recycling.
- 5.19 As there are more than four properties in the development, the developer would be required to pay for and provide the bins. The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) requires a "Waste and Recycling Contribution" to be paid to the District Council to be used by the District Council towards the provision of waste and recycling facilities in the Site.
- 5.20 As refuse collection vehicles will not access private drives or use them for turning, refuse collection points are required where there are private drives. These should be located within approximately 10 metres of the junction with the main road and be large enough to accommodate 2 x 240 litre wheeled bins per property. There are three private drives within the proposed layout and a refuse collection point has been provided within approximately 10 metres of the junction with the main road of

each of these and is considered to be large enough to accommodate 2 x 240 litre wheeled bins per property.

- 5.21 Swept path drawings have been provided to show the turning areas for refuse collection vehicles. The Water and Recycling Officer raised concerns regarding the potential for on-street parking to cause an obstruction to refuse collection vehicles in the area around the recreational open space. As a result, a dedicated visitor car parking space has been allocated adjacent to the recreational open space. Each dwelling would benefit from off-street parking provision to NYCC Parking Standards.
- 5.22 On this basis, it is considered that the proposed layout is acceptable in respect of waste and recycling.

Flood Risk and Drainage

- 5.23 Flood risk and drainage were considered as part of outline planning permission (reference 2016/0124/OUT) and condition 7, relating to surface water drainage, was attached to the decision notice to ensure that the site is properly drained. No conditions were attached to the decision notice regarding foul drainage.

- 5.24 Condition 7 of outline planning permission reference 2016/0124/OUT reads:

“No dwelling shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.”

- 5.25 As part of this reserved matters application, a SuDS basin was initially proposed within the site in the area of the recreational open space. However, Officers raised concerns that the SuDS basin took up a significant proportion of the proposed recreational open space area reducing its functionality; and it also became apparent that since the granting of the outline planning permission there had been a change in guidance around surface water run-off rates which meant that the SuDS basin needed a greater storage capacity.

- 5.26 As a result of the above, notwithstanding the condition attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site SuDS basin as part of the surface water drainage proposals, which requires planning permission in its own

right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary, but within the same ownership as the application site. This is subject of planning application reference 2020/1369/FUL, although the proposed layout of the off-site SuDS basin to the north of the application site has been shown on the submitted plans for information purposes.

- 5.27 Officers consider the off-site SuDS basin to the north of the application site to provide an acceptable drainage solution for the site and are recommending approval of this application, which has also been brought before Planning Committee and is the next item on the agenda.
- 5.28 On this basis, Officers consider the layout of the proposed development is acceptable in terms of flood risk and drainage.

Affordable Housing

- 5.29 The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) sets out a requirement for 3 Discount Market Sale dwellings to be provided at the site.
- 5.30 The S106 Agreement, as amended by way of the Deed of Variation, requires the location and layout of the affordable housing units to be in accordance with an “Affordable Housing Plan” to be submitted to and approved in writing by the District Council as part of the Reserved Matters application. “Affordable Housing Plan” is defined in the Agreement as follows:

“...detailed scheme to be provided for the District Council’s approval identifying the number, types, size, location and tenures of the Affordable Housing Units and the timetable for the construction and Practical Completion thereof...”

- 5.31 The submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) can act as an “Affordable Housing Plan” and demonstrates that three affordable housing units would be provided at the site and that these would all be Discount Market Sale Dwellings as defined in the Agreement. These would all be three bedroomed semi-detached properties with sufficient internal and external space located next to each other towards the eastern end of the application site adjacent to the pumping station and recreational open space. Construction and practical completion would be subject to planning approval and prior to the occupation of 50% of the market dwellings in accordance with the Agreement.
- 5.32 The “Affordable Housing Plan” is considered to be acceptable and can be conditioned as part of an approved plans condition.

Recreational Open Space

- 5.33 The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) contains a requirement to provide “Recreational Open Space” at the site. “Recreational Open Space is defined in the Agreement as follows:

“...an area of open space to be provided within the Site equating to 2,900 square metres to be used as public open space and laid out in accordance with the Recreational Open Space Works Specification...”

- 5.34 *“Recreational Open Space Works Specification”* is defined in the agreement as follows:
- “... a scheme to be agreed with the Council, including plans, drawings and specifications showing but not limited to the layout and design of the Recreational Open Space including details of any proposed play areas and equipment, landscaping paths and access arrangements, street furniture and fencing.”*
- 5.35 The submitted plans demonstrate that approximately 1,800 square metres of recreational open space would be provided within the site. This is less than the 2,900 square meters required by the Agreement. However, it is unclear where the figure of 2,900 square metres came from.
- 5.36 Policy RT2 of the Selby District Local Plan requires proposals for new residential development comprising 5 or more dwellings to provide recreational open space at a rate of 60 square metres per dwelling. The outline proposal was for the erection of up to 34 residential dwellings, which in order to be policy compliant would require a maximum provision of 2,040 square metres of recreational open space to be provide within the site. Therefore, a higher figure was inserted into the agreement and there is no commentary in the outline planning permission to justify why this higher figure was used.
- 5.37 The current reserved matters application proposes the erection of 30 residential dwellings which in order to be policy compliant would require the provision of 1,800 square metres of recreational open space within the site. The applicants have submitted a draft Deed of Variation with the application to reduce the amount of recreational open space to be provided at the site to the policy compliant 1,800 square metres based on the number of dwellings being proposed. Officers consider the provision of 1,800 square metres of recreational open space on the site would be acceptable, subject to a Deed of Variation.
- 5.38 The submitted Soft Landscape Plan (drawing no. 4126-210-K) can act as a *“Recreational Open Space Works Specification”* and demonstrates that the recreational open space would comprise a grassed area for informal recreation with a native buffer mix and trees planted to the north and part of the eastern side, and native and formal hedgerows planted to the western, southern and part of the eastern sides, with a scattering of trees being planted. The recreational open space area is accessed from the road within the site. No play areas or equipment are proposed, nor is any street furniture or fencing. It is noted however, that there is an equipped play area within close proximity to the site within the adjacent residential development.
- 5.39 The *“Recreational Open Space Works Specification”* is considered to be acceptable and can be conditioned as part of an approved plans condition.

Other Issues

Contaminated Land

- 5.40 Three conditions were attached to the outline planning permission (reference 2016/0124/OUT) relating to contaminated land. These were conditions 9, 10 and 11, requiring an assessment of the risk posed by any contamination, followed by the

the submission of a remediation scheme where unacceptable risk posed by contamination was found, and the reporting of any unexpected contamination.

- 5.41 A "Phase 2 Environmental Assessment Site Investigation, dated July 2017 (reference 6168/R2) has been submitted as part of the reserved matters application and this has been assessed by the Council's Contaminated Land Consultants.
- 5.42 Although the Phase 2 report refers to the Phase 1 Hydrock report, it does not refer to the preliminary conceptual site model (CSM) presented therein, nor present any CSM of its own. The CSM presented within the Phase 1 report presented two potential contamination sources; *"possible elevated levels of metals and metalloids in any made ground that may be present, as well as the natural soils"*, and *"persistent biocides from historical agricultural use"*, stating *"the potential presence of pesticides from agricultural use is unknown and, whilst considered a low risk, will need to be confirmed by ground investigation and chemical testing."* The Phase 2 investigation does not include any testing for pesticides, nor any testing of the one area of made ground identified during the works. No justification is provided for either omission. Therefore, it is considered that further works to carry out iterative refinement of the CSM, including testing for pesticides and sampling of the made ground, is required.
- 5.43 Conditions 9, 10 and 11 of outline planning permission (reference 2016/0124/OUT) remain undischarged and when the further works have been undertaken a discharge of condition application can be submitted under condition 9 of outline planning permission 2016/0124/OUT. If land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme would be required to be submitted under condition 10 of outline planning permission 2016/0124/OUT.

6 CONCLUSION

- 6.1 The application proposes the erection of 30 residential dwellings pursuant to outline planning permission reference 2016/0124/OUT, which was for the erection of up to 34 residential dwellings with all matters reserved for future consideration except for access. Therefore, the principle of the development and the access have been established through the outline planning permission and only the reserved matters (layout, scale, appearance and landscaping) can be considered at this reserved matters stage.
- 6.2 The reserved matters details for the layout, scale, appearance and landscaping are considered to be acceptable, subject to various conditions and a Deed of Variation to reduce the amount of recreational open space to be provided at the site from the 2,900 square metres agreed by the Planning Inspectorate in December 2016 to 1,800 square metres. The details ensure that the proposal would not result in detrimental impacts on the character and appearance of the area, residential amenity, highway safety or any other issues.
- 6.3 Notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals. This requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary, and is subject of planning application reference 2020/1369/FUL, which

has been assessed by Officers and is considered to be acceptable. This application has also been brought before Planning Committee and is the next item on the agenda.

- 6.4 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, ENV2, T1, T2, RT2 and CS6 of the Selby District Local Plan, Policies SP1 SP2, SP5, SP8, SP9, SP15, SP16, SP18 and SP19 of the Core Strategy and the national planning policy contained with the NPPF.

7 RECOMMENDATION

This application is recommended to be GRANTED subject to completion of Deed of Variation and the following conditions:

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

3052-0-014 - Site Location Plan
3052-0-001 KK – Proposed Site Layout
3052-0-001-FF – Proposed Site Layout
3052-0-002 – I – Illustrative Street Scenes
3052-0-018-I – Boundary Treatment Plan
4126-210-K – Soft Landscape Plan
4126-2102-C – Boundary Landscape Plan
1094-006-B – Swept Path analysis Sheet 1
1094-007-B - Swept Path analysis Sheet 2
3052-0-003-A – Proposed Single Garage Plans and Elevations
3052-0-017 – Proposed Joined Single Garage Plans and Elevations
3052-0-016 – Proposed Double Garage Plans and Elevations
3052-0-010 – Latchford Floor Plans and Elevations
3052-0-008 – Barbridge Floor Plans and Elevations
3052-0-007 - Bentley Floor Plans and Elevations
3052-0-006 - Bayswater Floor Plans and Elevations
3052-0-004-B - Baycliffe Floor plans and Elevations
3052-0-009 - Stratton Floor plans and Elevations

Reason:

For the avoidance of doubt.

02. Notwithstanding the details shown on the submitted plans/drawings, prior to the commencement of development above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby granted, along with external elevational detailing and details of the window and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

03. The landscaping scheme as shown on drawing no's. 4126-210-K (Soft Landscape Plan) and 4126-2102-C (Boundary Landscape Plan) shall be carried out in its entirety within the first planting and seeding season following

the occupation of the dwellings. All trees, shrubs and hedges and plants shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any trees, shrubs, hedges, or plants which die, are removed, or become seriously damaged or diseased shall be replaced within the next available planting and seeding seasons with ones of similar size and species.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

04. Prior to the installation of the pumping station, a detailed landscaping scheme to demonstrate how the pumping station will be adequately screened from the north and east when viewed from within the recreational open space shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in its entirety within the first planting and seeding season following the occupation of the dwellings. All trees, shrubs and hedges and plants shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any trees, shrubs, hedges, or plants which die, are removed, or become seriously damaged or diseased shall be replaced within the next available planting and seeding seasons with ones of similar size and species.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

05. Prior to the occupation of the dwellings, a detailed management plan relating to the existing and proposed hedgerows, including a requirement for the proposed hedgerows to the western and southern boundaries to be maintained at a target height of 1.5 metres and 1.8 metres respectively (notwithstanding details shown on the submitted plans/drawings listed in Condition 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved management plan.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

06. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in the interests of visual amenity and having had regard to saved Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

07. Prior to the occupation of the dwellings, hard boundary treatments within the application site shall be implemented in accordance with the details shown on drawing no. 3052-0-018-I (Boundary Treatment Plan). The materials to be used for the brick walls shall match the materials to be used in the external construction of the dwellings to which they each relate. The hard boundary treatments shall thereafter be retained as such.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

08. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level
- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals.

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details.

It is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

Reason:

In accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

09. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason

In accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

11. No part of the development shall be brought into use until the approved, parking, manoeuvring and turning areas shown on the submitted plans/drawings listed in Condition 1 are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with saved Policies ENV1, T2 and T2 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), the garage(s) shall not be converted into

domestic accommodation without the granting of an appropriate planning permission.

Reason

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, having had regard to saved Policies ENV1 and T1 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 2019/1328/REMM and associated documents.

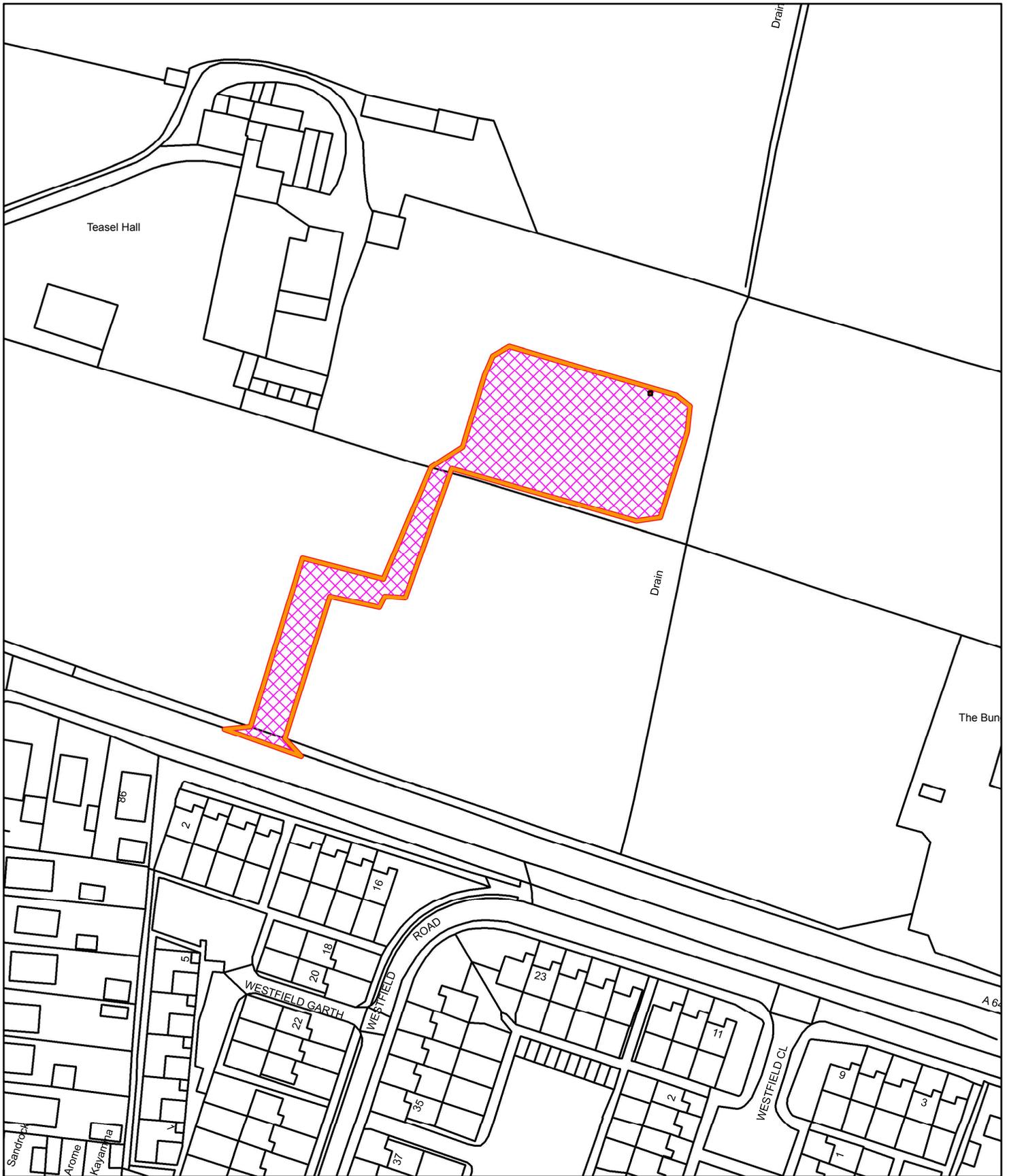
Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

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Agenda Item 5.4

Teasel Hall, Weeland Road, Eggborough, Goole
2020/1369/FUL



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**AMENDED
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Weeland Road, EGGBOROUGH
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PLANNING
subject to structural review
subject to accurate measured survey

revision	05/01/22	AMENDMENT TO BASIN	SM
date	08/10/21	SITE ACCESS UPDATED	PC
content			initials
project	PROPOSED OFFSITE DRAINAGE WEELAND ROAD, EGGBOROUGH		
client	JONES HOMES		
title	PROPOSED SITE LAYOUT		
date	19.11.20	scale	1:500@A2
drawn	SN	checked	
drawing number	3353-1-001_B	checked	

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Report Reference Number: 2020/1369/FUL

To: Planning Committee
Date: 9 February 2022
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1369/FUL	PARISH:	Kellington Parish Council
APPLICANT:	Jones Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE: EXTENSION OF TIME:	21st December 2020 15th February 2021 11 th February 2022
PROPOSAL:	Installation of a Sustainable Drainage System (SuDS) basin in respect of the adjacent residential development for 30 dwellings		
LOCATION:	Land Adjacent Teasel Hall Weeland Road Eggborough Goole East Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it relates to planning application reference 2019/1328/REMM, which has also been brought before Planning Committee for consideration and was the previous item on the agenda. Notwithstanding conditions attached to outline planning permission reference 2016/0124/OUT requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals. This requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises part of an undeveloped agricultural field to the west side of Eggborough village on the northern side of Weeland Road; to the north of a site which has outline planning permission for a residential development of up to 34

dwelling (under planning application reference 2016/0124/OUT) and which is the subject of a current reserved matters application for the erection of 30 dwellings (under planning application reference 2019/1328/REMM). There is an undeveloped agricultural field between the application site and the existing built development within Eggborough village on the northern side of Weeland Road, however, the application site does not extend beyond the application site for residential development to the northern side of Weeland Road (subject to 2016/0124/OUT and 2019/1328/REMM) or the existing development limit bounded by Kellington Lane on the southern side of Weeland Road. The application site does not extend as far back from Weeland Road as the recent development off Sycamore Avenue. The site's northern boundary extends beyond that of The Bungalow to the east but does not extend beyond the northern boundary of Teasel Hall to the west.

- 1.2 To the east and south of the application site is predominantly made up of built development forming part of Eggborough Village (with the exception of the undeveloped agricultural field to the immediate east of the application site). The south-eastern boundary is made up of field hedgerows with a large tree to the south-east corner of the site. To the north of the application site are undeveloped agricultural fields. To the west of the application site is Teasel Hall, set within and surrounded by undeveloped agricultural fields, beyond which are undeveloped agricultural fields.

The Proposal

- 1.3 The application proposes the installation of a Sustainable Drainage System (SuDS) basin to drain the adjacent residential development, which has outline planning permission for up to 34 dwellings (under reference 2016/0124/OUT) and is currently subject to a reserved matters application for the erection of 30 dwellings (under reference 2019/1328/REMM).
- 1.4 This application has been submitted for planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside the red line boundary of the outline permission.
- 1.5 The SuDS basin would be accessed from Weeland Road through the residential development site to the south, with a small section of existing hedge to the northern boundary of the residential site needing to be removed to allow access. A 3-metre-wide access track would be provided to the perimeter of the SUDS basin, which would itself be grass seeded to the sides and provide approximately 665 cubic metres of storage. The SuDS basin would have a maximum depth of approximately 1.6 metres below existing ground level, with shallow sloped sides.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 2016/0124/OUT - Outline planning application for up to 34 residential dwellings with all matters reserved except for access – Refused - Decision Date 09-MAY-16. Subsequent appeal allowed 28-DEC-2016.
 - 2018/1074/DOV - Request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme approved under reference 2016/0124/OUT for up to 34 residential

dwellings with all matters reserved except for access – Granted – Decision Date 09-MAR-2020.

- 2019/1328/REMM - Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 30 residential dwellings, pursuant to outline planning permission reference 2016/0124/OUT – Pending Consideration.

2. CONSULTATION AND PUBLICITY

2.1 **Kellington Parish Council** – No response.

2.2 **Landscape Consultant** – Latest written comments dated 04.03.2021:

- The drainage attenuation basin has been moved outside the application boundary to the north side. This is an engineered part of the development, impacting on use of the existing agricultural field.
- The attenuation basin would not be considered part of the site's recreational open space in its current form.
- If the attenuation basin is to be considered part of recreational open space, then it should be sympathetically designed and contribute as an attractive meaningful landscape area, not a steep-sided engineered structure.

Verbal comments provided in December 2021 following confirmation that the SuDS basin was not intended to form part of the recreational open space for the adjacent residential development. No objections, subject to conditions relating to: (1) submission and implementation of landscaping scheme; (2) tree/hedge protection measures and arboricultural method statement; (3) removal of permitted development rights for means of enclosure.

2.3 **Urban Designer** – The proposed basin design appears to be purely functional and would appear to be a missed design opportunity. Water, or the potential for water, is an immensely attractive element which adds value to places and could do here as well with a bit of further thought and consideration in conjunction with the layout of the adjacent residential development.

2.4 **NYCC Highways** – No objection.

2.5 **SuDS and Development Control Officer** – No objection, subject to conditions.

2.6 **Yorkshire & Humber Drainage Boards** – No objection.

2.7 **Yorkshire Water Services Ltd** – No comment.

2.8 **Neighbour Summary** - The application was advertised by site notice and press notice. No letters of representation have been received as a result of the advertisement of this application.

3 SITE CONSTRAINTS

Constraints

3.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside for planning policy purposes.

- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding. A watercourse runs along the eastern boundary of the application site.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development

T1 – Development in Relation to the Highway Network

T2 – Access to Roads

National Planning Policy Framework

4.8 Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 - Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

5 APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation

The Principle of the Development

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

5.3 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside for planning policy purposes.

5.4 Policy SP2 of the Core Strategy sets out the spatial development strategy for the District with SP2A (c) stating:

“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 The purpose of Policy SP2(c) is to give a strategic stance and not to give an exhaustive list of all types of development that would be acceptable in principle in the countryside. It is also noted that many forms of development do not constitute

buildings, but it is clear that a SuDS basin, which would remain unenclosed and agricultural in appearance, would be an appropriate form of development in the open countryside.

- 5.6 The proposal is therefore considered to be acceptable in principle in accordance with Policies SP1 and SP2 of the Core Strategy. The following sections of this report will go on to consider the impacts of the development.

Design and Impact on the Character and Appearance of the Area

- 5.7 Saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area.
- 5.8 The SuDS basin would be accessed from Weeland Road through the approved residential development site to the south, with a small section of existing field hedgerow to the northern boundary of the residential site needing to be removed to allow access. A 3-metre-wide access track would be provided to the perimeter of the SuDS basin, the surface of which has not been confirmed but which appears to have a natural appearance. Details could be secured by way of condition. The SuDS basin itself would be grass seeded to the sides and provide approximately 665 cubic metres of storage. The SuDS basin would have a maximum depth of approximately 1.6 metres below existing ground level, with shallow sloped sides. No means of enclosure are proposed.
- 5.9 The Council's Landscape Architect has been consulted on the proposals and following confirmation that the SuDS basin is not intended to form part of the recreational open space for the adjacent residential development, no objections have been raised to the proposed development subject to conditions relating to: (1) the submission and implementation of landscaping scheme; (2) tree/hedge protection measures and an arboricultural method statement; (3) removal of permitted development rights for means of enclosure.
- 5.10 The proposed development would be separated from the adjacent residential development site by an existing hedge and would essentially be read as part of the existing agricultural field which it currently forms a part of. Given the nature and extent of the works proposed, the proposed SuDS basin would remain agricultural in appearance and would be read in and could function as part of the existing agricultural field. As such, and subject to the aforementioned conditions, it is considered the proposed development would have an acceptable design and would not have any undue adverse impact on the character and appearance of the area. The proposals are therefore considered to be acceptable in accordance with saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national planning policy contained within the NPPF.

Impact on Residential Amenity

- 5.11 Saved Policies ENV1 and ENV2(A) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.

- 5.12 Given the nature of the proposals and their relationship to neighbouring residential properties, it is considered that the proposals would not have any significant adverse impact on the residential amenities of any neighbouring properties.
- 5.13 Having regard to the above, it is considered the proposals are acceptable in accordance with saved Policies ENV1 and ENV2(A) of the Selby District Local Plan and national planning policy contained within the NPPF.

Impact on Highway Safety

- 5.14 Saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and paragraphs 110 and 111 of the NPPF set out the considerations with regards to the impact on highway safety.
- 5.15 The SuDS basin would be accessed from Weeland Road through the proposed residential development site to the south, with a small section of existing hedge to the northern boundary of the residential site needing to be removed to allow access. Once constructed, the only vehicular movements associated with the proposed development would relate to maintenance and management.
- 5.16 North Yorkshire County Council Highways have been consulted on the proposals and have not raised any objections or suggested any conditions to be attached to any planning permission granted.
- 5.17 Having regard to the above, it is considered the proposals are acceptable respect of highway safety in accordance with saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.18 The most up-to-date policy in relation to flood risk and drainage is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 5.19 The application site is located within Flood Zone 1 which has a low probability of flooding.
- 5.20 As set out earlier in this report, the application proposes the installation of a SuDS basin to drain the adjacent residential development, which has outline planning permission for up to 34 dwellings (under reference 2016/0124/OUT) and is currently subject to a reserved matters application for the erection of 30 dwellings (under reference 2019/1328/REMM).
- 5.21 Flood risk and drainage were considered as part of outline planning permission (reference 2016/0124/OUT) and condition 7, relating to surface water drainage, was attached to the decision notice to ensure that the site is properly drained. Condition 7 of outline planning permission reference 2016/0124/OUT reads:

“No dwelling shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage

systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.”

- 5.22 Notwithstanding the condition attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site SuDS basin as part of the surface water drainage proposals (subject of this application). This requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary, but within the same ownership as the residential development site.
- 5.23 The Local Lead Flood Authority have been consulted on the proposals and do not raise any objections to the proposed development, subject to a series of pre-commencement conditions being attached to any permission granted. These relate to: (1) surface water runoff rates being attenuated to 3.4 l/s as stated within the Drainage Design Summary (Fortem, Ref 1094-R002-V3) and confirmed by the Internal Drainage Board; (2) provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change. A minimum storage volume of 470m³ will be provided in line with Drainage Design Summary (Fortem, Ref 1094-R002-V3); (3) plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event; and (4) a maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. A timetable for its implementation would also be considered reasonable and necessary to condition.
- 5.24 The Yorkshire and Humber Internal Drainage Board have not raised any objections to the proposed development.
- 5.25 Having regard to the above, it is considered that the proposals are acceptable in respect of flood risk and drainage in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Nature Conservation

- 5.26 Saved Policy ENV1 of the Selby District Local Plan and Policy SP18 of the Core Strategy set out the considerations with regards to nature conservation.

- 5.27 The application site comprises grassland that is bounded by field hedgerows to the south and east with a large tree to the south-east corner, outside of the application site.
- 5.28 A small section of the existing hedgerow to the northern boundary of the residential site would need to be removed as part of the proposals to allow access to the SuDS basin. The SuDS basin itself would be grass seeded following excavation and surrounded by a 3-metre-wide access track of natural surface to be confirmed. Conditions would be attached to any planning permission granted requiring the submission and implementation of landscaping scheme, tree/hedge protection measures and an arboricultural method statement. These would ensure the proposals would not have any significant adverse impacts on nature conservation.
- 5.29 Having regard to the above, it is considered that the proposals are acceptable in respect of nature conservation in accordance with saved Policy ENV1 of the Selby District Local Plan and Policy SP18 of the Core Strategy.

6 CONCLUSION

- 6.1 The application proposes the installation of a Sustainable Drainage System (SuDS) basin to drain the adjacent residential development, which has outline planning permission for up to 34 dwellings (under reference 2016/0124/OUT) and is currently subject to a reserved matters application for the erection of 30 dwellings (under reference 2019/1328/REMM).
- 6.2 The proposed development would be acceptable in principle and would not result in detrimental impact on the character and appearance of the area, residential amenity, highway safety or flood risk and drainage.
- 6.3 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP1 SP2, SP15, SP18 and SP19 of the Core Strategy and the national planning policy contained within the NPPF.

7 RECOMMENDATION

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

01. The development for which permission is hereby granted shall be completed and made operational for its purpose prior to the occupation of the dwellings granted planning permission under outline planning permission reference 2016/0124/OUT.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure satisfactory drainage of the adjacent residential development site.

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

3353-1-000 – Site Location Plan
3353-1-001-B – Proposed Site Layout

Reason:

For the avoidance of doubt.

03. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

04. Prior to the commencement of development, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any trees, shrubs and bushes which die, are removed, or become seriously damaged or diseased shall be replaced within the next available planting and seeding seasons with ones of similar size and species.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected within or around the application site without the appropriate grant of planning permission.

Reason:

In the interests of the visual amenity of the area, having had regard to saved Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

06. The development hereby approved shall be carried out in accordance with the details contained within the submitted Drainage Design Summary (by Fortem, reference 1094-R002-V3) including the following requirements:

- Surface water run off rates shall be attenuated to 3.4 l/s as confirmed by the local Internal Drainage Board.
- Storage shall accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change.
- A minimum storage volume of 470m³ shall be provided.

Reason:

To ensure satisfactory drainage of the adjacent residential development site, having regard to the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.

07. Prior to commencement of development, plans shall be submitted to and approved in writing by the Local Planning Authority, showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. The development shall thereafter be carried out in accordance with the approved plans.

Reason:

To ensure satisfactory drainage of the adjacent residential development site, having regard to the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.

08. Prior to the commencement of development, a maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved maintenance and management plan.

Reason:

To ensure satisfactory drainage of the adjacent residential development site, having regard to the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

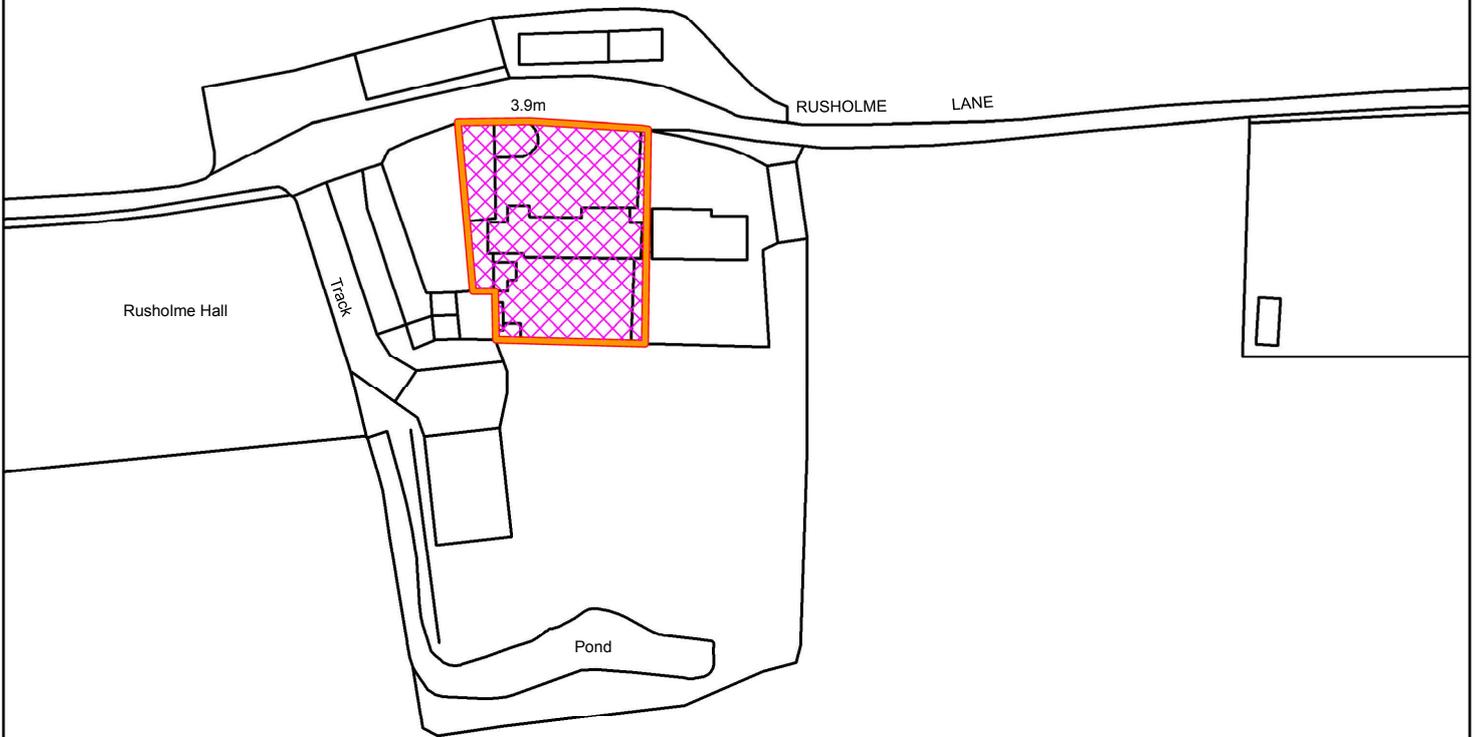
Planning Application file reference 2020/1369/FUL and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

Agenda Item 5.5

Rusholme Hall, Rushholme Lane, Newton
2021/0101/FUL



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Report Reference Number: 2021/0101/FUL

To: Planning Committee
Date: 9 February 2022
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0101/FUL	PARISH:	Newland Parish Council
APPLICANT:	Mr Neil Smith	VALID DATE:	8th February 2021
		EXPIRY DATE:	5th April 2021
PROPOSAL:	Restoration of Rusholme Hall back to Residential Use (Use Class C3)		
LOCATION:	Rusholme Hall Rusholme Lane Newland Selby North Yorkshire YO8 8PW		
RECOMMENDATION:	APPROVE		

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 that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises Rusholme Hall on Rusholme Lane, an abandoned detached former farmhouse which sits in a group of traditional farm buildings, located in open countryside to the east of Drax village. The site is flanked to the west and north by the former agricultural buildings currently being converted and Rusholme Bungalow is located immediately adjacent to the east.

The site is located outside the development limits and is therefore located in the open countryside. It is within Flood zone 3.

The existing dwelling is a two-storey property of approximately 25 metres in length by 8 metres in width under a pitched roof with chimneys and stone course. It has two storey additions to the western end and a further addition to the front (former rear) end. The roof is natural slate with stone copings and the walls are red brick with concrete render. The dwelling is currently in a disused derelict state and has been abandoned. Council tax payments ceased in 2002 due to the house being uninhabitable and incapable of occupation.

The Proposal

- 1.2 The proposal is for the restoration of Rusholme Hall back to residential Use (Use Class C3). The proposal is stated to be to restore and create a 5 bedroomed detached dwelling.

Relevant Planning History

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

- CO/1988/0857: Erection of Boarding Kennels: Rusholme Hall Farm, Rusholme Lane, Newland, Selby, North Yorkshire, YO8 8PW: **Refused**: 07-APR-88
- 2019/0525/HPA: The addition of a first floor over existing bungalow and rendering of existing and proposed, Address: Rusholme Hall Bungalow, Newland, Drax, Selby, North Yorkshire, YO8 8PW. Decision: **Permitted** 28-AUG-19
- 2019/1039/HPA: Proposed demolition of existing two storey front extension and two storey side extension and erection of two storey front extension and two storey rear extension: Rusholme Hall, Rusholme Lane, Newland, Selby, North Yorkshire, YO8 8PW. Decision: **Withdrawn** 18-DEC-19

NB: This latter application could not be determined as it was clear that the residential use had been abandoned.

2. CONSULTATION AND PUBLICITY

The Environment Agency

2.1 Flood Zone

The site lies within Flood Zone 3. The application is for the restoration of a building to residential use, which is classified as a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. A site-specific Flood Risk Assessment is required (FRA). The EA have reviewed the FRA submitted and provided the proposed development is built in accordance with the submitted FRA (with no ground floor sleeping accommodation, and the described flood resistance / resilience measures we have no objections.

2.2 Foul Drainage

No objections to a new package treatment plant provided that the General Binding Rules for releases into ground or surface water are complied. Where connection to main sewer is not possible, under the Environmental Permitting Regulations 2016, any discharge of sewage or trade effluent made to either surface water or

groundwater will need to hold a permit issued by the Environment Agency in addition to planning permission.

Planning Yorkshire Water

2.3 No response received following consultation.

Selby Area Internal Drainage Board

2.4 Makes comments & recommends a condition:

Advice given on various surface water drainage options of soakaway system, main sewer system or watercourse.

NYCC Highways

2.5 No objections to the proposals.

Contaminated Land Consultant

2.6 The Screening Assessment Form shows that the site is currently occupied by a dilapidated residential dwelling, and it is proposed to renovate this back into residential use. No fuel or chemicals are known to have been stored on site and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. Advise one condition to cover for unexpected contamination being detected during the works.

Natural England

2.7 No comments to make. Has not assessed impacts on protected species and advise consultation with SDC ecology services.

North Yorkshire Bat Group

2.8 From the ecology report and photographs available on the Council's planning website it is apparent that the building that is the subject of this planning application has some moderate bat roost potential. This is stated in the ecology report and photographs show the presence of gaps between roof slates and elsewhere that would permit access to bats. Disused and boarded-up buildings of this type in a rural area may be used by both hibernating and breeding bats. Therefore, we would recommend an internal inspection of the building be undertaken before the end of February to search for hibernating bats and two bat emergence surveys during the period May-August inclusive to determine whether any bats are using the building for roosting during the breeding season.

Yorkshire Wildlife Trust

2.9 No response received following consultation.

NY County Ecologist

2.10 Final comments following Bat Survey on the house and barn

The report concludes that the farmhouse and barn do not currently support roosting bats and there is no evidence of recent occupation. No licence is required for works to proceed. Slight chance of a small number turning up during approach and therefore the precautionary approach in the report is supported. Support the suggested enhancement measures for bat boxes. In view of bird nests, would support the recommendations for timing of works outside the bird nesting season and provision of artificial nesting structures to compensate for the loss.

Conservation Officer

- 2.11 Rusholme Hall is a linear range which dates to the 19th century. There are remains of a moat to the south and west of the property. The outline of moat can be seen on the OS map of 1890 and it is likely that there was an earlier hall on this site from the 14th century which was when moated properties were prevalent. The land in the area was most likely marshy and prone to flooding due to being close to the Ouse, therefore a moat would have been constructed to protect the original hall. There may also be ridge and furrow located to the south of Rusholme Hall. Although the current frontage is considered to be the northern elevation which faces towards the road, the principal elevation may have originally been the southern elevation which faced on to a treed area on the island. To the north are the farm buildings which were ancillary to the hall and would have been located at the historic rear.
- 2.12 Due to the age and simple plan form of this building, it is a non-designated heritage asset and even though it has not been maintained, it contributes positively to the local distinctiveness and historic character of the area. NPPF paragraph 203 is relevant:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 2.13 The Structural Report highlights issues with the two extensions that remain. It also identifies an area of bulging to the southern elevation wall that requires rebuilding. Rising damp is identified but the cause and source of the damp is not discussed. There is also mention of dry rot in a lintel.

Detailed comments made on the original submitted scheme:

- extensive changes proposed which essentially was almost a complete demolition and rebuild.
- concern that the proposed central extension to the northern elevation and the projecting extension to the southern elevation would have an adverse impact upon the linear form of the building.
- Historically extensions have been located to the northern elevation (which I presume is the historic rear) therefore it is advised that the extensions are maintained to this elevation rather than to the historic principal elevation (southern).
- Plastic windows inappropriate
- Door openings excessive and style inappropriate
- Traditional windows/doors should be maintained
- Ideally the internal walls and partitions and staircases should be retained to preserve some of the historic interest of this historic building
- advised that the cement render is removed and replaced with lime render to reduce the amount of dampness within the structure and to improve the breathability of the walls

2.14 Comments on revised scheme:

- need for details to be agreed in relation to fenestration (design and materials), roof damp proofing methods, grouting, use of lime mortar for rendering.
- Still some concerns over internal alterations and loss of staircases

Urban Design Team

- 2.15 Initially commented recommending refusal. Agree with the Conservation Officers assessment. Summary of comments as follows:
- 2.16 The existing building is a substantial vernacular dwelling, which has been negatively impacted by unsympathetic overcladding/cement render, but still possessing a great presence.
- 2.17 This character is neither captured nor conveyed in the submitted drawings, which are simply incorrect. Windows are misaligned, incorrectly sized, and openings (on the southern elevation) incorrectly profiled. Chimneys are not shown. Details such as the water tables are shown at a scale that makes them appear inconsequential. Windows on at least one gable end are missing, as well as the gable end lean-to seen on earlier photos, if this has not already been removed.
- 2.18 An overlay comparison of Existing and Proposed drawings reveals that virtually none of the existing building will remain untouched, which suggests that very little will be retained either. The extent to which windows are relocated and resized implies substantial rebuilding, which also suggests a possible reliance on render to cover the many structural alterations. Features such as water tables, chimneys disappear. The ridge line also appears lower.
- 2.19 Internally, the building is simply gutted. The original building and its meaning in the landscape will be obliterated and replaced with a generic *idea* of a farmhouse in the country.
- 2.20 Amendments are based on a fundamentally flawed approach to the reuse of this building. With the right treatment (simple, sensitive restoration), the building would represent the epitome of a classic, rambling country farmhouse, of a type eagerly sought in more affluent areas. Recommend a historic buildings survey at the first opportunity, in order to properly understand the existing building.

Comments on re-submitted scheme

- 2.21 A significant improvement. Query the need for removing all of the staircases bar one, which appear to be a key feature of the property, and its history, character and development.
- 2.22 The extent to which the existing building fabric has been worked with is good, original layouts can be read where internal walls originally stood, while still accommodating the desire for open-plan arrangements on the ground floor. Any remaining historic features are retained in situ where possible.
- 2.23 Attention to detail will be important – materials, depth of reveals for openings, window styles, and so on. Conservation officer for advice on these should be followed especially regarding window styles/details, and appropriate types of mortar/render. Equally, boundary treatments should be sympathetic and

complementary to the building, incorporating the same materials and details, so that the entire site is conceived and improved as a coherent whole.

Parish Council

No comments received.

Publicity

The application was advertised by the erection of a site notice resulting in no letters of representation.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside of the settlement hierarchy and as such outside of any defined Development Limits and therefore within the open countryside.
- 3.2 The site is entirely within Flood Zone 3.
- 3.3 There are no environmental designations on or near the site.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219...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
SP9 Affordable Housing
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

T1 Development in Relation to the Highway network
T2 Access to Roads
ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
H12 Conversion to residential use in the Countryside

5 APPRAISAL

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

1. Principle of Development
2. Conservation & Historic Environment
3. Character and Appearance of the Locality
4. Impact on Nature Conservation
5. Flood Risk & Drainage
6. Residential Amenity
7. Highway Safety
8. Contamination and Ground Conditions

Principle of the Development

- 5.2 CS Policy SP1 states that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with national policy set out in the NPPF.
- 5.3 CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

“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.”

- 5.4 As the residential use has been abandoned, it currently does not have a use. As such the replacement of an abandoned building with a new dwelling would not be consistent with SP2 c). Moreover, the NPPF at para 79 advises that the planning decisions should avoid the development of isolated new homes in the countryside unless it falls within a limited range of circumstances. These include criterion (c) which states:

“the development would re-use redundant or disused buildings and enhance its immediate setting.”

Therefore, the re-use of the existing building for a dwelling would be consistent with SP2c) and the NPPF provided it would enhance the immediate setting.

- 5.5 SDLP Policy H12 of the Local plan controls proposals for the conversion of rural buildings to residential use in the countryside (outside defined Development Limits) and stipulates the criteria in which conversions will be permitted, where relevant – which in this instance is criteria 1 to 7 and these are considered in greater detail in the following sections of this report below.

- 5.6 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) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF merely setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. It is therefore considered that Policy H12 (1) 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 less onerous approach set out both in the Core Strategy and within the NPPF. The remaining criteria of H12 can still be given full weight as it is a saved policy and does not conflict with the advise in the NPPF.

- 5.7 In principle the conversion and re-use of this building to a dwelling within the countryside (outside development limits) is acceptable subject to meeting the requirements of Policy H12 criteria 2-7 and other relevant development plan policies.

Conservation & Historic Environment

- 5.8 Policy SP18 of the Core Strategy sets out that the high quality and local distinctiveness of the natural and manmade environment will be sustained by, amongst other things safeguarding and, where possible, enhancing the historic and natural environment. Criteria 2 of SP18 seeks to conserve those historic assets which contribute most to the distinct character of the district and realising the potential they can make towards the economic regeneration, tourism, education and quality of life.
- 5.9 There are no statutory listed features of architectural or historical significance on or in proximity to the site. However, as seen from the Conservation Officers and Urban Design Team comments, although in a deteriorated condition with unsympathetic alterations, the building still contributes positively to the local distinctiveness and historic character of the area. Rusholme Hall is a linear range dwelling which dates to the 19th century. A review of historic maps reveals the building has been in existence since 1853. The current rear south elevation is considered to be its original front elevation which would have faced towards the early moat. Due to its local historic and architectural character, the building is considered to be a non-designated historic asset.
- 5.10 NPPF paragraph 203 states that;
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 5.11 SDLP Policy H12 criterion (2) allows the conversion of rural buildings to residential use in the countryside where:
- “The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building”*
- 5.12 Criteria 3) of H12 requires that;
- “The building is structurally sound and capable of re-use without substantial re-building”*
- 5.13 Criteria 4) of H12 requires that;
- “The proposed use or adaptation will generally take place within the fabric of the building and not require extension alteration, rebuilding and/or extension”*
- 5.14 A structural appraisal has been submitted which concludes that the main walls appear sound with minor cracks in the render. The extension to the front is not bonded into the brickwork of the main house and has moved. This is indicated to require further investigation to assess the foundations which may require underpinning to prevent further movement and stitch repairs to close gaps and bond across masonry walls. The extension at the west end of the house has also some movement and stitch repairs will be necessary. Other defects include some minor cracking to brickwork which can be repaired and timber lintels in need of

replacement. The wall on part of the rear elevation is out of plumb and a section (stated to be 10% of wall area) will need to be locally demolished and rebuilt up to first floor level. The structural survey also anticipates that some of the roof and floors will need to be stripped out and structural timbers repaired or replaced. In general, the structural survey found the farmhouse to be in fair condition with localised defects but capable of bringing back into use as a dwelling.

- 5.15 Bearing in mind the historic interest of the building and the careful repairs needed to parts of the structure, there were significant concerns over the original scheme submitted as it utilised very little of the original fabric. Although the proposed plans indicated a dwelling on a similar footprint, an overlay of the existing plans with the proposal indicated that the level of new building was so significant as to amount to the construction of a new dwelling. The scheme would have removed the two existing extensions and provided for a large new central extension with projecting gable. The change in fenestration and insertion of large modern window openings in different positions to the originals would have required the virtual almost complete re-construction of the building. The design was that of a large modern dwelling at odds with this rural location and the surroundings. Moreover, the design bore very little resemblance and retained none of the features of the original hall. As such it did not comply Policy SP2 c) or SP18 of the Core Strategy and failed to comply with the criteria of Local Plan Policy H12 criteria 2,3, and 4 of H12 resulting in the loss of a non-designated heritage asset.
- 5.16 Although lacking in detail, an amended scheme has now been submitted and the plans provide for a much simpler conversion of the existing structure retaining most of its original features. The proposed plans indicate the retention in position of all the original smaller scale window and door openings, the roof chimneys and stone copings. A structural method statement for the conversion has also been provided to carry out repairs to sections first. Some internal walls on the ground floor are to be removed to create a more open modern kitchen living area. The Conservation Officer and the Urban Design Team consider the removal of internal staircases (3 out of 4 internal stairs to be removed) to be regrettable and would prefer their retention. However, much of the internal timber is in need of replacement due to its condition and the removal of the stairs would facilitate a better internal and useable arrangement.
- 5.17 The existing chimneys would be retained although some of the roof timbers and the slate coverings will need replacement. There are also concerns about the proposed use of cement render to replace the existing. Part of the reason the building has deteriorated is due to damp. Ensuring the building is secured for the future requires the use of a lime mortar for breathability. However, conditions can be imposed to require approval of appropriate roof materials, other features, window design, reveals, joinery, heads and cills and types of mortar/render. All of these are required to ensure the buildings unique character is retained. Further details of the boundary treatments will be needed to ensure they are appropriate for the setting of this building.
- 5.18 As this is not a listed building a balanced approach is needed which secures the retention of the building whilst allowing some changes to secure its continuation as a modern dwelling. Subject to the details as required by condition the level of changes proposed is acceptable.
- 5.19 Overall, the resubmitted drawings represent a significant improvement and subject to satisfactory detailing as outlined above, the scheme has the potential to conserve

a local building of interest and enhance its immediate setting. In this respect the scheme complies with SP2 and SP18 of the Core Strategy, H12 criteria 2),3) & 4) of the Local Plan and with the NPPF.

Character and Appearance of the Locality

- 5.20 SDLP Policy H12(5) allows the conversion of rural buildings to residential use in the countryside where:
- “The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside”
- 5.21 CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.
- 5.22 Selby District Local Plan ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.
- 5.23 Relevant policies within the NPPF, which relate to design, include paragraphs 126 to 136. Para 130 of the NPPF states that planning decisions should, amongst other things be visually attractive because of good architecture, layout and appropriate and effective landscaping.
- 5.24 The building sits centrally within the existing group of buildings and the redline boundary on the site location plan and layout plan provides for a front forecourt area and a rear curtilage. At present there is no landscaping or boundary features. The proposed curtilage area is of a reasonable scale and extent without projecting further into the surrounding countryside. Parking will be provided to the front of the dwellings. Although a detailed layout has not been provided, this can be the subject of a condition in relation to hard and soft landscaping in the interests of ensuring the details enhance the site and are appropriate to the rural locality. These are important to the setting of the site and the building.
- 5.25 The detached single storey farm outbuilding at the front of the site within the red lines area is indicated to be used for storage in association with the dwelling. Planning permission would be needed if it was to be used for any other purpose other than ancillary to the dwelling or for any alterations which materially affected its external appearance. As such no further control is considered necessary in terms of conditions.
- 5.26 The sympathetic conversion and re-use of the existing building will contribute positively to the site and its immediate setting. As such, subject to the condition described, above the scheme is considered consistent with the aims of SP19, SP19, H12(5) and with the NPPF.

Nature Conservation and Protected Species

- 5.27 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP15 and SP18 of the Core Strategy and advise within the NPPF.
- 5.28 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. The presence of protected species is a material planning consideration.
- 5.29 A Preliminary Ecological Appraisal (PEA) has been submitted. This identified that the farmhouse has moderate potential to support roosting bats and emergence/return survey were required. A bat emergency survey has been subsequently undertaken on the farmhouse and the barn with no evidence of recent occupation. It was noted that there is a slight chance of small number turning up during works and therefore the precautionary approach suggested in the report is supported. A condition can be imposed to ensure the advice and recommendations are followed.
- 5.30 Survey work was undertaken on the required search area in relation to Great Crested Newt and concluded no further survey work or mitigation is required. Advise is given in relation to checking for nesting birds during works.
- 5.31 Subject to receipt of an amended site plan and the conditions suggested above, the scheme is considered acceptable with respect to the impacts on the character and appearance of the locality and complies with policies SP15, SP1 of the CS, ENV1 of the LP and with the NPPF.

Flood Risk & Drainage

- 5.32 Relevant policies in respect to flood risk and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy and the advice in the NPPF.
- 5.33 The site lies within Flood Zone 3, benefitting from flood defences. Flood zone 3 relates to land having a 1 in 100 or greater annual probability of river flooding or 1 in 200 or greater annual probability of sea flooding. The flood zones do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding.
- 5.34 SP15 makes clear that development in areas of flood risk should be avoided wherever possible through the application of the sequential test and exception test and ensure that, where development must be located in areas of flood risk, it can be made safe without increasing flood risk elsewhere. Detailed guidance on dealing with applications in flood risk areas is set out in the NPPG.
- 5.35 In addition, paragraph 159 of the NPPF supports directing development away from areas of a higher probability of flooding. It advises that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.36 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment (FRA). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 5.37 The site is within Flood Zone 3 and in accordance with guidance a site-specific flood risk assessment has been provided. The Environment Agency have been consulted and comment that provided the proposed development is built in accordance with the submitted FRA (with no ground floor sleeping accommodation, and the described flood resistance / resilience measures) they have no objections.
- 5.38 In terms of a sequential test, paragraph 167 of the NPPF sets out that applications for some minor development and changes of use should not be subject to the sequential test or exception tests but should still meet the requirements for site specific flood risk assessments. Minor development is defined at the footnote 56 of the NPPF and includes changes of use and alterations that do not increase the size of the building. This approach is also supported in the Selby District Council Sequential Test Developer Guidance Note (October 2019).
- 5.39 The proposed development re-uses an existing building without increasing the size. No ground floor sleeping accommodation is proposed. All the bedrooms are on the first floor. Conditions can be imposed to ensure the development is implemented in accordance with the advice and mitigation measure in the FRA. Since there is an existing floor, the emphasis is on measures to keep water out of the property rather than raising levels and raised height electricity sockets. Additionally, the occupants will be required to sign up to EA Flood Warning Alerts.
- 5.40 In terms of drainage a package treatment plant is proposed with surface water to soakaways. If the surface water disposed of via soakaway system, the IDB have no objection but advise that the ground conditions in this area may not be suitable. Percolation tests are necessary to establish if the ground conditions are suitable for soakaway drainage throughout the year. Neither the EA or the IDB have required this to be prior to determination and disposal to a watercourse may be an alternative subject to consent from the IDB. A condition can therefore be impose requiring the full details of surface water disposal to be agreed.
- 5.41 Overall, subject to the appropriate conditions advised by the consultees and relating to FR Mitigation measures, surface water drainage, the development is considered acceptable with respect to its impacts on flood risk, climate changes and drainage. The development can be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere. As such the development complies with Policies SP15, SP19 of the Core Strategy, Policy ENV1 of the Local Plan and with the advice in the NPPF.

Residential Amenity

- 5.42 Policy ENV1 (1) of the Selby District Local Plan sets out the approach in respect of the impact of the proposal on residential amenity. Significant weight should be afforded to Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants. Policy ENV1 seeks to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.43 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing/overbearing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.44 The site is adjacent to a dormer bungalow to the east and there are barns being converted to the west. The building already exists, and no extensions are proposed. As such in terms of overshadowing or oppression will occur from the buildings scale and massing. In terms of overlooking, views from the ground floor windows can be screened by boundary treatment. The first-floor windows will face south and although views could be afforded into the neighboring garden to the east, the relationship is no different to any two dwellings sitting side by side. Moreover, there would be no new first floor side windows inserted in the development. The existing adjacent dwelling and barn conversions would not adversely impact on the future amenity for occupants of the resulting dwelling.
- 5.45 Overall, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area or surrounding properties and that an acceptable standard of residential amenity would be achieved within the development for future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF

Highway Safety

- 5.46 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off-site highways works may be required. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.47 The layout plan does not provide a parking arrangement. However, the open site frontage is directly onto the road which is a quiet rural lane. There is ample space for offsite parking provision within the site. The Highways engineer raises no concerns or comments. However, in order to secure a satisfactory scheme for the future provision for the dwelling and to prevent parking on the road which might obstruct adjacent users, it is recommended that a condition be imposed for a site plan to be agreed which includes a minimum of two off street parking spaces within the front curtilage area.

Contamination and Ground Conditions

- 5.48 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant.
- 5.49 The Council's Contaminated Land Consultant has confirmed that the report and proposed site investigation works are acceptable. The Screening Assessment Form shows that the site is currently occupied by a dilapidated residential dwelling, and it is proposed to renovate this back into residential use. No fuel or chemicals are known to have been stored on site and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. It is advised that just one condition be imposed to cover for unexpected contamination being detected during the works.
- 5.50 Therefore, on the basis of the details set out in the report and the comments from the Contaminated Land Consultant it is considered that, subject to a suitably worded condition the development is acceptable with respect to contamination impacts.
- 5.51 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

6 CONCLUSION

- 6.1 The application is considered to be acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP1 and SP2 of the Core Strategy and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as 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).
- 6.2 The building is capable of re-use subject to the repair work identified in the structural appraisal and subject to the work being carried out in accordance with the method statement. The revised scheme is a more sensitive re-use of this abandoned dwelling which is of some local architectural and historic interest and is considered to be a non-designated heritage asset. The details of the conversion are satisfactory and would enhance the immediate locality subject to the conditions mentioned in the report to ensure the finer details are appropriate to this building.
- 6.3 The impacts of the development with respect to the character and appearance of the area, Nature Conservation interests, Flood Risk & Drainage, residential amenity, highway safety and contamination and all other material considerations are considered to be acceptable subject to appropriate conditions.

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 and documents listed below:

- Location Plan Ref. 2833-02-02
- Existing Block Plan Ref: 2833-01-02
- Existing Plans and Elevations Ref: 2833-01-01B
- Proposed Plans and Elevations Ref. 2833-03-01
- Method Statement for Proposed Refurbishment dated November 2021 (Tillet Consulting Engineers)
- Structural Survey (Tillet Consulting Engineers June 2020)
- Preliminary Ecological Appraisal (Curtis Ecology 16 December 2019)
- Bat Survey (Wold Ecology Ltd June 2021)
- Flood Risk Assessment (Tillet Consulting Engineers August 2020)

Reason:

For the avoidance of doubt.

03. The development hereby approved shall be carried out in full accordance with the advice and recommendations of the Method Statement for the Proposed Refurbishment by Tillet Consulting Engineers dated November 2021

Reason

To ensure the stability of the building during the restoration/conversion works and because this permission only permits the re-use of the existing building without re-construction except the minimal areas as indicated in this Method Statement.

04. Full details and/or samples of the following must be submitted for the written approval the Local Planning Authority:

05.

- Any replacement roof materials which must be natural slate and include stone copings to match the original existing roof materials
- Materials for the heads and cills of any windows and doors
- Detailed design and joinery details for the windows and doors
- Rainwater goods

Once approved only the agreed details shall be implemented on this scheme and shall be maintained for the lifetime of the development.

Reason

In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

06. The external face of the frames of all windows and doors of the dwelling hereby approved shall be set in reveals of at least 75- 100mm from the front face of the walls and brickwork.

Reason

In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

07. All replacement and new render or mortar to the external facing of the dwelling hereby approved shall be a lime render or mortar and no alternative shall be used without the prior written approval of the Local Planning Authority. The mix of the lime mortar and render shall be agreed prior to work commencing on these elements.

Reason In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

08. The dwelling shall not be occupied until a detailed layout plan for front curtilage area has been submitted for the written approval of the Local Planning Authority to provide for vehicle access and parking to the front of the property, full details of boundary treatments, hard surfacing materials and landscaping. Thereafter the approved details shall be implemented within 3 months of occupation and maintained for the lifetime of the development.

Reason:

To ensure the adequate parking provision, site landscaping and boundary treatment appropriate for the setting of Rusholme Hall.

09. The development shall be carried out in full accordance with the advice, recommendations, mitigation and enhancement measures set out Preliminary Ecological Appraisal (Curtis Ecology 16 December 2019) and the Bat Survey (Wold Ecology Ltd June 2021).

Reason:

In the ecological interests of the site, protected species and the surrounding area and to comply with policies SP15 and SP18 of the Core Strategy and ENV1 of the Local Plan.

10. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by (Tillet Consulting Engineers August 2020) and the mitigation measures indicated on page 5 shall be incorporated into the development prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. These measures include a requirement for all future occupants to sign up to Environment Agency Flood Warning Alerts. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

11. Prior to the occupation of development, a scheme for the provision of surface water drainage works, including any treated foul water discharge, shall be submitted to the Local Planning Authority for written approval. The approved scheme only shall be implemented before the dwelling is occupied and thereafter maintained for the lifetime of the development.

The following criteria should be considered in designing the scheme:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr. event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 30% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

12. 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 off-site receptors

INFORMATIVES

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

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 2021/0101/FUL and associated documents.

Contact Officer: Fiona Ellwood (Principal Planning Officer)

Appendices: None

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Agenda Item 6



To: Planning Committee
Date: 9 February 2022
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Ruth Hardingham, Planning Development Manager

Yorkshire Green Energy Enablement project, known as Yorkshire GREEN – Nationally Significant Infrastructure Project

This matter has been brought before Planning Committee for information purposes. The reports also seeks approval from Members of the Planning Committee to support the proposals in principle and seeks the support from Members of the Planning Committee for the Executive to authorise delegation to the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Executive have considered similar NSIP reports in respect of Eggborough Power Station in March 2017, Drax Power Station in March 2018 and May 2021 and Ferrybridge Power Station in April 2019. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

National Grid Electricity Transmission is proposing to submit an application for a DCO to upgrade and reinforce the electricity transmission system in Yorkshire, spanning five local authority areas including Selby District, and this scheme is Nationally Significant Infrastructure Project (NSIP) to be determined by PINS. Two rounds of public consultation have taken place in 2021 – non-statutory consultation took place in Q1 2021; statutory consultation took place in Q4 2021. It is anticipated that National Grid Electricity Transmission will submit their DCO application to PINS during Q4 2022/Q1 2023.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines and seeks support in principle for the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted and that Members agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.**
- ii That authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally

significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 National Grid Electricity Transmission is proposing to upgrade and reinforce the electricity transmission system in Yorkshire, spanning five local authority areas including Selby District. This reinforcement is needed to improve the transfer of clean energy across the country.

- 2.2 Power flows are set to double within the next ten years as new low carbon energy generation from onshore wind energy projects in Scotland, offshore wind projects in the North Sea and subsea cables to other countries connect to the network. Yorkshire GREEN will allow this energy to flow securely and efficiently on the network, balancing and maintaining supply and demand. It will link two existing overhead transmission lines, allowing additional energy to flow north to south. This will increase network capacity and flexibility.

- 2.3 Yorkshire GREEN will involve both construction of new infrastructure and works to existing transmission infrastructure and facilities. An overall location plan of the Yorkshire GREEN Project (taken from National Grid Electricity Transmission's Statutory Consultation Documents) is included within Appendix 1.

- 2.4 Proposed new infrastructure will include:

- A new 400kV overhead line will connect into the existing overhead line with two sealing end compounds and a short section of underground cable in the north-west of York.
- This line runs south, connecting into a new substation, called Overton substation, located approximately 1km south of Shipton-by-Beningbrough.
- Two new 275kV overhead lines will be routed south out of Overton substation and connect into the existing 275kV overhead line.
- Two new cable sealing end compounds and short sections of underground cables located south-west of Tadcaster.
- A new substation located adjacent to and connecting into the existing substation at Monk Fryston, south-west of Monk Fryston.

- 2.5 Works to existing infrastructure will include:

- A section of overhead line between the two new 275kV overhead lines will be permanently removed.

- Replacement of some pylons and realignment of the existing overhead line will take place in two locations – to the south and south-east of Moor Monkton and where the existing overhead lines enter Monk Fryston substation.
- Replacement of overhead line conductors (wires), replacement of pylon fittings, strengthening of steelwork and works to pylon foundations.
- Minor works at the existing Osbaldwick substation.

2.6 Figure 1 is taken from National Grid Electricity Transmission’s Statutory Consultation Documents and shows the indicative location of new infrastructure in the Tadcaster area.

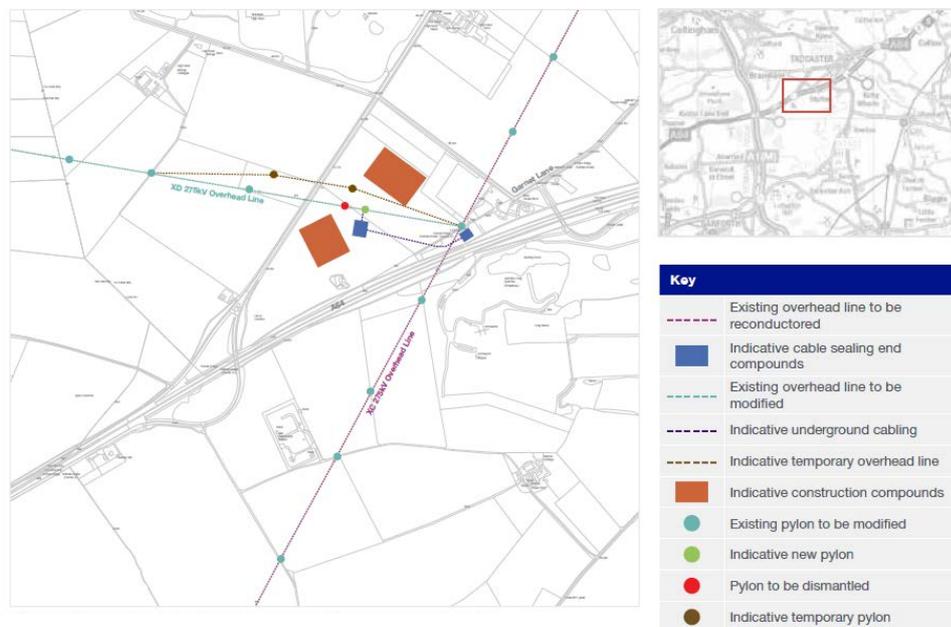


Figure 1: Indicative location of new infrastructure in the Tadcaster area

- 2.7 Two new cable sealing end compounds would be built to manage power flows on the existing XC/XCP overhead line, which currently connects to the existing 275kV Tadcaster Tee to Knaresborough (XD/PHG) overhead line in this area. The two cable sealing end compounds (named Tadcaster Tee East and Tadcaster Tee West), each with a footprint of approximately 2,000m² (0.2 hectares), would be connected by a short section (approximately 350m) of underground cable. Gantries would need to be installed in each location, which would be approximately 15m high. There would be a need to remove an existing pylon, which would be replaced with a new pylon approximately 40m to the south-east to allow a connection to the new Tadcaster Tee West cable sealing end compound.
- 2.8 To help manage the power flows from the new infrastructure, works to the existing 275kV Tadcaster Tee to Knaresborough (XD/PHG) overhead line route would need to be undertaken. This would involve:
- potential works, such as re-tensioning of the conductor on the overhead line; and
 - potential improvement works to pylons along the 275kV Poppleton to Monk Fryston (XC) overhead line, such as steelwork and foundation strengthening works, replacement of overhead wires, new fittings and new steelwork.

2.9 Figure 2 is taken from National Grid Electricity Transmission’s Statutory Consultation Documents and shows the indicative location of new infrastructure in the Monk Fryston area.

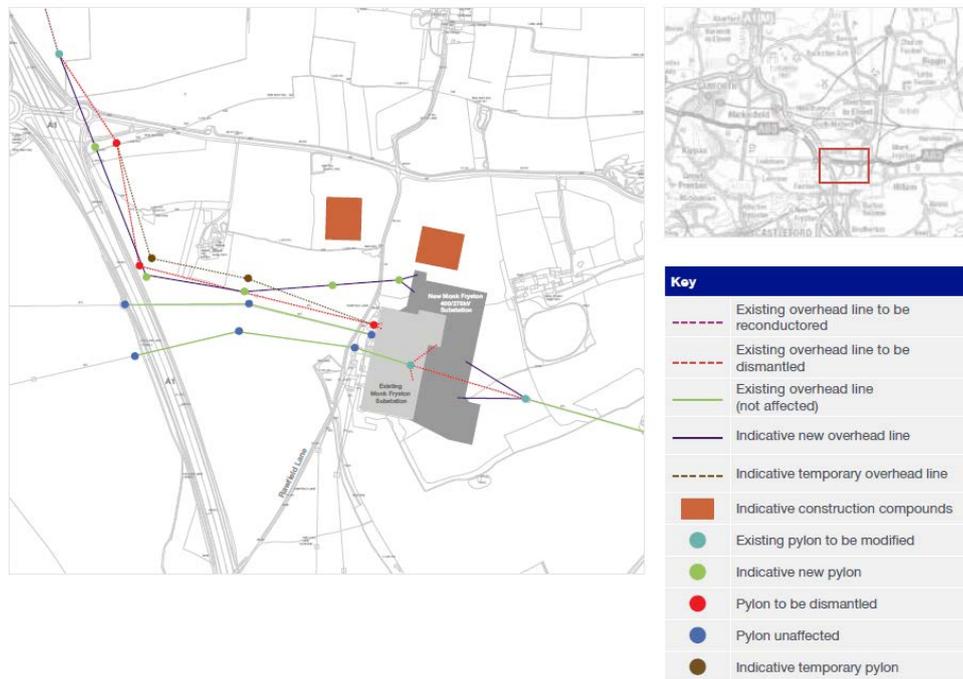


Figure 2: Indicative location of new infrastructure in the Monk Fryston area

2.10 To increase and strengthen network capacity to accommodate the increasing energy flows a new 400/275kV substation would be built. This new substation would be located adjacent to (and connecting into) the existing Monk Fryston substation, which otherwise would be unable to accommodate the additional energy flowing from the uprated overhead lines. The substation would: have a footprint of approximately 80,000m² (8 hectares); have a maximum height of 15m at its highest point (including the gantries), although the heights of the substation and equipment are yet to be finalised; contain four Super Grid Transformers (SGT) to help convert the voltage of the overhead lines (275kV) to connect into the substation (400kV); and include approximately 600m of underground cables to connect the overhead line circuits to the new substation.

2.11 To help manage the power flows into the new substation at Monk Fryston, the following changes to existing infrastructure in this area are proposed:

- reconfiguring the existing 275kV Poppleton to Monk Fryston (XC) overhead line to connect into the new substation, including the installation of new spans of overhead line where needed;
- removing and installing new pylons, resulting in one additional pylon in this area, along with two new gantries to allow the overhead line to connect to the new substation; and
- reconfiguring a short section of the existing 400kV Eggborough to Monk Fryston overhead line to connect into the new substation, along with dismantling approximately 350m of existing overhead line.

Construction Programme

2.12 Construction is expected to start in Q3 2024 and be completed by Q3 2028.

3. The Process

3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.

3.2 The Yorkshire GREEN Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation have taken place in 2021 – non-statutory consultation took place in Q1 2021; statutory consultation took place in Q4 2021.

3.3 The applicants submitted a Scoping Report to PINS on 19 March 2021. SDC and NYCC provided comments to PINS on the Scoping Report on 15 April 2021. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 28 April 2021. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:

- Landscape and Visual Amenity
- Historic Environment
- Biodiversity
- Arboriculture
- Hydrology
- Geology and Hydrogeology
- Agriculture and Soils
- Traffic and Transport
- Air Quality
- Noise and Vibration
- Health and Wellbeing
- Socioeconomics
- Climate Change

3.4 National Grid Electricity Transmission have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.

3.5 It is anticipated that Drax Power Limited will submit their DCO application to PINS during Q4 2022/Q1 2023.

- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.
- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report and Statutory Consultation.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.
- 4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

- 4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with National Grid Electricity Transmission. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

- 5.1 Members are asked to note the contents of this report and agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.
- 5.2 Authorisation is to be sought from the Executive to permit the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/yorkshire-green/>

7. Appendices

Appendix 1 – Overall Location Plan for Yorkshire GREEN Project

Contact Officer: Jenny Tyreman, Assistant Principal Planning Officer, Selby District Council

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Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

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

Curtilage:

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

Environmental Impact Assessment (EIA):

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

National Planning Policy Framework (NPPF):

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

Permitted Development (PD) Rights

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

Previously Developed Land (PDL)

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

Planning Practice Guidance (PPG)

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

Recreational Open Space (ROS)

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

Section 106 Agreement

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

Site of Importance for Nature Conservation

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

Site of Special Scientific Interest (SSI)

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

Scheduled Ancient Monument (SAM):

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

Supplementary Planning Document (SPD)

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

Tree Preservation Order (TPO):

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

Village Design Statements (VDS)

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

Planning Committee 2021-22



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