



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 11 MAY 2022**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillors M Topping (Chairman), J Mackman (Vice-Chair), K Ellis, I Chilvers, R Packham, P Welch, D Mackay, C Richardson and J Cattanach**

## Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

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

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

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

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

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

To confirm as a correct record the minutes of the Planning Committee meeting held on 6 April 2022.

- 5. **Planning Applications Received (Pages 15 - 16)**
  - 5.1. **2021/0661/FUL - 14 Edgerton Drive, Tadcaster (Pages 17 - 38)**
  - 5.2. **2021/1138/FUL - Saxton C of E Primary School, Saxton (Pages 39 - 56)**
  - 5.3. **2021/1089/FULM - Hales Lane, Drax (Pages 57 - 86)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

<b>Dates of next meetings (2.00pm)</b> Wednesday, 1 June 2022
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Enquiries relating to this agenda, please contact Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk).

**Recording at Council Meetings**

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

# Agenda Item 4



## Minutes

### Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby,  
YO8 9FT

Date: Wednesday, 6 April 2022

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors J Mackman (Vice-Chair), I Chilvers, P Welch,  
D Mackay and C Richardson, S Duckett, R Musgrave and  
G Ashton

Officers Present: Martin Grainger, Head of Planning, Hannah Blackburn,  
Planning Development Manager, Yvonne Naylor, Principal  
Planning Officer, Diane Holgate, Principal Planning Officer,  
Gareth Stent, Principal Planning Officer, Glenn Sharpe,  
Solicitor and Victoria Foreman, Democratic Services Officer

Press: None.

Public: 3

#### **66 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Packham, K Ellis and M Topping.

Councillor S Duckett was in attendance as a substitute for Councillor Packham. Councillor G Ashton was in attendance as a substitute for Councillor Topping. Councillor R Musgrave was in attendance as a substitute for Councillor Ellis.

#### **67 DISCLOSURES OF INTEREST**

Councillor R Musgrave declared a personal prejudicial interest in agenda item 5.1 – 2021/0871/OUT - Field House, School Lane, Bolton Percy as he was a joint applicant; Councillor Musgrave confirmed that, following discussions with the Solicitor to the Committee, he would leave the meeting during the Officer's presentation, the debate and the vote, but would return to the meeting to speak in favour of the application as joint applicant.

Councillors S Duckett and P Welch declared non-pecuniary interests in agenda item 5.2 – 2021/1478/OUT – Royal Oak Inn, Main Road, Hirst Courtney as they had both received representations on the application from Councillor M Jordan. Councillors Duckett and Welch confirmed that they would not leave the meeting during consideration thereof.

## **68 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.

## **69 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 9 March 2022.

Councillor J Mackman proposed an amendment to minute number 62 – Disclosures of Interest; the Housing Trust should be corrected to read 'Selby and District Housing Trust'.

The amendment was seconded, a vote taken and agreed.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 9 March 2022 for signing by the Chairman, subject to the amendment of minute number 62 – Disclosures of Interest, for the title of the housing trust to read 'Selby and District Housing Trust'.**

## **70 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

### **70.1 2021/0871/OUT - FIELD HOUSE, SCHOOL LANE, BOLTON PERCY**

*Councillor R Musgrave stepped down from the Committee and left the room at this point in order to be able to return and speak as applicant.*

**Application:** 2021/0871/OUT

**Location:** Field House, School Lane, Bolton Percy

**Proposal:** Outline application (with all matters reserved) for the erection of detached dormer bungalow with double garage and associated driveway

The Principal Planning Officer presented the application which had been brought before Planning Committee as one of the Applicants (Mr R Musgrave) was a Ward Councillor for Selby District Council and the Councils scheme of delegation required that the application be determined by the Planning Committee.

Members noted that it was an outline application (with all matters reserved) for the erection of detached dormer bungalow with double garage and associated driveway and asked that in the future maps of development limits of applications be provided in hard copy at the meeting.

The Committee considered the Officer Update Note which set out additional information from Yorkshire Water, an amendment to Condition 2 and further responses from the Parish Council, Sam Smiths Brewery and third-party comments from an objector. The Officer's responses to the matters raised were also set out in the Update Noted.

The Committee asked numerous questions of the Officer relating to two previous approvals for properties at the site built outside of development limits, the current application's encroachment into the countryside and greenfield garden land, clarification as to the self-build nature of the scheme, sustainability, connections to past or future planning policies.

Officers confirmed that the site was outside of settlement and development limits, encroached into the open countryside and was on greenfield garden land. The scheme had not been formally registered as self-build and there were no existing, emerging or out of date policies that could be applied to the scheme.

David Tillotson, objector, had his representation against the application read out by Democratic Services.

Councillor Richard Musgrave, applicant, spoke in favour of the application.

Members debated the application further, with some emphasising that the application needed to be assessed by existing policies and the by the fact that the Council now had a five-year land supply. The Core Strategy permitted countryside development but only in the event of affordable housing, which the current scheme did not contain. Development in secondary villages was restricted to certain types such as rebuilding or

conversion, or the filling of frontage/ However, if such schemes were to be on greenfield sites, they did not meet policy requirements. The application in question did not improve the rural economy and was not being built for business, and similar applications had been refused recently. There was nothing special about the material considerations of the scheme that had been presented to the Committee and would, if approved, be a breach of planning policy and the statutory development plan.

Some Members felt that the application should be approved, but others expressed further concern about the effect on flooding and the opinions of the Parish Council and therefore continued to voice their opposition.

It was proposed that the application be APPROVED; the proposal was not seconded and fell.

It was proposed and seconded that the application be REFUSED for the reasons set out in the debate; a vote was taken and was carried.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

- a) that the scheme would be outside Development Limits of Secondary Village Bolton Percy in countryside;
- b) that the material planning considerations presented as part of the scheme were not significant enough to permit approval; and
- c) therefore the application was considered to be contrary to Core Policy SP1 of the Selby District Core Strategy Local Plan.

**70.2 2021/1478/OUT - ROYAL OAK INN, MAIN ROAD, HIRST COURTNEY**

*Councillor R Musgrave re-joined the Committee at this point.*

**Application:** 2021/1478/OUT

**Location:** Royal Oak Inn, Main Road, Hirst Courtney

**Proposal:** Outline application for erection of 9 dwellings following demolition of existing public house (all matters

reserved)

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of the Ward Councillor on the grounds that the proposed development would provide housing in the village and contribute towards Selby District Council's Local Plan, that the site was a brownfield site and was considered to be 'infill' within the village.

Members noted that it was an outline application for erection of 9 dwellings following demolition of existing public house (all matters reserved).

The Committee considered the Officer Update Note which clarified that the application had been brought before the Committee at the request of the Ward Member and that the pub had not been registered as an Asset of Community Value. The Update Note went on to provide further information in relation to paragraph 5.24 and the agent's responses to reasons for refusal 2 (Marketing of the Property) and 4 (Ecology).

Officers were of the opinion that, taking account of the additional information provided and weighed against paragraph 60 of the NPPF where the Government's objective of significantly boosting the supply of homes, along with the efficient use of previously developed land paragraphs 120c and d of the NPPF, the proposed scheme remained to be contrary to the policies of the Selby Development Plan. The recommendation remained as presented in the report for the reasons that had been previously advised.

The Committee asked numerous questions of the Officer about the outbuilding's position outside the development limit and when the aforementioned limit was last reviewed, the camp site and hardstanding being considered as greenfield, the exact position of the development limit and rural housing enablers.

Officers confirmed that the outbuilding was outside the development limits, that the new Local Plan had not yet been agreed, that the current development limits in place had not been reviewed for a number of years and that whilst some of the hardstanding on the site could be considered as previously developed the visual and spatial impact also needed to be considered.

Members noted that rural housing enablers continued to

work in the district but that the site under consideration would not provide any affordable housing as there would be less than 10 properties, and would require a survey to test its viability.

Russ Wagstaff and Ian Forbes of Hirst Courtney Parish Council shared the five minutes speaking time, and both spoke in favour of the application.

Sam Dewar, agent, spoke in favour of the application.

Members debated the application further with some expressing their support for the proposals; the pub was unlikely to operate commercially again, and the scheme was fully supported by the Parish Council.

However, some Members felt that despite the positive nature of the application, the Officer's recommendation for refusal should be adhered to due to the restrictions of current policy, i.e., that the majority of the proposed development was outside of the development limits and the value in which the property was being offered for sale seemed to be over and above what it was worth along with there being insufficient details about the marketing exercise.

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

**RESOLVED:**

**That the application be REFUSED for the reasons set out at paragraph 7 of the report:**

- 1. The application site sits partly within the Development Limit of the Secondary Village of Hirst Courtney as defined in the development plan, though largely outside of it. Whilst part of the site may be considered as 'previously developed' the proposal would exceed the limited scale of development considered acceptable in open countryside and as such would undermine the Spatial Development Strategy that aims to deliver sustainable development with the District. This would be contrary to Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local**



**Plan and advice in the NPPF.**

- 2. The proposal would lead to the loss of a community facility. It is not considered that it has been demonstrated that a suitable alternative facility has been identified or that a suitable marketing exercise has been undertaken or that it has been marketed on reasonable terms. The proposed development is therefore considered to be contrary to paragraph 84(d) of the NPPF and Saved Policy S3B of the Selby District Local Plan.**
- 3. Hirst Courtney is predominately a linear settlement. The proposed development pattern would be inconsistent with local character and the surrounding pattern of development. The proposal would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and advice contained in Section 12 of the NPPF.**
- 4. The development includes the demolition of the public house and an associated outbuilding. No bat surveys have been undertaken, and it is not therefore possible for the LPA to determine whether mitigation may be required, and if so, what level of mitigation would be appropriate and whether this can be readily**

incorporated into the scheme. It is considered that permitting the proposed development without the above information would have the potential to cause considerable harm to a protected species. This would be contrary to both national legislation and Selby District Core Strategy Local Plan Policy SP18(1) and (3) and Saved Selby District Local Plan Policy ENV1(5).

**70.3 2022/0050/REM - YEW TREE HOUSE, MAIN STREET, KELFIELD, SELBY**

**Application:** 2022/0050/REM

**Location:** Yew Tree House, Main Street, Kelfield

**Proposal:** Reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings (resubmission of 2021/1295/REM)

The Principal Planning Officer presented the application which had been brought before Planning Committee as a previous reserved matters application 2021/1295/REM. It had been twice presented to Committee on 8 December 2021 and the 12 January 2022 and was deferred by Members in order for a better scheme to come forward. Whilst the application was a new submission, the Head of Service deemed it appropriate to allow Members to reconsider the new scheme in light of previous comments.

Members noted that it was a reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings (resubmission of 2021/1295/REM).

The Committee considered the Officer Update Note which corrected paragraph 5.25 of the report.

In response to a query from Members the Officer confirmed that that the number of dwellings on the site had not changed.

Chris Cade, objector, spoke against the application.

Rachael Bartlett, agent, spoke in favour of the application.

Members debated the application further, noting that the application had been considered by the Committee previously, and that the applicants had addressed the numerous issues raised by Members during past debates. The new layout presented as part of the revised scheme was acceptable with the frontage of the dwellings similar to the existing farmhouse on the site.

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

**RESOLVED:**

**That the application be GRANTED subject to the conditions set out at paragraph 7 of the report.**

The meeting closed at 3.44 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. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you can do so remotely or in person**. If you cannot attend in person and don't wish to speak remotely, **you will need to provide a copy of what you wanted to say to Democratic Services 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 attending the meeting in person and are 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 (in person or remotely via Microsoft Teams) 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).
10. Those registered to speak remotely are also asked to provide a copy of their speech so that their representation can be read out on their behalf (for the allotted five minutes) if they have technical issues and are unable to do so.
11. 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.
12. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
13. 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.
14. Speakers doing so remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking. They can then watch the rest of the meeting as it is streamed live on YouTube.
15. 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.
16. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
17. 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.
18. 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.

19. This is a council committee meeting which is open to the public.
20. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk)
21. The arrangements at the meeting may be varied at the discretion of the Chairman.
22. Written representations on planning applications can also be made in advance of the meeting and submitted to [planningcomments@selby.gov.uk](mailto:planningcomments@selby.gov.uk). All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
23. Please note that the meetings will be streamed live on YouTube and are recorded as a matter of course for future viewing.
24. These procedures are being regularly reviewed.

**Contact:** Democratic Services

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

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# Agenda Item 5

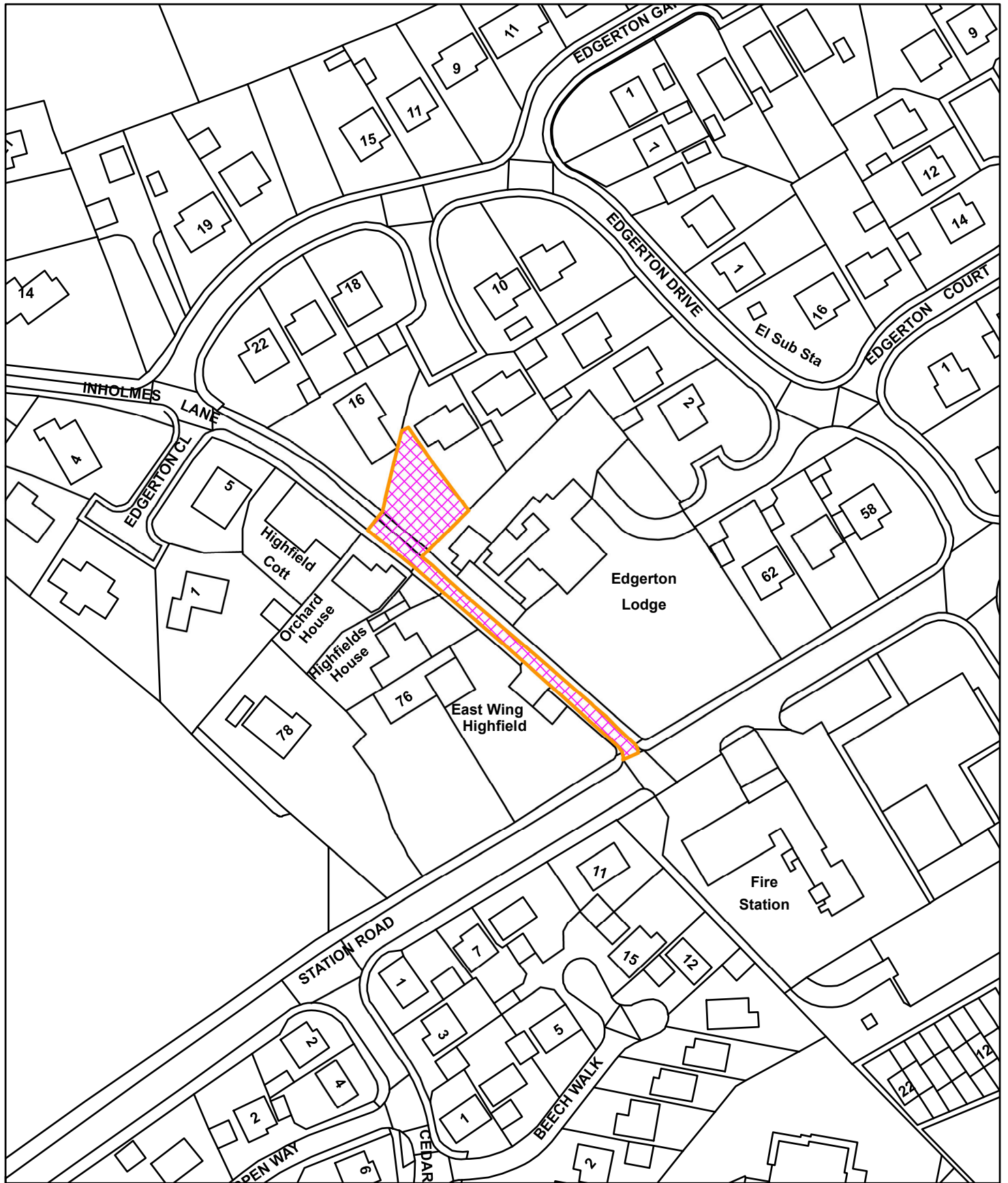
Items for Planning Committee – 11 May 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2021/0661/FUL	14 Edgerton Drive, Tadcaster, North Yorkshire	Erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane	IRSI	15 - 36
5.2	2021/1138/FUL	Saxton C Of E Primary School Dam Lane Saxton Tadcaster	Erection of a playground shelter	IRSI	37 - 54
5.3	2021/1089/FULM	Land Off Hales Lane, Drax	Development of a battery storage facility, associated infrastructure, access and grid connection	JETY	55 - 84

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# Agenda Item 5.1

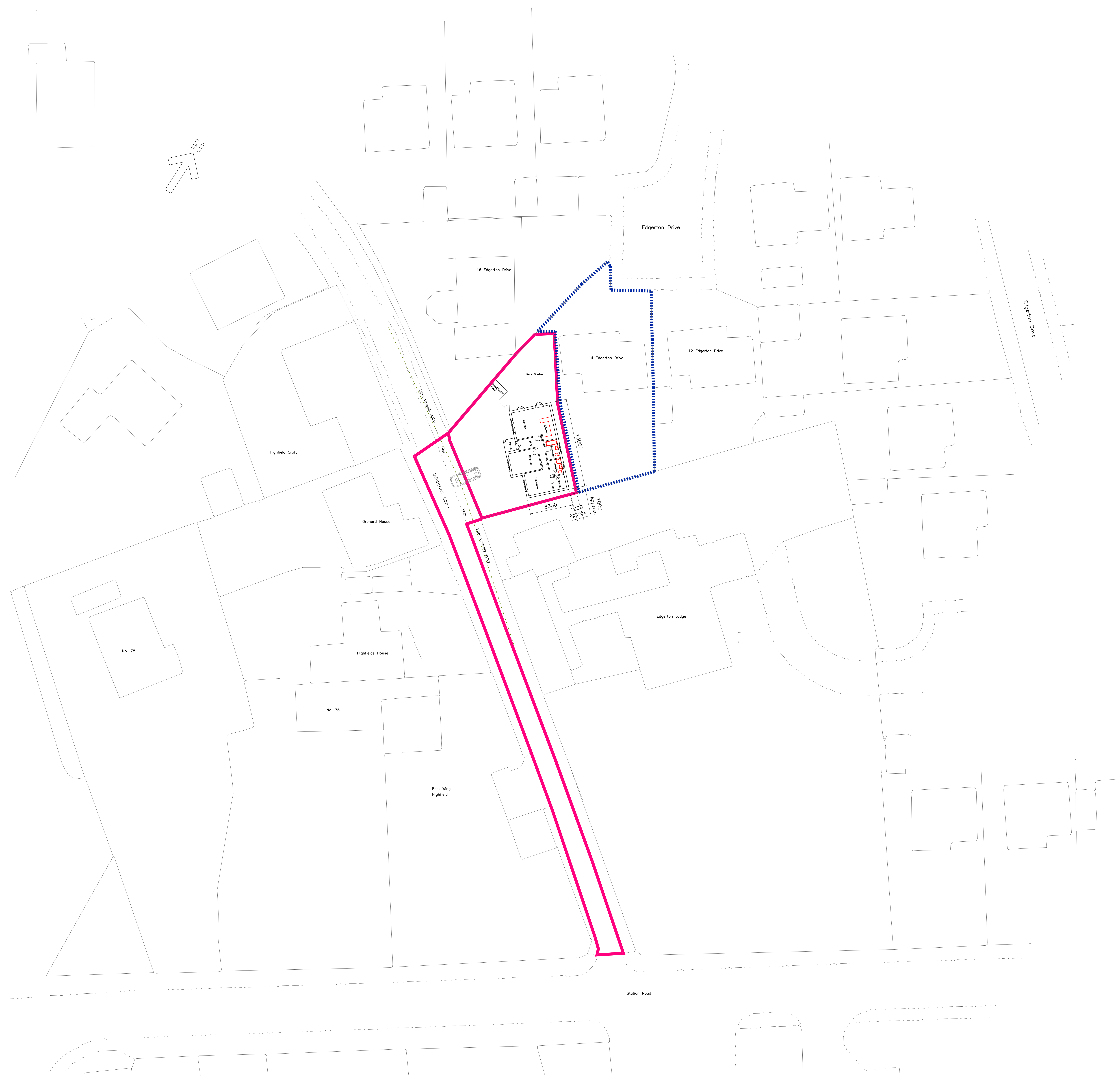
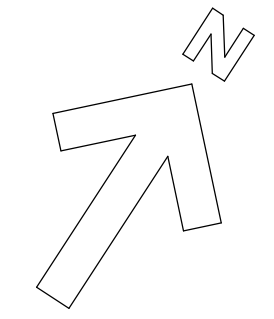
14 Edgeton Drive, Tadcaster  
2021/0661/FUL



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**AMENDED  
DRAWING**

Notes:

1. All coursework shown indicative only.
2. This drawing is for Planning Application purposes only.
3. All dimensions to be confirmed by builder during setting out, prior to construction.
4. All brickwork opening sizes to be verified with window and door dimensions. Builder to allow for fit up tolerances.
5. Do not scale off this drawing.
6. All boundaries shown have been assumed from site visit. Refer to Title Deeds for true boundary information.

Proposed Site Plan

B	29/03/22	Revised to show redline to Station Road
A	20/10/21	Revised further to discussions with Planning Officer
Rev	Date	Description
Drawings prepared by: Kevin Bristowe		
Technical Design Ltd.		
36 Top Lane, Copmanthorpe, York YO23 3UJ		
Tel: 01904 709023		
Mob: 07753 607230		
email: info@sizefec.co.uk		
PLANNING APPLICATION		
Site Plan		
Proposed single storey dwelling in rear garden of:		
14 Edgerton Drive, Tadcaster, LS24 9QW		
for Jordan Coultas		
Scale 1:200 @ A0	Checked By:	
Drawing No.	14/EDGE/003	Rev B

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**Report Reference Number:** 2021/0661/FUL

**To:** Planning Committee  
**Date:** 11 May 2022  
**Author:** Irma Sinkeviciene (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/0661/FUL	PARISH:	Tadcaster Town Council
APPLICANT:	Jordan Coultas	VALID DATE: EXPIRY DATE:	9 <sup>th</sup> June 2021 EOT 13 <sup>th</sup> May 2022
PROPOSAL:	Erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane		
LOCATION:	14 Edgerton Drive Tadcaster North Yorkshire LS24 9QW		
RECOMMENDATION:	APPROVE		

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

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located in a predominantly residential area to the north-west of Station Road in Tadcaster. It forms a side/rear garden area of the existing detached residential property at 14 Edgerton Drive.
- 1.2 14 Edgerton Drive which lies within the ownership of the applicant is accessed from the cul-de-sac to the north and the site itself has access to Inholmes Lane to the south-west which seems to be a historic access as shown on a number of previous planning applications for the site. The site is proposed to be accessed via this access.
- 1.3 It should be noted that the original scheme was for a two-storey dwelling which was considered unacceptable due to its impacts on the character of the area and on

residential amenity of neighbouring and future occupiers of the new dwelling. However, following discussions with the Agent, the scheme has been significantly amended to reduce the built form on the site and to address concerns regarding impacts on residential amenity and this revised scheme is therefore considered further in this report.

- 1.4 There are trees protected by TPO 9/1988 on site. It is noted from the planning history search that the original protected trees (T1 - Beech and T2 - Sycamore) have been felled. The felling of a Beech tree was approved in June 2000 and felling of a Sycamore tree was approved in July 2007. Following the search of planning records, it was confirmed that those original trees have been replaced with two Hornbeam trees which are both located in the corners of the site along Inholmes Lane and are shown on the submitted plans.

### **The Proposal**

- 1.5 The application is for the erection of one detached single storey dwelling within the side/rear garden area of 14 Edgerton Drive which would be accessed from Inholmes Lane. The access would lead to a parking and turning fronting Inholmes Lane and an enclosed private garden would be provided to the north of the dwelling.

### **Relevant Planning History**

- 1.3 The following historical application is considered to be relevant to the determination of this application:
- Application Number CO/1976/29044 (8/73/100/PA) for the erection of double garage & conversion of existing garage & playroom at 14 Edgerton Drive, Tadcaster was approved in October 1976
  - Application Number CO/1999/241 (8/73/527/PA) for consent to remove overhanging and dead branches from Beech Tree T1 and Sycamore Tree T2 of TPO No. 9/1988 at 14 Edgerton Drive, Tadcaster was approved in May 1999
  - Application Number 2005/1102/FUL (8/73/527B/PA) for the erection of a dwelling on land at 14 Edgerton Drive, Tadcaster was withdrawn in November 2005
  - Application 2005/1101/FUL for the erection of a two-storey extension to the rear of 14 Edgerton Drive, Tadcaster was approved in December 2005
  - Application Number 2006/0294/TPO (8/73/527D/PA) for the consent to fell 1 Sycamore tree T2 within TPO No 9/1988 at 14 Edgerton Drive, Tadcaster was refused in April 2006
  - Application Number 2006/0283/FUL (8/73/527C/PA) – resubmission of previously withdrawn application 8/73/527B/PA for the erection of 1 No. 3 bedroomed detached dwelling on land adjacent 14 Edgerton Drive, Tadcaster was withdrawn in April 2006
  - Application Number 2007/0722/TPO (8/73/527E/PA) for consent to fell a sycamore tree under TPO9/1988 at 14 Edgerton Drive, Tadcaster was approved in July 2007



- Application Number 2007/0956/FUL (8/73/527F/PA) for the erection of a detached dwelling with integral garage on land adjacent to 14 Edgerton Drive, Tadcaster was withdrawn in October 2007

## 2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – The Local Highway Authority raised no objections to the originally submitted scheme and recommended a condition related to Construction Phase Management Plan for small sites should be attached to any permission granted. No additional comments were made following re-consultation on the amended scheme.

Further to the amended plan consultation the Highway authority original response still stands

- 2.2 **Yorkshire Water Services Ltd** – No response received during the consultation period

- 2.3 **Ainsty (2008) Internal Drainage Board** – Advised that under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district, any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

Surface Water: Even if a soakaway already exists, the Board suggests that the applicant provide confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the volume of water that will be generated by the development. It is not, usually, sufficient for the applicant to rely on anecdotal evidence of its past performance. The Board notes that if soakaways are not feasible, the applicant proposes to discharge into the "existing Surface water network to the front of Jubilee Cottage." The Board assumes that this in turn discharges into the mains combined sewer. Assuming this is correct, provided Yorkshire Water are content with the proposed arrangement and are satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the proposed arrangement.

Foul Sewage: The Board notes that the applicant is firstly proposing to use the combined mains sewer for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. If connecting the foul into the combined mains sewer fails then the applicant is proposing to use a package treatment plant for the disposal of foul sewage. In respect of any treated effluent from a package treatment plant, the Board would request the following:

1. If infiltration methods are feasible, then the Board would ask that the applicant first considers a drainage field for the disposal of the treated effluent.
2. If infiltration methods are not feasible, and the applicant wishes to discharge the treated effluent into a watercourse, then the Board's view is that it does not wish to see flow rates increase in its land drainage systems which can arise from cumulative small flows from multiple small discharges. In addition, the disposal of treated sewage effluent is not the intended function of the land drainage network. The Board does not therefore generally consent the discharge of treated effluent

into watercourses within its district as a stand-alone flow. Where infiltration methods are not feasible, then the Board may be prepared to accept the treated foul flow but only if this is combined with any surface water discharge and provided it does not exceed the calculable rate for the surface water flow (in line with the requirements and calculations shown above). So, for example, if the total agreed discharge rate for surface water is calculated as 1 litres per second, we would only allow the treated effluent to be discharged into the watercourse as well if the two discharges were combined together so that, collectively, they went through any flow control device and did not exceed the total agreed rate of 1 litres per second.

If the applicant is proposing to use a septic tank, then whilst the Board is not the "approving authority" for septic tanks, we would remind the applicant and the Local Authority that any waste water from a septic tank can no longer discharge into a watercourse following recent regulations - it must either discharge into a drainage field or a package treatment plant be installed.

The Board therefore recommends that any approval granted to the proposed development should include the condition requiring drainage works to be agreed prior to development and informative related to consent for the discharge.

2.4 **Contaminated Land Consultant** – The Screening Assessment Form shows that the site has been occupied by a dwelling since circa 1963-73, and prior to this was agricultural land. No fuel or chemicals are known to have been stored onsite 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 proposed to construct an additional dwelling at the site. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, it is recommended that the condition is attached to any planning approval, in case unexpected contamination is detected during the development works.

2.5 **Tadcaster Town Council** – Members felt this application was an overdevelopment of the site and should be subject to neighbours' comments.

In response to revised scheme, reiterated previous comments and also highlighted potential vehicular access problems into Inholmes Lane which is narrow.

2.6 **Public consultations** – the site notices were posted on 20<sup>th</sup> July 2021. There were 13 letters received as a result of this original consultation objecting to the proposal on the following grounds:

1. Residential amenity:

- The new property will overlook garden of 12 Edgerton Drive, would remove the privacy of its occupiers and would reduce light in its garden at certain times of day
- This is a quiet area and the noise generated by residents in an additional property in such close proximity would negatively impact this.
- The proposed dwelling looks to be extremely close to the boundary fence of 16 Edgerton Drive house and garden. Any reduction in the amount of light and sun would negatively impact many aspects of this property, as would the inevitable increased movement and noise of cars especially with regards to privacy, peace and general amenity.
- The proposed property would be close to the boundary of Inholmes Lane. The proposed building would be at an angle looking down and across the lane. There

are no other two story buildings that look down and across Inholmes Lane. This proposed build would therefore reduce the privacy of the houses and gardens on the opposite side of the lane.

- The proposed dwelling will have very little garden area and would be "squeezed in" from all sides.
- Orchard House lies directly opposite the proposed development and would lose its current outlook of trees and garden.
- The additional traffic and manoeuvring of vehicles during and after construction will create a noise disturbance for Orchard House and neighbouring properties

## 2. Highway concerns:

- Having a new driveway to the North East of Inholmes lane would have safety implications for the motorists and pedestrians that currently use the Lane and for vehicles accessing the proposed build. Furthermore, cars/delivery vans etc visiting the proposed new dwelling will also potentially end up parking along the lane causing further problems.
- The proposal for the detached garage appears to be in a position which would make it a very tight turning area, especially if the household had two vehicles. There are concerns that this could lead to parking on Inholmes Lane causing further hazard.
- Access to and from the proposed dwelling would be from and onto Inholmes Lane. It is almost directly opposite parking and access to the house opposite - Orchard House, making vehicular access extremely tight for both properties and creating hazards for pedestrians.
- The extra traffic will also have a negative impact on the junction of Inholmes Lane and Station Road.
- Concerns about construction traffic on Inholmes Lane
- There is potential for damage to the road surface which residents may be liable for.
- There is a gate to the rear of 14 Inholmes Lane although no permitted vehicular access to the property via Inholmes Lane was given when the property was originally built

## 3. Character of the area:

- The proposed dwelling is out of character with neighbouring properties. The size of the property is large in relation to the existing garden and the overdevelopment of the land/ having houses so close together is not in keeping with other properties in the area.
- Within the last few months a healthy 14 year old beech tree situated within the proposed dwelling plan was felled. Despite this, the proposed application appears to be a very large property for the available space. This would make it "not in keeping " with the area and appearing out of place and rather squashed.
- The proposed development will have a detrimental impact on the quality and character of Inholmes Lane. Specifically, the loss of trees and increase in traffic and parking will contribute to an overall reduction in the enjoyment of the area.
- 14 Edgerton Drive should have 2 TPO protected trees in the garden. At present, it is difficult to tell where these trees are - or if they are extant. Any development of this site could not be expected to improve this situation.

The scheme was amended after the above comments were received and further 4 letters objecting to the proposals were received setting out the following concerns:

1. Reiterated concerns related to difficulties with access to the proposed development and the hazards associated with increased traffic both on Inholmes Lane and accessing onto Station Rd.
2. Concerns about the proposed development being squeezed into a relatively small garden area which is out of character for Inholmes Lane and Edgerton.
3. Orchard House lies directly opposite the proposed development and would lose its current outlook of trees and garden.
4. The additional traffic and manoeuvring of vehicles during and after construction will create a noise disturbance for Orchard House and neighbouring properties.
5. The further loss of trees from 14 Edgerton Drive will be detrimental to the area and wildlife habitat.

17 letters of objections have been received in total

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located within the defined development limits of Tadcaster which is identified as a Local Service Centre in the Selby District Core Strategy 2013. There are two Hornbeam trees protected by TPO 9/1988 and there are no statutory or local landscape designations.

### **4. POLICY CONSIDERATIONS**

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

4.6 The relevant Core Strategy Policies are:

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

### **Selby District Local Plan 2005 (SDLP)**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development  
ENV2 – Environmental Pollution and Contaminated Land  
T1 – Development in Relation to the Highway  
T2 – Access to Roads

## **5. APPRAISAL**

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

1. The Principle of the Development
2. Design and Impact on the Character and Appearance of the Area
3. Impact on Residential Amenity
4. Highway Issues
5. Flood Risk, Drainage and Climate Change
6. Nature Conservation
7. Contamination Issues
8. Affordable Housing

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

5.2 Policy SP1 of the SDCS 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 NPPF.

5.3 The application site is situated within the Development Limits of Tadcaster which is the Local Service Centre as identified in the Core Strategy. Policy SP2A(a) of the Core Strategy states "Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement." and that

“Proposals for development on non-allocated sites must meet the requirements of Policy SP4.”

- 5.4 Policy SP4(a) of the SDCS states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits in different settlement types" and states that "In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages - conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."
- 5.5 The proposal is for a dwelling within the garden land of an existing residential property located within the development limits of Tadcaster and is considered to fall within one of the types of development identified within SP4(a) of the SDCS and is therefore acceptable in principle subject to other material considerations being acceptable.

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

- 5.6 In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors can impact on the character of the area. These are governed by policies by SDCS Policies SP4 (c) and (d), SP19 and SDLP Policy ENV1. Section 12 of the NPPF also puts significant emphasis on good design.
- 5.7 Policy SP4(c) of the SDCS states that "In all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Statements), where available".
- 5.8 Policy SP19 of the SDCS requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
  - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.9 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.10 Relevant policies within the NPPF, which relate to design include paragraphs 126 to 136.
- 5.11 The application site is a plot of land situated to the side/rear of 14 Edgerton Drive along the Inholmes Lane which is bounded by the residential properties on the north-west, north-east and south-east and Inholmes Lane with further residential properties beyond it on the south-west.

- 5.12 The character of the surrounding area is predominantly residential in nature with buildings of various sizes and design, and the stretch of Inholmes Lane where the dwelling is proposed is of a varied character comprising of both bungalows and two-storey dwellings. The buildings are constructed of variety of bricks with some examples of stone with a mixture of pantile and slate roofs.
- 5.13 The proposal as amended is for a bungalow of a rectangular shape with a pitched roof and a small-scale gabled projection to the front. It would have a footprint measuring approximately 13 metres by 6.3 metres and its offshoot would extend beyond its front elevation by approximately 1.7 metres and would have a width of approximately 5.5 metres. The overall height of the proposed dwelling would be approximately 4.75 metres with a height to eaves of approximately 2.4 metres. There would be a private amenity area to the north of the dwelling with a shed/cycle store and bin storage area and a parking and turning area with a front garden to the south west of the dwelling.
- 5.14 Comments made in representation related to the impact on the character and appearance of the area and it being overdevelopment of the site are noted and discussed further in this section.
- 5.15 It should be noted that the proposed scheme has been significantly amended during the course of the application which included reductions to the size, scale, siting and footprint of the dwelling.
- 5.16 In terms of the size of the plot and its layout, it is noted that the properties located within the vicinity of the site are detached dwellings sited within predominantly spacious plots with private garden areas located mostly either to the side or to the rear and with front garden areas of various sizes. Although the plot for the proposed new dwelling might appear smaller than plots of nearby properties, it would be proportionate to the size and scale of the proposed detached bungalow with adequate private amenity space to the side and substantial area to the front which would be utilised for parking, turning and front garden area. Furthermore, the existing dwelling (No 14) would have an adequate private amenity space, similar to other properties within its vicinity. Therefore, it is considered that the proposed layout of the site would be commensurate with that of the properties located within the vicinity of it and would respect the pattern of development at this part of the area.
- 5.17 The properties along Inholmes Lane have various frontage relationship with this road, with most of the properties sited at an angle with it and others facing it directly with their eaves or gable ends. The principal elevation of the proposed dwelling would be slightly set back from the elevations of the properties to the north-west and south-east but would maintain the form of development along this part of Inholmes Lane and would satisfactorily integrate into the street scene. Therefore, it is considered that the plot size, frontage and position of the dwelling within the plot would be in accordance with the prevailing character of the locality.
- 5.18 In terms of scale and appearance, the proposed dwelling as amended would be a detached bungalow of a simple design with a pitched roof and a gabled projection to the front. The dwelling would face Inholmes Lane with its eaves and a gable end of the offshoot in the middle. The properties along Inholmes Lane are predominantly detached dwellings varying in size, scale and design and, as such, it is not considered that the proposed detached bungalow would appear out of character. Having considered all of the above, the size, scale, height and design of the proposed dwelling would respect the character of the locality.

- 5.19 In terms of materials, the submitted application form states that the external construction of the proposed dwelling would be facing brick to match the dwelling on 14 Edgerton Drive for the walls with concrete interlocking tiles for the roof and PVCU double glazed windows and doors. Given the presence of similar materials within the vicinity of the site and its location, the proposed materials are considered acceptable subject to a condition requiring submitting details of brick and roof tiles.
- 5.20 In terms of landscaping, it is noted that the existing boundary treatments to the north-west and south-east would be retained as indicated on the drawings. The new boundary with 14 Edgerton Drive to the north-east would consist of 1.8 metres high timber fence and south west boundary would consist of 1.2 metres high post and rail fence to the north west of the access and a brick wall reduced to a height of 1.2 metres to the south east of it. It is therefore noted that the majority of the boundary treatments are present on site and no significant changes are proposed to them which is considered acceptable.
- 5.21 Furthermore, there are 2 Hornbeam trees protected by TPO 9/1988 located within the corners of the plot which are proposed to be retained as shown on the submitted drawings. There is a private garden area proposed to the side of the new dwelling, and a permeable parking and turning area with areas indicated as 'front garden' on the plans to the front. Given the size and scale of the development and the location of the site, the proposed landscaping is considered acceptable and it would not be reasonable or necessary to seek for further information on this matter in this instance. However, it is considered reasonable and necessary to add a condition requiring protection of the TPO trees during construction in accordance with British Standard.
- 5.22 Having taken into account all of the above and subject to the aforementioned conditions, it is therefore considered that the proposed dwelling is acceptable in terms of its scale, siting, height and design and would not have a significant or detrimental impact on the character and form of the locality. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the SDLP, Policies SP4 and SP19 of SDCS and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.23 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the SDLP and Policy SP4 of the SDCS. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.24 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.



- 5.25 Objections related to impacts on residential amenities of the neighbouring properties due to the size and scale of the proposed dwelling are noted. However, the proposed scheme has been significantly amended during the course of the application which included reductions to the size, scale, siting and footprint of the dwelling. As such and given that the amended proposal is now for a single storey dwelling that would be adequately distanced from the neighbouring properties to the north-west, south-west and south-east as well as the size, scale, siting and the design of the proposed dwelling and its orientation in relation to the neighbouring properties, it is not considered that any detrimental impacts of overshadowing, overbearing or overlooking would be caused to their amenity.
- 5.26 The objections raised following the amendment of the scheme in relation to impact on the outlook of trees and garden from Orchard House which lies directly opposite the proposed development are noted. However, given the minimum distance between the principal elevations of the Orchard House and the proposed dwelling at the most south-east point is approximately 15 metres increasing to approximately 19 metres towards north-west and the trees along the south-west boundary of the proposed new dwelling would be retained. As such and given the similar relationship between the properties along Inholmes Lane, it is considered that any detrimental impacts would not be caused on the outlook of the Orchard House. Furthermore, the loss of a private view is not a material planning consideration.
- 5.27 In terms of objections related to impacts of noise, it should be noted that the noise generated by the construction of the dwelling would be temporary and would cease once the development is complete. Also, the noise associated with the occupation of one additional dwelling in the existing residential is considered not to detrimentally affect the amenities of any of the occupiers of neighbouring residential properties.
- 5.28 The proposed new dwelling would be located in the private garden area of 14 Edgerton Drive and impacts on this property have to be considered. No 14 would retain an adequate amount of useable external amenity space for the occupiers of that dwelling as a result of the proposal. Also, it would be single storey and as such it is not considered that any detrimental impacts of overlooking of No 14 would be caused as a result of the proposal subject to a condition removing permitted development rights to create extensions or new openings in the roof slopes of the proposed dwelling. It is noted that the built form would be introduced along the new south-west boundary of No 14 which could potentially cause impacts of overshadowing and overbearing. However, this boundary would consist of a 1.8 metre high fence and the proposed building would be single storey with a height to eaves of approximately 2.4 metres and its roof would be sloping away from this common boundary. Furthermore, given the orientation of the proposed dwelling to the south-west of No 14 and its single storey nature combined with its size, scale and design, the impacts of overshadowing are considered to be periodical, mostly towards the end of the day and would be less apparent in warmer months of the year. As such, it is therefore considered that impacts of overshadowing or overbearing on No 14 would not be so detrimental as to warrant refusal on this basis.
- 5.29 In terms of the provision of impacts on the amenities of the proposed new dwelling, it is considered that the proposal would enable the provision of an adequate amount of useable external amenity space for the occupiers of the proposed dwelling. Furthermore, given its relationship with the neighbouring properties, adequate separation distance and orientation in relation to them, it is not considered that the new dwelling would be significantly impacted upon by the existing dwellings in terms of overshadowing or overbearing. In terms of overlooking, it is noted that the rear

elevation of the proposed dwelling would be located close to a common boundary of No 14 with only windows in this elevation proposed would be serving bathroom and en-suite which can be conditioned to be obscure glazed. Also, there are no windows in the south-west elevation of No 14 but there is one window at a first floor level of the south-east elevation of No 16. However, this window is angled away from the side elevation and a private garden area of the proposed new dwelling due to its position in the elevation and due to the siting of No 16 in relation to the site. As such and given that a similar relationship already exists between No 16 and No 14, it is not considered that the degree of overlooking caused to the proposed new dwelling would be so detrimental as to warrant refusal on this basis.

- 5.30 Having regard to the above, it is considered that the proposals are acceptable in terms of impacts on residential amenities and would therefore would not conflict with Policy ENV1 (1) of the SDLP, Policy SP4 of the SDCS and the advice contained within the NPPF.

### **Highway Issues**

- 5.31 Policies ENV1 (2), T1 and T2 of the SDLP require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the SDLP should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.32 The access to the new dwelling is proposed from Inholmes Lane which is a private road whilst No 14 would retain its access from a cul-de-sac on Edgerton Drive and there would be one parking space with a turning head serving the new dwelling.
- 5.33 The objections related to impact on highway safety are noted and highway safety issues are considered further in this section.
- 5.34 NYCC Highways Officer has been consulted and raised no objections subject to a condition requiring submitting a Construction Phase Management Plan for small sites. The recommended condition is considered reasonable and necessary to ensure safety of the drivers and pedestrians using Inholmes Lane given the location of the site and its size and was agreed with the applicant via an email received on 19 March 2022.
- 5.35 In addition to the above, the proposal is for a two-bedroom dwelling with a parking and turning area and it is not considered that the level of use of this private road associated with one additional dwelling would intensify so significantly as to warrant refusal on this basis.
- 5.36 Furthermore, it is noted that minimum parking requirements are met and that a reasonable turning space would be provided within the site ensuring that the vehicles could leave it in a forward gear. As such and given the location of the site and the nature of the Inholmes Lane, it is considered reasonable and necessary to add a condition requiring parking and turning spaces to be retained.
- 5.37 Having considered all of the above, notwithstanding objections raised and due to the nature and scale of the proposal and location of the site, the development is not considered to cause detrimental harm to highway safety and the proposed scheme is therefore in accordance with policies ENV1(2), T1 and T2 of the SDLP and the NPPF with respect to the impact on the highway network subject to conditions.

## **Flood Risk, Drainage and Climate Change**

- 5.38 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the SDLP and Policies SP15 and SP19 of the SDCS and the NPPF. Significant weight should be attached to SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.39 Policy SP15 (B) of the SDCS states that to ensure development contributes towards reducing carbon emissions and is resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.40 The proposed dwelling would be located within Flood Zone 1 which is at a low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 50 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.41 The application states that surface water would be disposed of via soakaway and sustainable drainage system and that foul water would be disposed of via mains sewer.
- 5.42 Yorkshire Water and Ainsty IDB have been consulted. Yorkshire Water have not supplied any comments. Ainsty IDB advised in terms of disposal of foul water, that if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.
- 5.43 In terms of disposal of surface water, the Ainsty IDB raised no objections subject to a condition related to approval of a scheme for the disposal of surface and foul water prior to commencement of development. Such condition is considered reasonable and appropriate and was agreed with the applicant via an email received on 19 March 2022.
- 5.44 Having considered all of the above, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the SDPL, Policies SP15 and SP19 or the SDCS and the advice contained within the NPPF subject to aforementioned condition.

## **Nature Conservation**

- 5.45 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the SDLP and Policy SP18 of the SDCS.
- 5.46 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.

- 5.47 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

### **Contamination Issues**

- 5.48 Policies ENV2 of the SDLP and SP19 of the SDCS relate to contamination and should be given significant weight as they are broadly consistent with the aims of the NPPF in relation to contamination matters.
- 5.49 The application is supported by a planning application form and a contaminated land screening assessment form. The proposed use would be vulnerable to the presence of contamination, as the site would be for residential purposes.
- 5.50 The Screening Assessment Form sets out that that the site is currently used as residential garden and that it was in residential and agricultural use prior to this. It also outlines that no fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present.
- 5.51 The application has been reviewed by a Contaminated Land Consultant who concluded that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, the Contaminated Land Consultant recommended that a planning condition related to reporting of unexpected contamination is attached to any planning approval in case unexpected contamination is detected during the development works
- 5.52 Given all of the above and subject to above condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the SDLP, Policy SP19 of the SDCS and the advice contained within the NPPF.

### **Affordable Housing**

- 5.53 SDCS Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 64 –“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). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.
- 5.54 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”. The application is for the erection of one dwelling and as such in the light of the West Berkshire Decision and paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by Policy SP9 C can be sought on an application for one dwelling.

## 6 CONCLUSION

- 6.1 The application seeks planning permission for the erection of one detached bungalow on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane.
- 6.2 The proposal is considered acceptable in principle due to the site's location in Tadcaster which is the Local Service Centre as identified in the SDCS where housing growth is generally supported subject to other material considerations.
- 6.3 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not cause a detrimental impact on the character and appearance of the area, residential amenity, highway safety, flood risk, drainage, nature conservation or land contamination. The application is therefore considered to be in compliance with Policies ENV1, ENV2, T1 and T2 of the SDLP, Policies SP1, SP2, SP4, SP5, SP9, SP15, SP18 and SP19 of the SDCS and the advice contained within the NPPF.

## 7. RECOMMENDATION

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

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

Reason:

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

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

- Drawing No LOC01 – Site Location Plan
- Drawing No 14/EDGE/001 A – Existing Arrangement
- Drawing No 14/EDGE/002 B – Proposed single storey dwelling in rear garden of 14 Edgerton Drive, Tadcaster, LS24 9QW (Proposed Site layout, Proposed Ground Floor Plan, Proposed Elevations and Proposed Roof Plan)
- Drawing No 14/EDGE/003 A – Site Plan

Reason:

For the avoidance of doubt.

3. Prior to commencement of the development above slab level, the details of brick and roof tiles proposed to be used for the construction of the external surfaces of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan 2005 and Policy SP4 of the Selby District Core Strategy 2013.

4. Two Hornbeam trees protected by TPO 9/1988 as shown on the drawing No 14/EDGE/002 B shall be retained, and no works shall be carried out to these retained trees. A formal application for consent to the works on any tree protected by the Order shall be submitted to the Local Planning Authority.

Reason:

In order to comply with the provisions of Section 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in the interests of visual amenity having had regard to Policy ENV1 of the Selby District Local Plan 2005 and Policy SP4 of the Selby District Core Strategy 2013.

5. Before any machinery or equipment is brought onto site and before any ground works or excavation works commence, the two retained Hornbeam trees indicated on the drawing No 14/EDGE/002 B located in the corners of the site adjacent to Inholmes Lane shall be enclosed by protective fencing in accordance with British Standard BS 5837:(2012) and once installed, the protective fencing shall be maintained for the duration of the works and no vehicle, plant temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected areas.

Reason:

To ensure the protection of the protected trees on site during construction in the interests of visual amenity in accordance with Policy ENV1 of the Selby District Local Plan 2005 and SP4 of the Selby District Core Strategy 2013.

6. Notwithstanding the provisions of Class AA, Class B and Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no windows, dormer windows and/or new openings or additions shall be placed in the north east roof slope of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential properties and occupiers of the dwelling hereby approved, having had regard to Policy ENV1 of the Selby District Local Plan 2005.

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  - a) details of any temporary construction access to the site including measures for removal following completion of construction works;
  - b) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - c) the parking of contractors' site operatives and visitor's vehicles;
  - d) areas for storage of plant and materials used in constructing the development clear of the highway;
  - e) 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 having had regard to Policy ENV1 of the Selby District Local Plan 2005.

8. No part of the development must be brought into use until the access, parking and turning areas for all users have been constructed in accordance with the drawing number 14/EDGE/002 B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development having had regard to Policy ENV1 of the Selby District Local Plan 2005.

9. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ainsty (2008) Internal Drainage Board, has approved a scheme for the disposal of surface water and foul sewage. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

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

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP15 of the Selby District Core Strategy Local Plan.

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

prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SP18 of the Selby District Core Strategy.

## **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 2021/0661/FUL and associated documents.

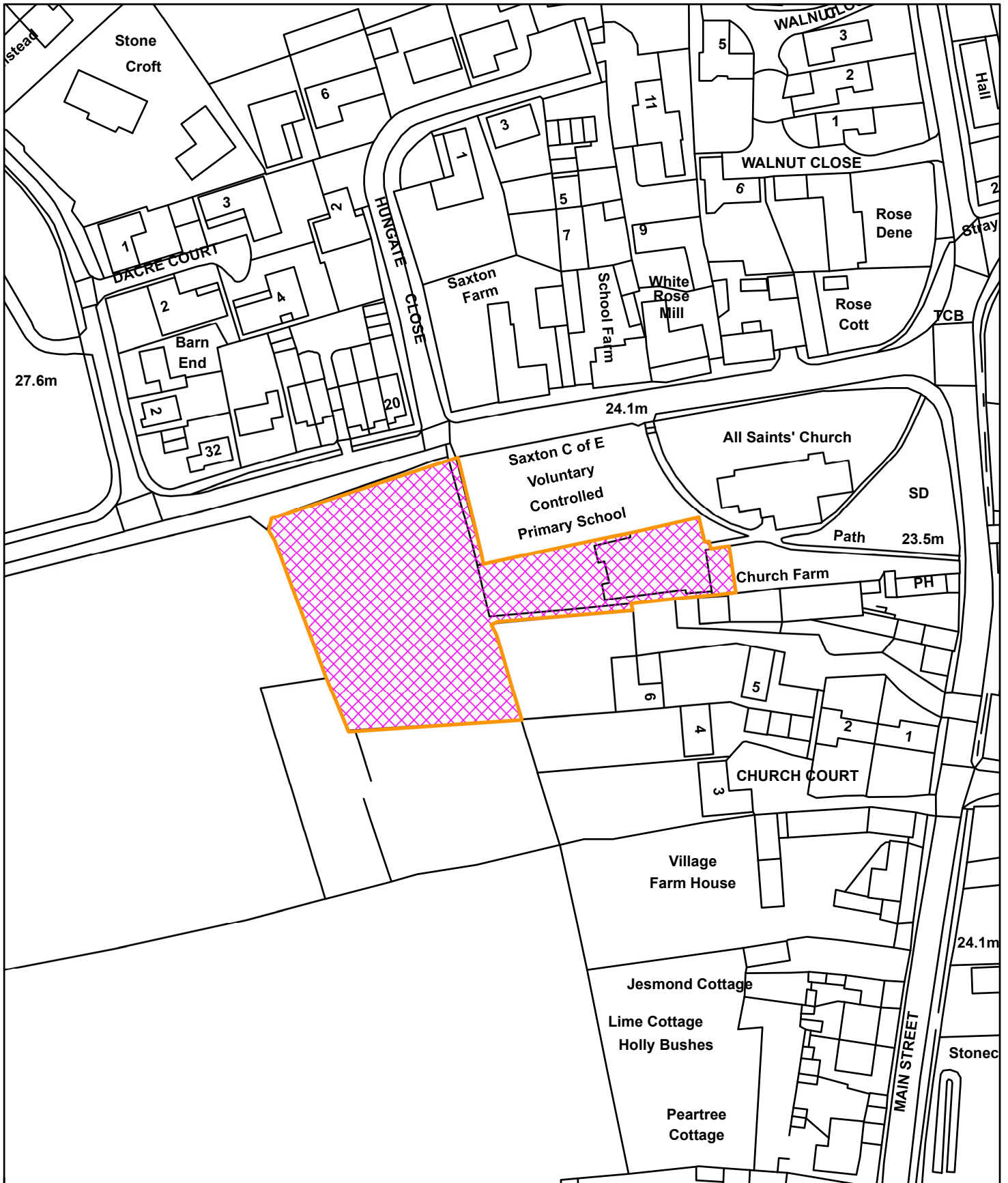
**Contact Officer:** Irma Sinkeviciene (Senior Planning Officer)

**Appendices:** None



# Agenda Item 5.2

Saxton C of E Primary School, Dam Lane, Saxton  
2021/1138/FUL



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**Report Reference Number:** 2021/1138/FUL

**To:** Planning Committee  
**Date:** 11 May 2022  
**Author:** Irma Sinkeviciene (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1138/FUL	PARISH:	Saxton Cum Scarthingwell Parish Council
APPLICANT:	Mr Rick Weights	VALID DATE: EXPIRY DATE:	8th November 2021 11 <sup>th</sup> May 2022
PROPOSAL:	Erection of a playground shelter		
LOCATION:	Saxton C Of E Primary School Dam Lane Saxton Tadcaster North Yorkshire LS24 9QF		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee since it does not accord with Policy ENV29 of the Selby District Local Plan 2005. This policy states that proposals for the development of local amenity space will not be permitted. However, since the proposal would comply with all other relevant criteria and it is considered that there are material considerations which support the application, the recommendation is for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located within the central part of Saxton village. It is adjacent to the grounds of the Grade I Listed All Saints Church to the north and east and there are residential properties to the south of the site and open fields to the west. The application site contains primary school with its grounds.
- 1.2 The site is located within the defined development limits of the Secondary Village of Saxton, within the Green Belt, Saxton Conservation Area and the Locally Important Landscape Area and there is one Grade I and seven Grade II listed buildings and structures within 100 metres of the application site.

- 1.3 The small area of school curtilage land to the east side of the school building is within the area defined in the SDLP as Local Amenity Space protected by Policy ENV29. This covers the open land area around the church. The proposed canopy would be constructed within this area. There was no evidence found on whether this enclosed area to the rear of the school building formed the original curtilage of the school. However, it is noted from a planning history search that this parcel of land was shown within the ownership of the Saxton C Of E Primary School since at least 2008. It is also noted from a Google Earth imagery search that this area has been enclosed by wooden fencing and used as a school yard/playground at some time between 2007 and 2013. Given the passage of time, the relationship of the school with the Church and following the verbal advice received from the Council's Planning Enforcement Team that it would not be expedient to enforce in this instance, it is considered that the use of the land as a school playground where the development is proposed is now established and a certificate of lawfulness would likely be granted. Moreover, its use as a playground open area for the early years of the school is consistent with the recreation designation.

### **The Proposal**

- 1.4 The application seeks planning permission for the erection of a playground shelter to provide outdoor learning and recreation space in all weathers to primary school children.
- 1.5 The proposal would consist of a black metal frame open sided canopy that sits next to the east elevation of the school building and supported by posts secured in concrete. It would measure from 5.7 to 6.1 metres (tapered) in depth and 6.2 metres in width and would have a lean-to clear polycarbonate roof with a height of approximately 2.3 metres to eaves and 3.3 metres to ridge.
- 1.6 The objective of the proposal as stated in the Supporting Text is to enable the school to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning space in all weathers, which is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017): "Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis." The building already has a large, glazed area with glazed door leading to this open outside area. The development would facilitate outside play in all weathers by providing an open sided simple shelter.

### **Relevant Planning History**

- 1.7 The following historical applications are considered to be relevant to the determination of this application.
- Application Number CO/1998/0664 (C8/67/98/PA) for the proposed erection of an extension to form an additional classroom at Saxton C Of E Primary School, Dam Lane, Saxton was approved by NYCC in November 1998.
  - Application Number 2008/0243/CPO (C8/67/98C/PA) for the proposed erection of first floor extension over existing flat roof, rendering of existing bricks and construction of a new porch and disabled access at Saxton C Of E Primary

School, Dam Lane, Saxton was approved by NYCC in September 2008 but was not implemented.

- Application Number 2010/0091/CPO (C8/67/98D/PA) for the proposed single storey extension to the principal elevation incorporating 1 metre high wall and ramped access and the installation of roof lights at Saxton C Of E Primary School, Dam Lane, Saxton was approved by NYCC in July 2010
- Application Number 2010/0521/CPO (C8/67/98E/PA) for the single storey extension to the principal elevation incorporating 1 meter high wall and ramped access and the installation of roof lights and the formation of a temporary access load and parking for the duration of the building works was approved in July 2010
- Application Number 2010/0939/CPO (C8/67/98F/PA) for the discharge of conditions 3(materials), 4 (archaeological works), 5 (excavation), 6 (access route) and 7 (temporary access) in relation to planning approval 2010/0091/CPO (C8/67/98D/PA) - Proposed single storey extension to the principal elevation incorporating 1 metre high wall and ramped access and the installation of roof lights was approved in September 2010
- Application Number 2014/0602/CPE (8/67/98H/PA) for a Lawful Development Certificate for an existing use as Class D1 (non-residential institution) at Saxton C Of E Primary School, Dam Lane, Saxton was withdrawn in July 2014
- Application Number 2018/0607/FUL for the proposed erection of a canopy 8.8 m x 2.5 m over part of early years outdoor area, the structure will be attached to school wall at Saxton C Of E Primary School, Dam Lane, Saxton was withdrawn in February 2019. This was due to the design being unacceptable and harmful to the site and its historic setting.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 Saxton Cum Scarthingwell Parish Council**

No response received during the statutory consultation period.

### **2.2 Conservation Officer**

The proposed canopy has been reduced in width and only covers the entrance area. The canopy is slender and simple in design. No objections to this approach and there will be minimal impact upon the significance of the neighbouring listed church. Any harm is mitigated by public benefits to the scheme - providing a sheltered area for school children.

### **2.3 Public consultations**

The application was publicised by press notice and site notices were posted on 2<sup>nd</sup> December 2021. No representations were received as a result of this advertisement.

## **3 SITE CONSTRAINTS**

## **Constraints**

- 3.1 The site is located within the defined development limits of the Secondary Village of Saxton, within the Green Belt, Saxton Conservation Area and a Locally Important Landscape Area and there is one Grade I and seven Grade II listed buildings and structures within 100 metres of the application site.
- 3.2 Part of the site is also located within the area identified as Local Amenity Space in the Selby District Local Plan 2005.

## **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 2013 (SDCS)**

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



- SP2 – Spatial Development Strategy
- SP3 – Green Belt
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

### **Selby District Local Plan 2005 (SDLP)**

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV15 – Conservation and Enhancement of Locally Important Landscape Area
- ENV25 – Control of Development in Conservation Areas
- ENV29 – Protection of Local Amenity Space
- CS2 – Educational Establishments

## **5 APPRAISAL**

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

- 1) The Principle of the Development
- 2) Green Belt policy
- 3) Impact on Local Amenity Space
- 4) Design and Impact on Heritage Assets and the character of Locally Important Landscape Area
- 5) Impact on Residential Amenity
- 6) Access, Parking and Impact on Highway Safety

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

5.2 The proposal is for the erection of a canopy to the rear of an existing school building to facilitate outdoor activities for primary school children in different weather conditions. The school is located within the village of Saxton, which is washed over by Green Belt, and the proposed canopy would be located within the parcel of land identified as Local Amenity Space in Selby District Local Plan proposals map. As such, saved policies CS2 and ENV29 of the SDLP, policies SP2 and SP3 of the SDCS and national guidance contained within the NPPF are relevant.

5.3 Policy CS2 of the SDLP allows the extension of existing educational establishments subject to (1) it being located within or adjacent to defined development limits and subject to other matters set out in criteria (2) – (6) which are discussed further in the relevant sections of this report. The application site is located within the defined development limits of Saxton and as such complies with the requirement (1) of the SDLP policy CS2. However, as the proposal is within Green Belt, the more restrictive policies in SP2A(d), SP3 and the NPPF are engaged.

### *Green Belt Policy*

5.4 Policy SP2A (d) of the SDCS requires that within Green Belt the development must conform to Policy SP3 and national Green Belt policies. Policy SP3B requires that in accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has

demonstrated that very special circumstances exist to justify why permission should be granted.

- 5.5 The above policies therefore specifically refer to Green Belt policies set out in the NPPF. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.6 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.7 The guidance within the NPPF paragraph 149 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt" and sets out a number of exceptions including [amongst other things] the following exceptions b) and c) respectively:
- *the provision of appropriate facilities (in connection with the existing use of land or a change of use for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*
  - *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*
- 5.8 The proposal is for an open-sided canopy that is minimal in its design consisting of a black metal frame and a polycarbonate roof sitting over the existing hardstanding area used for outdoor play in association with the school. As such, it would facilitate appropriate outdoor recreation facilities in connection with the established school. The canopy would not in itself have the appearance of an extension to the school building, given its lightweight construction, though would be viewed within the context of the existing built form of this part of the village with the school building serving as a backdrop.
- 5.9 Whilst openness is not defined in the NPPF, the Planning Practice Guidance provides a steer about what could be taken into consideration in the assessment of openness based on court judgements and includes, though is not limited to, spatial and visual aspects, its remediability and the degree of activity.
- 5.10 On the basis of the siting, scale, open sided design and lightweight construction of the canopy along with the ease that it could be removed and limited change to activity levels, it is considered that the proposal would preserve the openness of the Green Belt. Further, having reviewed the purposes of including land within the

Green Belt as set out in Paragraph 138 of the NPPF, it is not considered that the proposal would conflict with any of them.

- 5.11 Having taken into account all of the above, it is therefore considered that the proposal constitutes appropriate development in the Green Belt due to being an appropriate facility for outdoor recreation in connection with the established educational use which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal is therefore in accordance with policies SP2 and SP3 of the SDCS and national policies contained within Section 13 of the NPPF.

#### Local Amenity Space

- 5.12 The proposed canopy would be located within the small open areas to the east of the school building which falls within the Local Amenity Space as identified in the proposals map of the SDLP. The school building and the remainder of the school grounds are not located within it. Policy ENV29 of the SDLP states that "Proposals for the development of local amenity space, as defined on the proposals map, will not be permitted". Although Policy ENV29 does not allow the development of local amenity areas, Paragraph 12 of the NPPF states that 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.
- 5.13 The proposed canopy would be built within the established enclosed school playground area consisting of hardstanding which is located immediately to the rear of the school building. The proposal is for an open sided lightweight structure which would allow to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning and recreation space in all weathers and is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017). Therefore, the proposed canopy would be used for recreational and educational purposes by the users of the established educational community facility throughout the year and would contribute to diversification and optimisation of the use of the school site which is therefore considered to be a material consideration.
- 5.14 In addition to the above, Paragraph 93d) of the NPPF states that planning policies and decisions should ensure that established facilities and services are able to develop and modernise and Paragraph 95 of the NPPF states that LPAs should give great weight to create, expand or alter schools through the preparation of plans and decisions on applications. The NPPF supports modernisation and alterations to schools which is a material planning consideration weighing in favour of the proposal.

#### Summary

- 5.15 The proposed development would be appropriate development in the Green Belt and is therefore in accordance with Policies SP2 and SP3 of the SDCS and national policies set out in the Section 13 of the NPPF. The proposal would also comply with the requirement (1) of the SDLP policy CS2.
- 5.16 The proposal would not be consistent with the aims of Policy ENV29 of the SDCS resulting in development occurring within an area of local amenity space. However, the development would result in the enhanced use of the open space, extending

outdoor play for early years school children in all weathers. As such, it is considered that in this case there is justification to depart from the development plan policy.

- 5.17 In this context and having considered all the available evidence, it is therefore considered that the benefits the proposed development would provide to the established educational facility are material planning considerations, and the proposal would therefore comply with Policy SP1 of the SDCS and Paragraphs 93 and 95 NPPF.

### **Design and Impact on Heritage Assets and the Character of Locally Important Landscape Area**

- 5.18 The application site is located within the Saxton Conservation Area and within close proximity of a number of listed buildings and structures. It is also located within the Locally Important Landscape Area based around the Magnesium Limestone rural landscape to the west of the District. Therefore, policies ENV1, ENV15, ENV25 and CS2 of the SDLP and Policies SP18 and SP19 of the SDCS are relevant.
- 5.19 When considering proposals to any buildings or land within a conservation area, regard is to be made to Section 72(1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.20 Although the school is not listed, it sits in close proximity to buildings that are listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a general duty on local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.21 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Significant weight will be attached to the SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, limited weight should be afforded to Policy ENV25 as it departs from the approach taken in Section 16 of the NPPF, with the latter's emphasis on the significance of Designated Heritage Assets and the tests to be taken in respect of assessing harms depending on whether substantial or less than substantial harm would occur as the result of a proposal. Relevant policies within the NPPF, which relate to development affecting the Conservation Area and listed buildings, include paragraphs 194, 195, 197, 199 and 206.
- 5.22 Policy ENV15 of the SDLP emphasizes the importance of conservation and enhancement of the traditional character of buildings and quality of the landscape.
- 5.23 SDLP Policy CS2 requires that (6) the proposal would achieve a standard of design, material and landscaping appropriate to the locality, and which would not have a significant adverse effect on the appearance or character of the surrounding area.
- 5.24 Policies SP18 of the SDCS and Section 16 'Conserving and enhancing the historic environment' of the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, the impact on archaeological remains and the impacts on the setting of listed buildings.

- 5.25 Policy SP19 of the SDSC requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
  - B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.

*Impact on Heritage Assets*

- 5.26 The application site is located within the central part of Saxton Conservation Area and is adjacent to the grounds of the Grade I listed All Saints Church. The listed Church with two Grade II listed structures (Cross shaft and Lord Dacre’s Tomb) within its curtilage and the churchyard are outstanding features contributing to the character and appearance of the Conservation Area and the wider village. It is noted that the Listing of the Grade I listed Church of All Saints does not refer to the school building although the close relationship between them is noted. This part of the Conservation Area is characterised by predominantly two-storey buildings with pitched roofs of predominantly traditional design to the north of Dam Lane and two storey buildings of a more varied design to the east of Main Street. There are also some limited examples of rendered or brick build buildings within the vicinity of the site. Furthermore, it is noted that there is an example of a single storey lean to element immediately to the south-east of the site.
- 5.27 The application site comprises of a school building with a large playground to the west of it and a small playground area to the east of it. The existing school building on site is a single storey building built of natural stone. The original main part of the building has two double pitched elements of different lengths and there are various more modern single storey flat roof extensions wrapping around the south-west corner of the original building which were added in a piecemeal fashion. The area where the canopy is proposed to be constructed consists of a hardstanding area used as a playground enclosed by a 1.5 metre timber fence of an open design on the north and east, a high stone wall on the south and the rear elevation of the school building with a large, glazed opening on the west.
- 5.28 The proposal is for the erection of the lightweight open sided canopy to the rear (east elevation) of the exiting school building. The proposed canopy would consist of a black metal frame canopy with a clear polycarbonate roof. The canopy would measure from 5.7 to 6.1 metres (tapered) in depth and 6.2 metres in width and would have a lean to roof with a height of approximately 2.3 metres to eaves and 3.3 metres to ridge.
- 5.29 The Heritage Statement submitted with the application provides a detailed assessment of the significance of the nearby heritage assets and considers impacts of the proposed development on them. It identifies harm caused to the significance of seven designated and non-designated heritage assets (as shown in Table 5 of the Heritage Statement) by the proposed development and finds that slight adverse harm would be caused to 5 of these including the Grade I listed church and Saxton Conservation Area. The statement further concludes that this harm would be less

than substantial and that it should be weighed against the public benefits of the development. Upon review, the level of detail in the submitted Heritage Statement is considered to be appropriate to the asset's significance and sufficient to understand potential impacts of the proposal.

- 5.30 The Council's Conservation Officer has been consulted on this application who advised that the proposed canopy has been reduced in width and only covers the entrance area when compared to a previously withdrawn proposal 2018/0607/FUL. The officer also advised that the proposed canopy is slender and simple in design and raised no objections to this approach. The officer therefore concluded that there will be minimal impact upon the significance of the neighbouring listed church and that this harm would be mitigated by public benefits to the scheme given that a sheltered area would be provided for school children. The comments made by the Conservation Officer are noted and agreed.
- 5.31 The site is viewed within the context of the Grade I listed Church and churchyard with two Grade II Listed structures and wider conservation area. Although it is noted that there are more listed buildings within 100 metres of the site, it is not considered that any harm to them or their setting would be caused as a result of the proposal given the size, scale and simple design of the proposed canopy, interrupting built form of the area, existing vegetation and the separation distance between them.
- 5.32 The unlisted school building is of a limited visibility within the wider street scene due to it being significantly set back from Dam Lane and Main Street and screened to some degree by the existing vegetation and the built form of this part of the village. However, the east elevation of the school where the canopy is proposed to be constructed is of a high visibility and prominence within the churchyard forming the curtilage of the Grade I listed Church thus having potential to affect this heritage asset and its setting.
- 5.33 The proposed canopy would consist of a slender metal framework painted black, would have open sides and be of a simple design. As such, in terms of the overall design of the scheme, it is noted that a contemporary approach is to be taken whilst reflecting the form of the nearby traditional lean to building extensions within the vicinity of the site and the design is considered appropriate in principle.
- 5.34 Furthermore, the materials as described above and detailed in the application form and drawings are considered acceptable given the nature of the proposal, the context of the site, location in the conservation area and close proximity to a Grade I Listed Building and can be secured by a condition.
- 5.35 The proposed canopy might appear large in scale and would have the potential to appear prominent within the churchyard, particularly when approaching using a path from the north and east. However, the use of this part of the site as school playground is already established and the proposed canopy would be of a simple and slender design thus respecting the traditional overall form of the existing building. Also, the proposed canopy would have open sides and would be sited against the backdrop of the school building on the west and stone boundary wall with residential properties beyond it to the south thus to some degree reducing the prominence of this structure. Moreover, the majority of the canopy would project out from the more modern flat roofed addition to the school. Only a small part would extend across the original historic double pitched school building. The original pair of symmetrical arched windows, a feature of the historic original school would not be covered over.

- 5.36 Whilst it has a prominent position in relation to a nearby Grade I listed building, having considered all of the above and due to the size, scale, siting and design of the proposed canopy, it is considered that the proposal would cause less than substantial harm upon its significance which would need to be weighed against public benefit.
- 5.37 In terms of public benefit, the site is an established educational facility, and it is outlined within the submission that any harm caused by the proposed new canopy to the nearby heritage assets will be offset by the public benefit. It is noted from the submitted Supporting Text that the canopy over the established school playground is required to enable the school to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning space in all weathers which is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017): *"Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis."* The proposal would therefore significantly improve the quality of teaching provision for the local community.
- 5.38 Having taken into account all of the above, it is therefore considered that a significant public benefit would arise as a result of the proposal. As such, and given that the proposal is acceptable in all other respects, it is considered that on balance the public benefits arising from the proposal would outweigh the harm caused by it to nearby listed buildings and the Saxton Conservation Area.

#### Impact on Locally Important Landscape Area

- 5.39 In terms of landscaping, it should be noted that the existing playground area consists of hardstanding enclosed by a timber fence on the east and north and a stone wall on the south. There are no trees or other vegetation within the site itself and no alterations to boundary treatments are proposed. Also, the proposed canopy would be of an appropriate design respecting the traditional character of buildings as discussed above and would be viewed within the context of the existing build form with the school building serving as a backdrop thus not harming the quality of the landscape.
- 5.40 The relationship between the existing mature tree located to the east of the application site and the proposed canopy is noted. The tree is prominent within the churchyard and wider street scene and is considered to significantly contribute to the character and appearance of the conservation area. However, the tree is not within the applicant's control and is protected by virtue of conservation area status and as such, any works on this tree have to be authorised by the local authority. Whilst the proposed canopy would be sited closer to the tree in question, it would be of a lightweight construction and would not overlap the root protection area or the crown.
- 5.41 As such, it is therefore considered that the proposal would be in accordance with Policy ENV15 of the SDLP.

#### General Design Matters

- 5.42 In terms of general design matters required by criteria (4), (5) and (6) SDLP policy CS2, it is noted that the proposal would not create any enclosed spaces and its

outdoor playground use would be retained whilst allowing for a more efficient use of the school outdoor area. Also, having considered the above assessment and the design, material and landscaping matters, it is considered that those would on balance be appropriate to the locality and would not have a significant adverse effect on the appearance or character of the surrounding area. As such, it is therefore considered that the proposals would be in accordance with Policy CS2 of the SDLP.

### Summary

- 5.43 As such, it is considered that there would be less than substantial harm caused to the significance of the setting of the nearby Grade I listed Church of All Saints that would be, on balance, outweighed by the public benefits of the proposal. No harm is identified to the character and appearance of the Saxton Conservation Area, the surrounding area or the quality of the designated landscape. The proposal is therefore not contrary to ENV1, ENV15, ENV25 and CS2 of the SDLP and Policies SP18 and SP19 of the Core Strategy and the NPPF subject to conditions.

### **Impact on Residential Amenity**

- 5.44 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and CS2 (3) of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.45 The proposed canopy would be of a modest size and scale and would be significantly distanced from any of the residential properties. As such, it is considered that no significant adverse effects of overlooking, overshadowing or oppression would be caused to the existing dwellings located close to the application site.
- 5.46 Furthermore, the application site is an established educational facility and the area where the canopy is proposed to be located is already used as a school playground area. As such and having taken into account the relation of the site with the neighbouring residential properties, it is therefore not considered that the impacts of noise and disturbance generated by the proposed development would increase so detrimentally as to warrant refusal on this basis.
- 5.47 Having had regard to the above, it is considered that the proposed scheme would not result in any significant detrimental impacts on the residential amenities of the occupiers of the neighbouring properties and would therefore comply with Policies ENV1(1) and CS2 (3) of the SDLP and the advice contained within the NPPF.

### **Access, Parking and Impact on Highway Safety**

- 5.48 Relevant policies in respect to access, parking and highway safety include Policies ENV1 and CS2 (2) and (3) of the SDLP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.49 The proposal is for the canopy over the exiting playground area which would not increase the capacity of the existing school and would not intensify the use of the school site. As such, and given the siting, scale and nature of the proposed development, it is therefore not considered that the access, car parking and highway safety would be detrimentally affected. The scheme is therefore considered



acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1 and CS2 of the SDLP and the NPPF.

## **6 CONCLUSION**

- 6.1 The proposal would comply with the requirement (1) of the Selby District Local Plan 2005 Policy CS2 due to being within the development limits of Saxton. Also, the proposed development would be appropriate development in the Green Belt as an appropriate facility for outdoor recreation in connection with the established educational use which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposed scheme is therefore in accordance with Policies SP2 and SP3 of the Selby District Core Strategy 2013 and national policies set out in the Section 13 of the NPPF. The proposal would conflict with the requirements of Policy ENV29 of the SDLP but the material considerations described above are considered sufficient justification to depart from the requirement of this policy in this case.
- 6.2 In this context and having considered all the available evidence, it is considered that the benefits the proposed development would provide to the established educational facility are material planning considerations, and the proposal would therefore comply with Policy SP1 of the Selby District Core Strategy 2013 and Paragraphs 93 and 95 of the NPPF.
- 6.3 The proposed development is considered to cause less than substantial harm upon the significance of the setting of the nearby Grade I listed building Church of All Saints, other Grade II listed buildings and the Saxton Conservation Area. However, it is, on balance, considered that this harm would be outweighed by the public benefits of the proposal in this particular case and the proposal is therefore not contrary to Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005, Policies SP18 and SP19 of Selby District Core Strategy 2013 and the advice contained within the NPPF subject to conditions.
- 6.4 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on residential amenity of adjoining occupiers and highway safety.
- 6.3 The application is therefore considered to be in accordance with Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005, Policies SP1, SP2, SP3, SP15, SP18 and SP19 of the Selby District Core Strategy 2013 and the advice contained within the NPPF.

## **7 RECOMMENDATION**

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

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

Reason:

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

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

*Drawing No. 01 – Proposed Canopy Design (Site Location, Proposed Block Plan Existing and Proposed Floor Plans, Proposed Visuals*

*Drawing No. 02 – Proposed Canopy Design (Existing and Proposed Elevations)*

Reason:

For the avoidance of doubt.

03. The materials proposed to be used for the development hereby approved shall be black painted powder coated steel frame with clear polycarbonate roof panels as described in Part 7 of the application form received on the 10<sup>th</sup> September 2021. The framework of the canopy shall be finished/painted black RAL9005 and shall be retained as such throughout the lifetime of the development.

Reason:

In the interests of visual amenity and to ensure the proposals cause no harm to the nearby heritage assets in accordance with Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005 and Policies SP18 and SP19 of the Selby District Core Strategy 2013.

## **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**

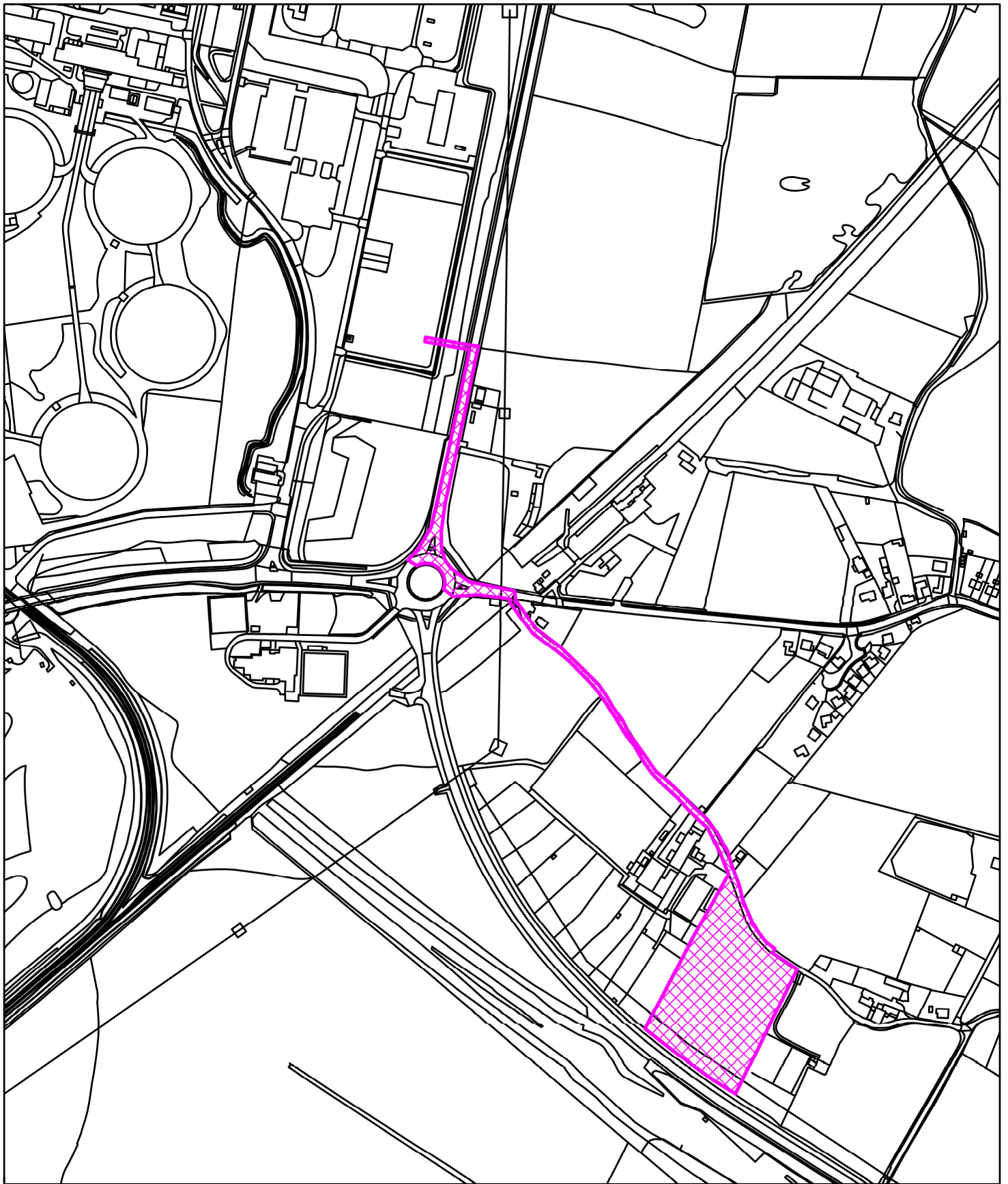
Planning Application file reference 2021/1138/FUL and associated documents.

**Contact Officer:** Irma Sinkeviciene (Senior Planning Officer)

**Appendices:** None

# Agenda Item 5.3

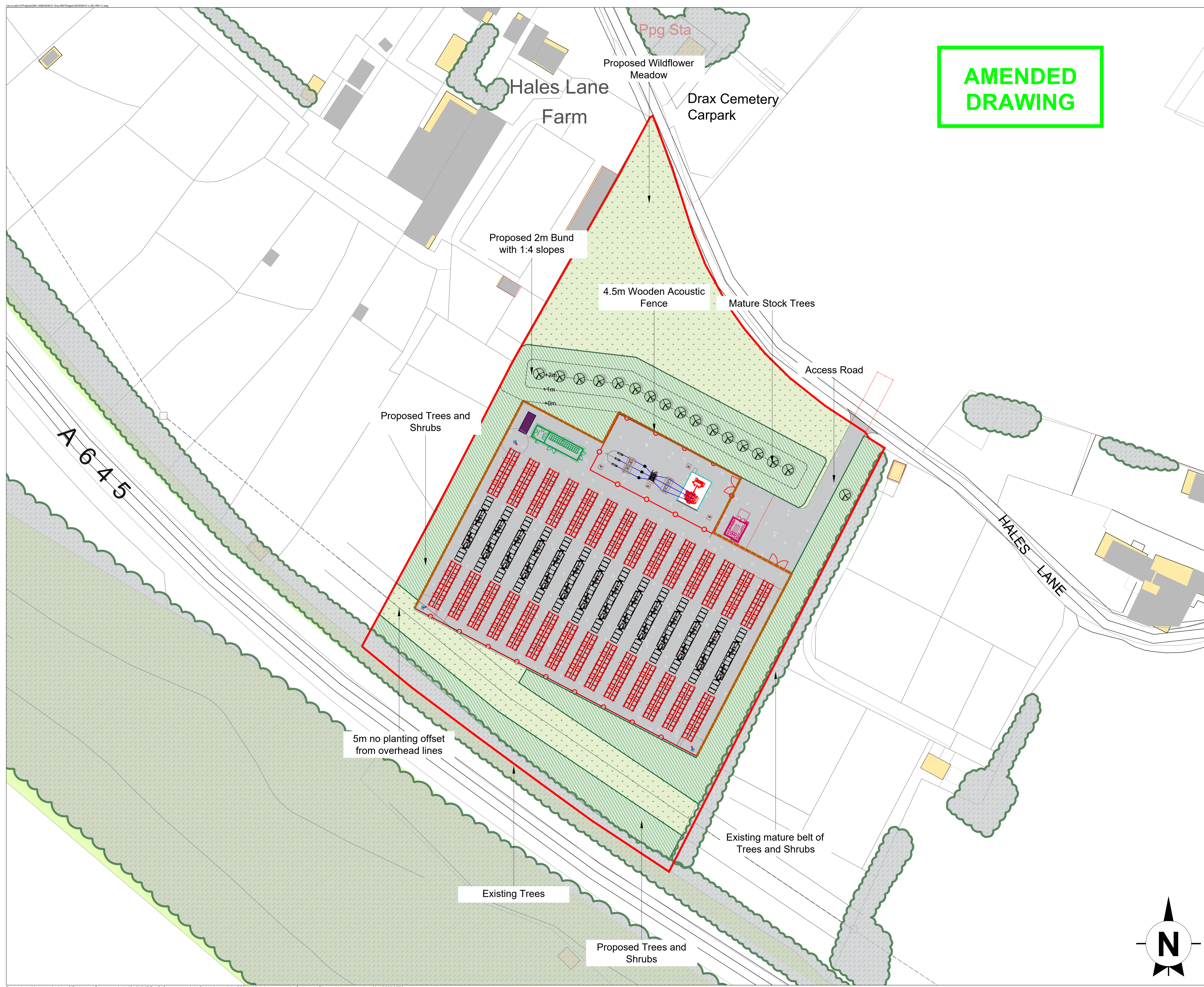
Land off Hales Lane, Drax  
2021/1089/FULM



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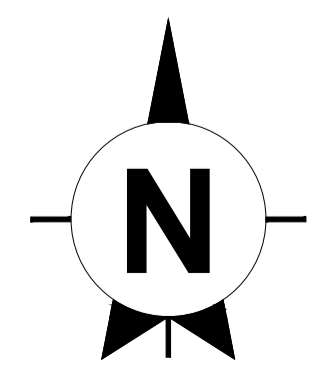
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Revision History		Date
A	FOR PLANNING	25/08/21
B	UPDATED MITIGATION PROPOSALS	16/12/21
C	UPDATED BUND DESIGN	24/03/22

- Site Boundary
- 4.5m Timber Acoustic Fence
- Proposed Bund
- Palisade Fencing
- Existing Vegetation
- Specimen Trees
- Trees and Shrubs
- Wildflower Grass

Chester Office: Well House Barns Breton Chester CH4 9JH		South Manchester Office: Cavellia House 75 Wilton Lane Wilmslow SK4 9BB		
0844 8700 007 - www.axisped.co.uk				
client: AURA POWER LTD				
project: HALES LANE BATTERY STORAGE FACILITY				
drawing title: LANDSCAPE MITIGATION PLAN REVISED LAYOUT				
date: AUGUST 2021		drawn by: PHM		checked: AR
drawing number: 3038-01-L-001		status: FOR PLANNING		
scale(s): 1:500 @ A1		rev: C		
planning environment design				



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**Report Reference Number:** 2021/1089/FULM

**To:** Planning Committee  
**Date:** 11 May 2022  
**Author:** Jenny Tyreman (Assistant Principal Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1089/FULM	PARISH:	Drax Parish Council
APPLICANT:	Aura Power BESS Ltd	VALID DATE: EoT DATE:	6th September 2021 17 <sup>th</sup> May 2022
PROPOSAL:	Development of a battery storage facility, associated infrastructure, access and grid connection		
LOCATION:	Land Off Hales Lane Drax Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as it is a major application where 10 or more letters of representation have been received, which raise material planning considerations and officers are recommending approval of the application contrary to these representations.

## 1 INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises a cultivated agricultural field that is located in open countryside to the south of Hales Lane, which itself lies to the south-east of Drax village, and extends along the public highway to Drax Power Station to the north-west. The area of the site taken up by the battery storage facility itself including access but excluding landscaping is approximately 0.7 hectares.
- 1.2 The agricultural field is bound by existing trees and hedgerow along its eastern, southern and western boundaries, but is open along its northern boundary with Hales Lane. To the north on the opposite side of Hales Lane is the Drax Cemetery

and an open field extending to Drax' Main Road along which are residential development. To the east is Hales Farm including a series of equine paddocks and stables. To the west is Hales Lane Farm which also includes equine paddocks and stables and operates a kennels/cattery and grooming parlour. To the south is a belt of trees beyond which is the A645. Overhead electricity cables cross the site in line with its southern site boundary.

## **The Proposal**

- 1.3 The proposal is for the construction of a battery-based energy storage facility comprising 14 no. parallel rows of Battery Energy Storage Systems (BESS) cabinets running north to south with medium voltage infrastructure located between them. Each row would include 40 no. battery cabinets in 2 no. blocks of 20 fixed to a galvanised metal frame on concrete footings set circa 0.8m above ground level. The cabinets would be 2.7m in height and would sit a maximum of 3.5m over ground level. Other supporting infrastructure includes a main substation with a maximum height of 7m, a customer switchroom and control building measuring 3m in height and a 2.6m high storage container. The facility would be accessed via an improved vehicular access from Hales Lane in the location of the existing field access, leading to an internal roadway. The perimeter of the battery compound would be surrounded by a palisade security fencing and a 4.5m acoustic fence/screen is proposed along the northern, eastern and western edges. Three no. 5m high columns with CCTV cameras are proposed within the compound, though the applicant has confirmed that these could be reduced in height to 4m. A communications cabinet and associated 5m high mast have been omitted from the application, as communications will now be provided through an underground fibre cable connection. Lighting would be kept to a minimum and limited to times of maintenance. Drainage and landscaping works are proposed.
- 1.4 The point of connection to the electricity grid would be at the Drax Grid Supply Point Substation located within the Drax Power Station around 600m to the northwest of the site. The connection would be installed underground and is being sought as part of this application, though if provided by the statutory undertaker could be carried out under permitted development rights. The route of the grid connection would be within the carriageway of Hales Lane, Main Road and New Road.
- 1.5 The intended capacity of the battery-based energy storage facility is up to 100MW. The proposed development would store power from the Grid at times of excess supply and would feed this power back into the grid at times of high demand or reduced generation capacity; thus, the proposed development would effectively provide a 'balancing service' which would assist in balancing grid frequency at times of system stress. The proposed development would provide a flexible and reliable back-up power source to the Grid that can respond to variations in local and national energy demand and fluctuations in generation from renewable energy sources.
- 1.6 In terms of the operational lifespan of the proposed development, it is anticipated that this would be 30 years from when it becomes first operational, after which infrastructure would be removed and the site restored to its present use and condition.
- 1.7 Further information has been sought during the application with regards highway works and revised plans have been submitted that seek to improve landscaping/screening around the facility. The redline has been extended to



incorporate the land up to Hales Lane to provide for increased landscaping, as a result of which further publicity was undertaken.

- 1.8 The application has been considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it is concluded that the proposed development is not likely to have any significant effects on the environment in terms of the Regulations and an Environmental Statement is not required.

### **Relevant Planning History**

- 1.9 The following historical application is considered to be relevant to the determination of this application:

Application Number: CO/2003/1308, AltRef: 8/500/125/PA  
Proposal: Installation of 66000 volt overhead line stretching from,  
Address: A645 South Of Drax Power Station To Newland Bridge, Drax, Selby,  
Decision: PERMITTED 09-JUN-04

## **2 CONSULTATION AND PUBLICITY**

### **2.1 Drax Parish Council**

Due to the proximity to existing residential properties and the potential risk of lithium polymer overheat explosion the parish council feel that the site is not suitable for the storage farm. A better location would be on the existing Drax Power site. The current proposed location is again the erosion of existing farmland. The parish council are not against such developments but the location of such sites.

### **2.2 NYCC Highways**

Request that conditions be attached to any permission to cover the new or altered private access to the site, delivery of off-site highway works and a Construction Management Plan.

### **2.3 Yorkshire Water Services**

Request conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Wastewater – surface water is to be drained to watercourse, which is endorsed. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

Water supply – A 90mm HPPE water main runs in the section of verge on Hales Lane proposed to be temporarily widened for GHV access, which will require suitable protection from any HGV traffic passing over the widened verge.

### **2.4 Environment Agency**

No objection. The site lies within Flood Zone 3, with a high probability of flooding from rivers and/or sea. The application is for the construction of a battery storage facility, which are classified as a 'essential infrastructure' in the PPG. It is necessary

for the application to be supported by a site-specific flood risk assessment (FRA) which can demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

The FRA, by KRS Environmental, has been submitted. Provided the proposed development is built in accordance with the submitted FRA then there are no objections.

Highlight the need to satisfy the sequential test, separate to and despite no objections on flood risk grounds.

## **2.5 NYCC Lead Local Flood Authority**

No objection subject to conditions being attached to address detailed infiltration testing for surface water run-off. The ground conditions suggest that there is the potential to manage the surface water onsite through infiltration and that the site will be predominantly made up of permeable areas with only small areas of impermeability. The site is also classed as 'less vulnerable' according to the vulnerability classification. There is a public sewer that could be considered as a Plan B. There is very little evidence of groundwater in this area. A maintenance plan has been submitted, which seems reasonable. Therefore, it seems reasonable to cover through condition.

## **2.6 Selby Area Internal Drainage Board**

The IDB provide comment on current guidelines for any increase in surface water discharge and recommend planning condition for larger development be attached.

## **2.7 Natural England**

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

## **2.8 County Ecologist**

The site of the proposed development is currently an arable field with woodland and hedgerows to the boundary. The development will occupy the southern part of the field with grid connection cables passing through the northern part of the field.

The type, scale and location of the development would mean that there will be no impacts upon any statutory or non-statutory designated sites within the local area. In relation to amphibians, there are no ponds within the site, three ponds within the surrounding area were surveyed and tested for GCN eDNA - the results of the eDNA were negative and as such no impacts are expected in relation to great crested newts.

Overall, the site is of low ecological value and the recommendations set out within Table 5.1 within Appendix 5-1 are sufficient to ensure that any local disturbance is minimised, these include: creation of areas of meadow grassland, tree, shrub and

hedgerow planting; protection of retained trees and pollution prevention; provision of bat and bird boxes; and timing of works to avoid nesting birds.

The recommendations set out in table 5.1 (e, u and x), should be secured through condition or informative. In particular, the provision of a landscape and biodiversity restoration and management plan should be secured.

## 2.9 Yorkshire Wildlife Trust

No response

## 2.10 Landscape Consultant

The site is located within an agricultural field between Hales Lane and A645 road. The local landscape character and context is predominantly rural within an area of mixed of arable fields, equine paddocks and stables. There are several local farms and roads in proximity to the site with Hales Lane Farm to the NW corner of the site and Hales Farm to the NE side of the site. There are approximately 30-40 other residential properties around Drax village fringe within approximately 200m - 400m to the northeast side overlooking the site. The fields between the site and the village are relatively open. The proposed development will include 14 parallel rows of battery storage units (3.5m high), substation (7m high), inner security fence (2.5m high), outer acoustic fence to the west, north and east sides (4.5m high), and other associated electrical infrastructure and access roads, CCTV and night-time security lighting. The battery storage units will be light grey in colour. The proposed development would be for 30 years, infrastructure removed, and the site restored at the end of this period.

There is potential for significant long-term adverse landscape and visual effects within the local area due to nature of the proposed development, particularly if existing screen hedgerows are outside the Applicant's control.

Following the submission of revised plans, the officer confirms that is reasonably satisfied that the additional information clarifies the Landscape issues previously raised and would generally agree with the conclusions of the Landscape and Visual Addendum. Confirms also satisfied that the proposed Landscape Mitigation provides what is reasonable and possible, to help reduce adverse landscape and visual effects.

There are likely to be some close proximity views of the development within the first 10 – 15 years (including those from Hales Lane Farm, Hales Lane and other settlement edge properties along Main Road and Mill Lane). Visibility and adverse visual effects are likely to reduce to low and negligible as proposed screen planting becomes established.

The Applicant has incorporated additional screen planting to the west, east and south sides within the site to ensure control and permeance. Screen bunding 2m high is proposed to the northern side with additional planting. Additionally, the internal battery containers and perimeter acoustic fence could be coloured with a suitable recessive colour (such as dark green) to help reduce visibility in the short term while planting becomes established.

Requests the following conditions should be secured by suitably worded condition:  
(1) Detailed landscaping scheme; to be implemented in the first available planting

season, minimum 5 year replacement defects period for planting; (2) Battery containers and perimeter acoustic fencing to be a dark green colour; (3) Long-term maintenance and management plan; secured for the life of the development; (4) Restoration of the site at the end of the operational life; to suitable agreed agricultural after use; and (5) Control of lighting; to minimise night-time adverse effects.

#### **2.11 Environmental Health**

While the proposed development is outside the village and some distance from the majority of residents, it is still in proximity to some residents of the area and, therefore has the potential to have a negative impact by way of noise, vibration and dust during construction. As such, conditions are requested regarding noise, vibration, dust and dirt and restricting hours of work.

A Noise Impact Assessment concluded that the installation of an acoustic screen at a height of 4.5m around the facility would reduce the potential impact of operational noise on nearby residents. Condition requested re: the acoustic screen.

Raises no further comment in response to the further information on the design and location of the acoustic barrier.

#### **2.12 Contaminated Land Consultant**

The submitted information and historical maps demonstrate that the development site is currently agricultural land and has not previously been developed. Additionally, the proposed development should not be particularly sensitive to the presence of contamination, so no further investigation or remediation work is required. Recommends that a planning condition is attached to any planning approval, in case unexpected contamination is detected during the development works.

#### **2.13 North Yorkshire Police Designing Out Crime Officer**

In relation to safety and security, it is considered that the fencing, gates and CCTV arrangements are appropriate for this proposal and as such as no further comments to make.

#### **2.14 North Yorkshire Fire & Rescue Service**

No comment with regards means of escape and fire precautions which may be required under the Regulatory Reform (Fire Safety) Order 2005.

#### **2.15 NYCC Archaeologist**

The application includes a Heritage Impact Assessment along with the results of an archaeological geophysical survey. Although there is some archaeological potential for prehistoric and Romano-British activity in the general area the largely negative results of the geophysical survey suggest that there is a low risk for his particular site. As such, the results of the survey do not require following up with trial trenching and there is no justification to require any further archaeological work post-determination. No objection to the proposal and have no further comments make.

## 2.16 **Conservation Officer**

No response received.

## 2.17 **Public Rights Of Way Officer**

No response received.

## 2.18 **National Grid**

No response received.

## 2.19 **Publicity**

The application was publicised in the press and through the posting of site notices in the locality. The revised scheme was re-advertised by site notice. In total, 16 no. representations were received to the initial consultation and 3 no. to the re-advertisement, objecting to the proposal including on the following grounds:

- Lack of consultation with adjoining landowners and the Parish Council prior to the planning application being submitted.
- The change of use from agricultural field to industrial use breaks an existing covenant on the land in this area sets a precedent if approved for other uses of agricultural land.
- The battery storage facility should be on a site zoned for industrial use with the infrastructure and road system to support and sustain industrial development.
- Noise pollution and disturbance to local residents and to horses kept on adjacent land and livery yard.
- Kennels and Equine businesses will be severely disrupted during construction and health and well being of animals will be severe from construction and due to noise from the site.
- Access to site via a single-track road that is used by local residents for access, equestrian riders and the local cemetery and kennels will be restricted during 26-week construction period.
- The development is outside the village development envelope and has no special value which would justify special treatment and would set precedent for further industrialisation.
- Conflicts with Green Belt policy and is in flood zones 2 and 3 [NB The site is not within Green Belt].
- Application has not covered protection of adjoining lines of hedges and trees and wildlife.
- The land is traditionally flooded in winter with standing water from normal rainfall and liable to annual flooding from rainfall and there is no indication of how this is going to be mitigated and the impact of run-off water causing flooding to adjacent land.
- Views along Hales Lane and visiting the cemetery will be changed for 25 years.
- View from property will be dominated by 4.5m high acoustic fence, which will affect value.
- The widening of Hales Lane to allow access of HGVs and removal of a grass verge will affect the safe access to horse riders in the event of oncoming traffic and will lead to loss of mature trees.
- Hales Lane is in dreadful condition and not suitable to carry HGVs, which will totally destroy the lane and drain beneath.

- Limited access would cause extreme difficulty tending livestock on Hales Lane.
- Object to the lack of provision of an Environmental Statement due to noise and access issues to properties and to recreation facilities.
- Objection to the excavation of Hales Lane to dig a trench for the cable, with no details of how existing residents and businesses along Hales Lane will gain access to properties.
- The development and it will deliver absolutely no benefits to the local area.
- This is the wrong development in the wrong location as Drax is a small rural village already surrounded by Drax Power Station and Rusholme wind turbines, any further industrial development would be of great detriment to the village and its residents.
- Across the UK the clear majority of battery storage facilities are being located on industrial sites.
- Poses a fire hazard.

19 no. letter of representation received in total.

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located in countryside beyond the defined Development Limits of the Secondary Village of Drax as defined in the Development Plan. The site lies largely in Flood Zone 3a (high probability), with a small section adjacent to Hales Lane falling within Flood Zone 2 (medium probability). In terms of Agricultural Land Classification, the upper part of the site adjacent to Hales Lane is identified as Grade 3b and the lower part of the site closest to the A645 (across which the overhead electricity cables pass) is Grade 3a.

### **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  
SP12 - Access Services, Community Facilities and Infrastructure  
SP13 - Scale and Distribution of Economic Growth  
SP15 - Sustainable Development and Climate Change  
SP17 - Low-Carbon and Renewable Energy  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
ENV2 - Environmental Pollution and Contaminated Land  
ENV3 - Light Pollution  
ENV28 – Other Archaeological Remains  
T1 - Development in Relation to Highway  
T2 - Access to Roads

### **National Planning Policy Framework**

4.8 The relevant chapters are:

2 – Achieving sustainable development  
4 – Decision-making  
12 – Achieving well-designed places  
14 – Meeting the challenge of climate change, flooding and coastal change  
15 – Conserving and enhancing the natural environment  
16 – Conserving and enhancing the historic environment  
Annex 3 – Flood risk vulnerability classification

## 5. APPRAISAL

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

- The Principle of Development
- Landscape and Visual Impact
- Natural Environment and Biodiversity
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Heritage Assets
- Other issues

### **The Principle of Development**

5.2 Policy SP1 of the Core Strategy seeks a positive approach to development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and sets out how this will be undertaken.

5.3 Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A(c) relates to development located within the countryside outside development limits, which is "*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 improved 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 Policy SP13 seeks sustainable development that brings sustainable economic growth in rural areas through local employment opportunities including the diversification of agriculture and other land based rural businesses. This policy is accords with Paragraph 84 of the NPPF, which supports a prosperous rural economy through, amongst other things, diversification of agricultural businesses. Whilst not specifically diversification of a agricultural businesses as the facility would be separate to the running of the farm holding, the proposal would indirectly contribute to the vitality of the rural economy by providing a stable, long-term income for the existing farm, Top House Farm.

5.5 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it specifically, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.

5.6 Policy SP17C specifically relates to 'Low Carbon and Renewable Energy' and states "*All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria: (i) are designed and located to protect the environment and local amenity; or, (ii) can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and (iii) impacts on local communities are minimised*". Policies SP18 and SP19 of the Core Strategy,



together with saved Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

- 5.7 Turning to National Policy and Guidance, the NPPF is supportive of low carbon and renewable energy proposals in principle as is the Planning Policy Guidance. This states that *“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”*.
- 5.8 While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the impacts of the proposals need to be given full and careful consideration. The impacts of the proposals will be discussed in more detail below.

### **Landscape and Visual Impact**

- 5.9 Saved Policy ENV1 of the Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Core Strategy Policy SP17(C) requires all renewable energy and low-carbon energy generation and supporting infrastructure to protect the environment and local amenity. Core Strategy Policy SP18 seeks to protect landscape character and setting of areas of acknowledged importance. Core Strategy Policy SP19(e) requires new and existing landscaping to be incorporated as integral part of the design of the scheme. Paragraph 130 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area and are sympathetic to the landscape setting.
- 5.10 The proposal would involve the provision of plant and equipment on a site that, as an open agricultural field, is presently free from any form of development other than overhead lines. The compound would be surfaced in gravel with the laying of concrete support pads upon which the battery storage units [JT1] and associated substations, switchroom, container and storage container would be fixed, with a maximum height of the substation transformer being 7m, though the majority being around 3m in height. It would be surrounded by a 4.5m high acoustic fence and separate security fencing. Other associated works include a gravel access road linking the facility to Hales Lane and a landscape bund across the width of the site to the northern side. Further landscaping to supplement existing planting is proposed along the remaining sides. Three 4m high columns with CCTV and lighting for security and maintenance purposes are proposed within the compound.
- 5.11 As such, due to the size and height of equipment, the proposed development has the potential to be a significant intrusion in the local landscape and have an adverse impact on the character and appearance of the surrounding rural area, though it is noted that the area open countryside and is not identified as an area of acknowledged importance, e.g. Green Belt or Locally Important Landscape Area.
- 5.12 The application is supported by a Landscape and Visual Impact Assessment, dated August 2021 and prepared by Axis. However, the scheme has been amended since first submission and additional Landscape Addendums have been submitted.

- 5.13 The Council's Landscape Architect has been consulted on the proposals and is generally supportive of the landscape appraisals and revised scheme as it seeks to mitigate any visual harm by pulling the facility away from the side site boundaries in order to provide improved additional landscaping on all sides and a landscaped bund to the side facing Hales Lane. A number of conditions are requested including: (1) the colour and finish of the battery energy storage containers, transformers, substation and all fencing and means of enclosure; (2) Provision of a detailed hard and soft landscaping scheme, to be implemented within the first available planting season following completion, with initial 5-year replacement defects period; (3) the approved landscaping scheme to be retained and managed to maintain screening of the site, for the life of the development; and (4) a detailed restoration scheme to be submitted should the development cease to operate, where all structures and equipment are to be removed and the site to be re-instated to agricultural use. These are all considered reasonable and necessary, and suitably worded conditions could be attached to any planning permission granted.
- 5.14 Having regards to the above and subject to the aforementioned conditions, it is considered that the landscape and visual impact of the proposal on the character and appearance of the area would be acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP17, SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

### **Natural Environment and Biodiversity**

- 5.15 Policy SP18 of the Core Strategy seeks to safeguard the natural environment, including at: (3) promoting the effective stewardship of the District's wildlife; (7) protecting soil, air and water quality from pollution; and, (9) steering development to areas of least environmental and agricultural quality. Saved Policy ENV1(5) of the Local Plan requires proposals to take account of the potential loss or adverse effect upon, *inter alia*, trees and wildlife habitats. ENV2 of the Local Plan deals with environmental pollution and contaminated land.
- 5.16 This is reflected in national policy at paragraph 174 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things: "*(a) protecting and enhancing valued landscapes...and soils; (b) 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; (d) minimising impacts on and providing for net gains for biodiversity; (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*".
- 5.17 Planning Practice Guidance sets out how to take account of the quality of agricultural land, green infrastructure, biodiversity and ecosystems, and landscape.

#### *Quality of Agricultural Land*

- 5.18 The application site sits within a larger swathe of open agricultural land south of the village of Drax. The land within the application site is identified on the Natural England Agricultural Land Classification maps as Grade 3 agricultural quality with the majority of the field being sub-grade 3a: Good Quality Agricultural Land and with a smaller section adjacent to Hales Lane itself being sub-grade 3b. This is based on

an assessment of the land in 1993 that is made available by Natural England as part of its Detailed Post 1988 ALC Survey data.

- 5.19 Natural England has produced guidance (updated 5 Feb 2021) on protecting agricultural land and soils. It confirms that the Best and Most Versatile (BMV) agricultural land is graded 1 to 3a and describes Grade 3a as land capable of consistently producing moderate to high yields of a narrow range of arable crops (especially cereals) or moderate yields of other crops. As the proposal would lead to a small loss (under 20ha) of BMV land, notification to Natural England is not required.
- 5.20 The applicant has appointed a soil specialist to undertake a detailed up-to-date soil resource and agricultural quality survey for the field south of Hales Lane, totalling 1.52 hectares. This identifies two main types of soil: a sandy type and heavier soils with clay subsoils. Whilst it concludes that the land is of Grade 3 agricultural quality, it finds that a lesser area in the southern part of the site is occupied by sub-grade 3a land (35% of the field or 0.53ha) and more of the land being within sub-grade 3b (65% or 0.99ha). Of the sub-grade 3a land, it finds that this land has clay subsoils with loamy topsoil and has slow drainage that causes seasonal wetness that limits workability in winter and spring. The sub-grade 3b land has sandy subsoil with low moisture reserves and is prone to agricultural limitation from drought. Therefore, the proposal would lead to a reduced loss of BMV agricultural land. Given the extent of works to provide a raised base for the facility, it is likely that the site, even following restoration, would not be able to return to its current sub-grade of agricultural land without substantial works.
- 5.21 Therefore, the short-term and longer-term loss needs to be weighed in the balance against the wider sustainability benefits of the proposal.

#### *Nature Conservation and Protected Species*

- 5.22 In terms of biodiversity, an Ecological Appraisal prepared by Avian Ecology, dated 17.8.2021, has been submitted. No impacts upon any statutory or non-statutory designated sites are likely given the type, scale and location of the development, nor has any negative impact on protected species been identified and the site considered to be of low ecological value. Ecological Constraints and Opportunities are identified including creation of areas of meadow grassland, additional planting, protection of retained trees, pollution prevention, provision of bat and bird boxes and timing of works to avoid nesting birds.
- 5.23 The County Ecologist has raised no objections subject to the imposition of conditions including securing the provision of a landscape and biodiversity restoration and management plan. These conditions are considered to meet the tests of planning conditions outlined in paragraph 56 of the NPPF.

#### *Pollution*

- 5.24 There is not anticipated to be any unacceptable pollution as a result of the provision of the facility. The site has not been previously developed and the proposed development is not particularly sensitive to the presence of contamination. Whilst no further investigation or remediation work is requested by the Council's Contamination Consultant, a condition in the event of unexpected contamination is sought, which is considered to be reasonable and proportionate.

5.25 In light of the above, it is considered that the proposal would not adversely impact the natural environment or biodiversity and, therefore, complies with Policy SP18 of the Core Strategy and advice in the NPPF.

### **Impact on Residential Amenity**

5.26 Saved SDLP Policies ENV1(1) requires proposals to take account of the amenity of adjoining occupiers, ENV2 to prevent unacceptable noise and nuisance impacts and ENV3(3) to ensure outdoor lighting proposals do not significantly adversely affect local amenity. Core Strategy Policy SP17(C) requires all new renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.

5.27 The application site would be located to the south/south-west of the village of Drax, adjacent to Hales Lane along which are a number of scattered residential properties, Hales Lane Farm and Hales Farm, which sit either side of the application site at distances of 30m and 70m respectively, though further from the facility itself. The nearest property is Hales Lane Farm that lies to the west, separated from the facility by existing agricultural buildings. The nearest residential grouping of houses is to the north at a distance of approximately 115m to the north-west of the site, but around 195m from the facility itself.

5.28 The proposal would be visible in views of towards the site from surrounding residential properties, particularly given the height of the acoustic fence at 4.5m high and the main transformer at 7.5m high. However, the planning system does not seek to protect private views and such views would be mitigated in part, once established, by the landscaped bund and additional planting. Further, a condition could be imposed to ensure that the acoustic fence is painted green, or another similarly recessive colour, to minimise its appearance. Infra-red lighting linked to the CCTV is proposed but is kept to a minimum for security and maintenance purposes.

5.29 Given the size, siting and design of the proposed development and the provision of fencing and landscaping, the proposed development would not have any adverse effects in terms of overshadowing or oppression on neighbouring properties.

5.30 There is likely to be disturbance from noise and traffic movements during the construction phase and de-commissioning stage, but these are short-term impacts. The hours of construction on site can be controlled through condition and a Construction Management Plan is sought by condition.

5.31 In terms of operational impact, the application is supported by a Noise Assessment, dated 23 December 2021, prepared by Miller Goodall, which takes account of the revised design. This identifies key receptors as being those residential properties either side of the site but concludes that the predicted increase in noise levels would equate to a low impact for residents in the vicinity of the proposed site and would be mitigated by the 4.5m high acoustic barrier, which reduces noise levels to below backgrounds in the daytime and just above background in the night-time.

5.32 The Council's Environmental Health Officer has raised no objections in light of the design and location of the acoustic barrier, though requests conditions are imposed to cover: (1) A scheme to minimise noise, vibration, dust and dirt during construction works; (2) A restriction on house of construction; and (3) A condition to secure the provision of the acoustic fence. A further condition to control outdoor lighting would be required if the scheme is to be approved.

- 5.33 Subject to conditions, the impacts on residential amenity of surrounding residents would be minimised and largely limited to the construction phase and de-commissioning, both of which are short-term works. It is therefore considered that in respect of the impact on residential amenity, the proposal would be in accordance with Saved SDLP Policies ENV1(1), ENV2, ENV3(3), Core Strategy Policy SP17(C) and national planning policy contained within the NPPF.

### **Impact on Highway Safety**

- 5.34 Saved Local Plan policies ENV1(2), T1 and T2 of the Local Plan require development to ensure that there is suitable access and no detrimental impact on the existing highway network. The NPPF seeks a safe and suitable access (paragraph 110) and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety (paragraph 111).
- 5.35 The proposal would involve the construction of a new access from Hales Lane and access road within the site. The application also includes the laying of cables to provide the connection to the National Electricity Grid located at Drax Power Station along Hales Lane and New Road. It is explained in the application that these works could potentially be provided under permitted development rights.
- 5.36 Given the nature of the use, the main potential impact on highway safety would be during construction works, with full construction anticipated to take 26 weeks. The application is supported by a Transport Statement. Further information has been sought by the local highway authority through the course of the application, particularly given the works to Hales Lane to provide the Grid connection and the number of construction vehicles (284 two-way trips over a 7-week period) using the lane that is narrow in width with the potential for damage to the highway and verges. Once operational, there would only be occasional visits for routine maintenance.
- 5.37 It is now proposed that two passing places would be provided along Hales Lane to ensure no vehicular conflicts in the interests of highway safety, which the local highway authority has confirmed it would be happy to secure through condition.
- 5.38 From a highway safety perspective, the application is acceptable subject to the imposition of conditions and it complies with national and local planning policy in respect of highway safety.

### **Flood Risk and Drainage**

- 5.39 Relevant Development Plan policies in respect to flood risk, drainage and climate change include saved Policy ENV1(3) of the Local Plan and Policy SP15 of the Core Strategy. Detailed advice on flood risk is contained in the NPPF at chapter 14 and in the Planning Practice Guidance that accompanies the Framework. The aim of national flood risk policy is to direct inappropriate development away from those areas at highest risk of flooding and ensure development is made safe for its lifetime without increasing flood risk elsewhere (paragraph 159).
- 5.40 The application is supported by a Flood Risk Assessment and Surface Water Drainage Assessment, dated January 2022 and carried out by KRS Environmental. This confirms that the site is located within Flood Zone 3a, which is assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a

1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year. It lies within an area that benefits from flood defences.

- 5.41 Given the site's location within Flood Zone 3a, the application is subject to the sequential test to determine whether there are any other available sites at a lower probability of flooding which could reasonably accommodate the proposed development. The NPPF advises that development should not be permitted where there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding (paragraph 162).
- 5.42 Where it is not possible to locate development in lower flood risk zones, the exception test may have to be applied, depending on the potential vulnerability of the site and proposed development, in line with the Flood Risk Vulnerability Classification in Annex 3 of the NPPF (paragraph 163).
- 5.43 In addition to the application of the above tests, paragraph 167 of the NPPF requires that flood risk is not increased elsewhere and development in areas at risk of flooding should only be allowed if, after application of the sequential and exception tests, it can be demonstrated that, inter alia, the development is appropriately flood resistant and resilient, and sustainable drainage systems are incorporated.

#### *Sequential Test*

- 5.44 In terms of the application of the sequential test, the FRA highlights the key criteria for the development to be in close connection to the electricity power network (provided by the 132kv substation at Drax Power Station), the higher risk of flooding in the wider area resulting in no reasonably available sites within lower risk flood zones and the lack of any advantage in locating the development elsewhere including outside an area at risk of flooding. This approach has been agreed for other similar battery storage proposals in the vicinity. Therefore, it is considered that the proposal can be considered to pass the Sequential Test.

#### *Exception test*

- 5.45 The FRA classifies the proposed development as 'less vulnerable', which is appropriate development in this flood zone and is not subject to the exception test. This has been the approach adopted for other battery-storage facilities that have been approved within the District as these schemes are not deemed essential to keep the energy supply running and the Grid could rely on alternative supply if the site were affected by a flood exceedance event.
- 5.46 However, the Environment Agency have commented on the basis that the facility is linked to the electricity generating industry and is therefore considered to be 'essential infrastructure'. As essential infrastructure, the exception test would need to be passed before the scheme could be considered to be appropriate development in Flood Zone 3a.
- 5.47 Paragraph 164 of the NPPF states that to pass the exception test it needs to be demonstrated that: 1. The development would provide wider sustainability benefits to the community that outweigh the flood risk; and 2, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

- 5.48 The proposal would support the electricity generation sector and store generated electricity from renewable energy sources at times of excess supply for use by the Grid at times of demand. In doing so, it would offer wider sustainability benefits to the community within the District and at a national level. It is considered that the first part of the test is satisfied.
- 5.49 The site-specific Flood Risk Assessment and Surface Water Drainage Assessment (January 2022), highlights that the site is at risk from fluvial and tidal flooding from the River Ouse and surface water flooding from the poor permeability of the land. Whilst the likelihood or significance of flood risk from fluvial or surface water flooding is considered to be none or low respectively, that from tidal flooding is considered to be of medium significance, though would be only in the most extreme flood events if the flood defences were overtopped or breached.
- 5.50 It concludes that the site would be expected to remain dry in all but the most extreme conditions and were flooding to occur, the consequences would be acceptable. Given the nature of the proposal, there would be no vulnerable users and flood mitigation strategies could be employed to make the site safe, e.g. concrete pads to raised levels of equipment, monitoring water levels on site to allow shut down of plant in the event of a flood, flood warning and evacuation plan for maintenance staff/site visitors. It is therefore considered that the second part of the test is satisfied.

#### *Surface water drainage*

- 5.51 Surface water drainage from the 650mm concrete rafts and surrounding apron for the facility has been assessed as part of the FRA and ground conditions suggest infiltration would provide a suitable option, which could be covered by condition. If infiltration testing proves to be unsuitable, the only alternative would be discharge to the public sewer.
- 5.52 It has therefore been demonstrated that the proposal would be safe for its lifetime and that suitable surface water drainage can be provided for the development to avoid increasing flood risk elsewhere.
- 5.53 Yorkshire Water, the Lead Local Flood Authority and Selby IDB raise no objections to the proposals subject to conditions to cover surface water drainage arrangements. The Environment Agency has been consulted and has raised no objection to the proposal on flood risk grounds.
- 5.54 Therefore, subject to the imposition of a condition to cover surface water drainage, the proposal is considered to comply with local and national planning policies and is acceptable in flood risk and drainage terms.

#### **Heritage Assets**

- 5.55 The site does not fall within or close to a designated conservation area, is at a distance of over 500m from the Grade I St Peter and St Paul Church and Grade II Churchyard Cross and Castle Hill Moated Site schedule monument.
- 5.56 A Heritage Impact Assessment and Archaeological Geophysical Report have been submitted to support the application. These identify that although there is some archaeological potential for prehistoric and Romano-British activity in the general area, the largely negative results of the geophysical survey suggest that there is a

low risk for this particular site. As such, the results of the survey do not require following up with trial trenching and there is no justification to require any further archaeological work post-determination. Therefore, the County Archaeologist raises no objection to the proposal.

- 5.57 As such, the proposal accords with Core Strategy Policy SP18, which seeks to safeguard historic environments, and Saved Policy ENV28 of the Local Plan, which concerns archaeological remains, as well as complying with national guidance on heritage assets in the NPPF.

### **Other issues**

- 5.58 Drax Parish Council has raised concerns about the potential risk of lithium polymer overheat explosion and the proximity to existing residential properties. It is noted that this is not a matter highlighted by the Council's Environmental Health Officer or the North Yorkshire Fire and Rescue Service.
- 5.59 The applicant has provided a briefing note on fire safety, which acknowledges the possible hazard of BESS of fire risk and should a lithium-ion battery overheat and combust it may be subject to discharging flammable and toxic gases. However, it points to this not being a new phenomenon that has been exaggerated in media reports as occurrences have been rare and where fires have occurred, they have been safely extinguished. The battery units used in the battery storage systems are climate-controlled to keep the batteries in a safe operating range and also have built-in alarms and fire suppression systems that can extinguish the fire automatically if needed. It confirms that the proposed development will be fitted with a fire suppression system that will be retained in-situ and maintained thereafter for the entirety of its operation.
- 5.60 The briefing note also addresses site selection by the applicant as provided in more detail in the supporting Planning Statement, and focuses on the requirement for favourable site conditions, being: (1) a location close to a point of connection to the grid with capacity to both export and import the requisite amount of electrical energy; (2) a location proximate to the point of connection (i.e. cable or existing substation) to minimise transmission losses; and (3) available land for purchase/lease at reasonable and acceptable commercial terms.
- 5.61 It goes on to explain that this site has been chosen as it was within the identified study area with a point of connection at Drax, was commercially available land and following the adoption of a sequential approach to site selection. Following an assessment of all available sites within the study area, this site was most favourable from environmental, social and economic perspectives. In terms of environmental perspective, the site's location next to the A645, limited ecological value, Grade 3b agricultural land and natural woodland backdrop were considered. Social, the distance from the village and mitigation for any detrimental amenity impacts. With regards economic factors, the site was considered favourable as it would support to an existing agricultural business from a stable, long-term income.
- 5.62 The Planning Statement provides information about the need for such facilities nationally to balance out electricity supply, particularly from increasing renewable and low-carbon energy sources and provide a reliable source of energy. It also outlines the national energy policy and strategy context set down in numerous documents, including National Policy Statement for Energy (July 2011) and the Energy White Paper – Powering our Net Zero Future (December 2020). The latter



sets down Government aims to increase supply from renewable energy sources to achieve net zero emissions by 2050.

## **6. CONCLUSION**

- 6.1 The application proposes the construction of a battery-based energy storage facility on existing agricultural land off Hales Lane, Drax. The proposed development would connect into the existing local electricity grid infrastructure – specifically the 132kv substation adjacent to Drax Power Station – via a cable within the public highway. The proposed development would allow electricity from the Grid to be stored in batteries at times of low demand and then exported back to the Grid at time of high demand; thus, the proposed development would effectively provide a ‘balancing service’ which would assist in balancing grid frequency at times of stress. The proposed development would support increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at time of high demand, contributing to ensuring a reliable energy supply to the Grid and the wider community. In doing so, it would fit within the Government’s aims to be achieve net zero emissions by 2050.
- 6.2 The application is considered to be acceptable in principle in accordance with the relevant policies of the development plan when read as a whole (specifically SP1, SP2 and SP17 of the Core Strategy) and national planning policy and guidance contained within the NPPF and PPG respectively, which are all supportive of low carbon and renewable energy proposals.
- 6.3 The proposal would lead to the loss of land that is agricultural use largely within Grade 3b, but with 0.53 ha of Grade 3a best and most versatile agricultural land. It also has the potential to significantly impact on the landscape and amenity. The proposal has been revised to increase landscape mitigation around the facility to reduce the visual impacts of the proposed development on the rural character and appearance of the area that lies south of Drax village. Measures are proposed to limit the impact of the proposal on sensitive receptors in the vicinity of the site. Conditions are requested to address highway safety along the public highway of Hales Lane, biodiversity, flood risk and drainage in addition to landscape and visual impact and residential amenity.
- 6.4 Having assessed the application against the relevant policies and national policy advice in the NPPF, it is considered that, on balance, the proposed development accords with the overall aims and requirements of national and local planning policy and is therefore recommended for approval subject to 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 listed below:

AP.11 Rev 03 – Site Location Plan  
AP.10 Rev 03 – Block Plan  
3038-01-L-001 Rev C – Landscape Mitigation Plan  
AP.1 Rev 3 – Drax Site Layout  
Ap.2 Rev 4 - 132/33kV HV Substation Plan  
AP.3 Rev 3 - 132/33kV HV Substation Elevation  
AP.4 Rev 5 - Customer Switchroom/Control Building  
AP.5 - Battery, Transformer and PCS Elevation and Plan  
AP.6 – Fence and Gate Elevations  
AP.7 Rev 2 – CCTV Camera  
AP.9 – Spare Parts Container

Reason:

For the avoidance of doubt.

03. Notwithstanding the details submitted as part of the application documents, prior to their installation, details of the colour and finish of the battery energy storage containers, power control units, transformers, ring main unit, acoustic fence/screen, security fence, substation, switch room/control building room, communications cabinet, storage container, mast, CCTV poles and any other associated infrastructure 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 Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

04. The approved bund and landscaping scheme (as shown on drawing 3038-01-L-001 Rev C - Landscape Mitigation Plan) shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted, in accordance with a detailed planting scheme to have been submitted to and approved in writing by the Local Planning Authority. 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 during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with a detailed long term landscape maintenance and management plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, for the lifetime of the development. The maintenance and management plan shall include details of how any existing landscaping to be retained as well as proposed landscaping to be implemented as part of the proposals shall be maintained and managed.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policy ENV1 of the Selby District Local Plan.

05. Within six months of the development ceasing to be used for the storage of electricity, the battery energy storage containers, power control units, transformers,

ring main unit, acoustic fence/screen, security fence, substation, switch room/control building room, communications cabinet, storage container, mast, CCTV poles and any other associated infrastructure shall be permanently removed from the land and the site restored to its former use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policy ENV1 of the Selby District Local Plan.

06. No visible artificial external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing by the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and saved Policies ENV1 and ENV3 of the Selby District Local Plan.

07. Prior to any site preparation or the commencement of the development, a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority. The construction of the development shall be completed in accordance with the approved scheme.

Reason:

To protect the amenity of the area, the environment, and local residents from pollution, having had regard to saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

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

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

09. Prior to the development being brought into use, a barrier surrounding the perimeter of the storage facility shall be erected to provide effective acoustic screening to surrounding residential properties and be constructed of either timber and or concrete to a height of 4.5m above the surrounding ground level, as stated in the mitigation measures within the noise assessment that was carried out in connection with this application. The panels shall have a surface mass of not less than 17kgm<sup>2</sup> and shall be free from gaps and cracks. All joins to post to be effectively sealed as shall the joint between the lower edge of the panels and the

soil. Once installed, the barrier shall be retained and maintained as such throughout the site's operational life.

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

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

- The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E40 and the following requirements.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

In accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11. The following schemes of off-site highway mitigation measures on Hales Lane must be completed as indicated below:

- Temporary and/or permanent localised widening/passing places prior to commencement of any works of site.
- Pre-construction condition survey report, followed by a post-construction survey to identify any remediation works that are needed.

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

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

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

Reason:

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

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

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of Castle Hill Lane, Drax access for construction purposes;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- 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, in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan.

13. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Table 5.1 within Appendix 5-1 of the Ecological Assessment (ref. AxisL-043-1505 Version 1), dated 17<sup>th</sup> August 2021, prepared by Avian Ecology, with particular reference to recommendations (e), (u) and (x) relating to the creation of habitats through the provision of a landscape and biodiversity restoration and long-term management plan. This plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Ecologist prior to works commencement.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

14. The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment (dated January 2022 and prepared by KRS Environmental (reference KRS.0310.048.R.001.A)).

Reason:

In order to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, having regard to SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

15. Prior to the commencement of development, details of surface water drainage arrangements shall be submitted to and approved in writing by the Local

Planning Authority, in consultation with the Lead Local Flood Authority. Such details shall include:

Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the permeable surfaces, which shall be confirmed in writing to the Local Planning Authority.

If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. These post development runoff rates shall be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff shall be confirmed in writing to the Local Planning Authority.

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.

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason:

To ensure that the site is properly drained and in order to prevent increase flood risk elsewhere on the site or off-site and overloading to the public sewer network, in accordance with Policy SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network, in accordance with Policy SP15 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

17. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the

relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason:

In the interest of public health and maintaining the public water supply.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan and Policy ENV2 of the Selby District Local Plan.

INFORMATIVE:

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

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and industrial estate roadstreet works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roadstreet%20works%202nd%20edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 10.

INFORMATIVE:

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

INFORMATIVE:

You are advised that separate consent from the Internal Drainage Board (IDB) may be required in addition to any planning permission granted. Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy

and within 3 months of development progressing on site, so as not to increase flood risk downstream of sites during temporary works/development.

## **8 Legal Issues**

### **8.1 Planning Acts**

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

### **8.2 Human Rights Act 1998**

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

### **8.3 Equality Act 2010**

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

## **9 Financial Issues**

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

## **10 Background Documents**

Planning Application file reference 2021/1089/FULM and associated documents.

**Contact Officer:** Jenny Tyreman (Assistant Principal Planning Officer)

**Appendices:** None



**List of Planning Applications Determined Under Delegated Powers**  
The following Planning Applications have been determined by officers under the scheme of Delegation

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0032/HPA	Mr Mark Backhouse	Croysdale Farm Moor Lee Lane Eggborough Goole East Yorkshire DN14 0PX	Erection of single storey rear extension to dwelling (retrospective)	PERMITTED 24 Mar 2022	Ellis Mortimer
2021/0041/FUL	Sandra Worsley	Land off Saxton Lane Saxton Tadcaster North Yorkshire	Erection of field shelter and the change of use of land for equestrian purposes	PERMITTED 18 Mar 2022	Irma Sinkeviciene
2021/0402/FUL	M & M Dew	4 The Crescent Selby North Yorkshire YO8 4PU	Conversion of building from offices to two nos. apartments	PERMITTED 31 Mar 2022	Emma Howson
2021/0403/LBC	Dew	4 The Crescent Selby North Yorkshire YO8 4PU	Listed building consent for conversion of building from offices to two nos. apartments	PERMITTED 31 Mar 2022	Emma Howson
2021/0582/FUL	Mr James Walmsley	Lingwood Farm Selby Common Selby YO8 3RN	Erection of a livestock building with an associated feed silo and attenuation drainage pond (building 1)	PERMITTED 12 Apr 2022	Elizabeth Maw

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/0583/FUL	Mr James Walmsley	Lingwood Farm Selby Common Selby YO8 3RN	Erection of a livestock building with an associated feed silo and attenuation drainage pond (building 2)	PERMITTED 12 Apr 2022	Elizabeth Maw
2021/0648/OUT	KACH Capital Estates Ltd	Land off Coupland Mews Selby North Yorkshire	Outline application for erection of 9no. dwellings including means of access (all other matters reserved).	PERMITTED	Diane Holgate
2021/0735/HPA	Mr A Pulleyne	Woodside Lodge Hull Road Cliffe Selby North Yorkshire YO8 6NH	Erection of double garage	PERMITTED 25 Mar 2022	Jac Cruickshank
2021/0764/HPA	Mr & Mrs Pemberton	2 Beech Grove Selby North Yorkshire YO8 4AS	Single storey rear extension	PERMITTED	Josh Turner
2021/0778/HPA	Mr Chris Wright	Saxton Grange Doncaster Road Towton Tadcaster North Yorkshire LS24 9PE	Alterations to garage roof forming a gable end for additional roof height, demolition and rebuilding of cow shed to form kitchen dining room	PERMITTED 25 Mar 2022	Irma Sinkeviciene
2021/0844/FUL	Mr G Best	The Homestead Main Street Kelfield Selby North Yorkshire YO19 6RG	Erection of two storey detached dwelling with associated external works	PERMITTED 24 Mar 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0937/COU	Mr Steve Allan	Unit 1 Bondgate Business Centre Bondgate Selby North Yorkshire YO8 3LX	Change of use of dog grooming parlour to office (retrospective)	PERMITTED  12 Apr 2022	Linda Drake
2021/0922/HPA	Mrs Fiona Steele-Dayman	5 Jesse Close Selby North Yorkshire YO8 8SB	Erection of four fence panels to rear of the property to increase the height to 238 cm at the maximum height falling to 195 cm at the lowest point due to the height of the levels of the back garden (retrospective)	PERMITTED  17 Mar 2022	Jac Cruickshank
2021/0939/DOC	Glentroot Land (Sherburn 2) Limited	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of condition 15 (remediation strategy) of approval 2018/0697/OUTM S.73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016	CONDITION DECISION  23 Mar 2022	Jenny Tyreman
2021/1048/HPA	Mrs Christine Whitfield	7 Derwent Court Skipwith Road Escrick Selby North Yorkshire YO19 6JL	Creation of additional first floor lounge window	PERMITTED  5 Apr 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1071/COU	Chicken Ranch	5 Finkle Street Selby North Yorkshire YO8 4DT	Change of use from sandwich deli to hot food takeaway (retrospective)	PERMITTED 18 Mar 2022	Hannah Blackburn
2021/1095/S73	Paul & Ian Driffill	Broadlands Hull Road Cliffe Selby North Yorkshire YO8 6PE	Section 73 to remove condition 02 of approval L1174 erection of a dwelling (outline) granted on 17 October 1962	REFUSED 18 Mar 2022	Mandy Cooper
2021/1097/OUT	Mr Robert Youngman	Land off Gateforth Lane West Haddlesey Selby North Yorkshire	Outline application for the erection of one dwelling (all matters reserved).	REFUSED 1 Apr 2022	Emma Howson
2021/1122/HPA	Mr Pittaway & Miss Crosby	18 George Terrace Barlby Selby North Yorkshire YO8 5HA	Erection of 2 storey and single storey rear extension with single storey side extension	PERMITTED	Josh Turner
2021/1123/HPA	Mr Don Smith	Preceptory Lodge Main Road Temple Hirst Selby North Yorkshire YO8 8QN	Erection of garage outbuilding (retrospective)	PERMITTED 24 Mar 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1164/DOC	Philip Montgomery	Old Willow House West Park Selby North Yorkshire YO8 4JL	Discharge of conditions 03 (Construction Management Plan), 06 (railway boundary method statement), 07 (surface water drainage), 09 (foul water drainage), 10 (written scheme for protecting the internal environment of the dwellings from noise) and 11 (materials) of approval 2020/1208/FUL Erection of 1 No 3 bed detached dwelling and detached outbuilding	CONDITION DECISION  12 Apr 2022	Jac Cruickshank
2021/1167/FUL	Mr Chris Raw	The Old Farmhouse Low Eggborough Road Eggborough Selby North Yorkshire DN14 0PJ	Erection of stables and tractor shed on land to the rear	PERMITTED  30 Mar 2022	Diane Holgate
2021/1182/HPA	Ms Ellie Tesh	The Vicarage Park Lane Womersley Selby North Yorkshire DN6 9BG	Erection of first floor side extension	PERMITTED  30 Mar 2022	Ellis Mortimer
2021/1198/FUL	Big Bale Services Ltd	Fulham House Farm Fulham Lane Whitley Goole North Yorkshire DN14 0JL	Erection of a storage building for agricultural machinery	PERMITTED  31 Mar 2022	Hannah Blackburn

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1224/HPA	Mr Christopher Hartley	23 Tabard Road Eggborough Selby North Yorkshire DN14 0UP	Erection of single storey rear extension	PERMITTED  7 Apr 2022	Ellis Mortimer
2021/1233/HPA	Ben Thompson	Bridge House 14 Lumby Lane Monk Fryston Selby North Yorkshire LS25 5DS	Erection of two-storey side extension together with replacement of windows to the main dwelling	PERMITTED  19 Apr 2022	Ellis Mortimer
2021/1249/OUT	Mrs Angela Fisher	The Old Orchard Hillam Lane Hillam Selby North Yorkshire LS25 5HW	Outline application for erection of two proposed dwellings to rear including access, layout and scale (all other matters reserved)	PERMITTED  6 Apr 2022	Hannah Blackburn
2021/1255/HPA	Mr Michael Scattergood	41 Broadacres Carlton Selby North Yorkshire DN14 9ND	Erection of single storey rear extension to replace existing conservatory, and dormer windows to the front and rear to provide additional living space at first floor level	PERMITTED  13 Apr 2022	Ellis Mortimer
2021/1262/FUL	Mr Jonny Booth	Land off High Street Brotherton Knottingley West Yorkshire	Erection of self-build dwelling in lieu of formerly approved Plot 7 on application ref: 2018/1332/FUL	PERMITTED  17 Mar 2022	Diane Holgate

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1264/CPE	Mr Manh Ly	2 The Fir Trees Thorpe Willoughby Selby North Yorkshire YO8 9PR	Lawful development certificate for existing single storey rear extension	PERMITTED 23 Mar 2022	Ellis Mortimer
2021/1313/HPA	Mr & Mrs Cooke	Greenacres Betteras Hill Road Hillam Selby North Yorkshire LS25 5HB	Alteration to existing hipped roof to form gabled roof	PERMITTED 22 Mar 2022	Ellis Mortimer
2021/1315/HPA	Mr Paul Clark	17 Hawthorn Close Tadcaster North Yorkshire LS24 9UD	Extension to rear of property	PERMITTED 13 Apr 2022	Bethany Harrison
2021/1332/FUL	Mr & Mrs A Eccles	Lace House Hull Road Cliffe Selby North Yorkshire YO8 6PF	Erection of detached dwelling and garage to the south of	REFUSED 17 Mar 2022	Irma Sinkeviciene
2021/1334/HPA	Mr & Mrs Best	50 Chestnut Road (Back Lane) Cawood Selby North Yorkshire YO8 3SZ	Single storey side extension	PERMITTED 21 Mar 2022	Josh Turner

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1336/LBC	Preston Baker	17 - 19 Gowthorpe Selby North Yorkshire YO8 4HE	Listed building consent for repairing and painting the wooden fascias, replacing the external door, and installing LED illuminated window displays and external lighting	REFUSED 12 Apr 2022	Jac Cruickshank
2021/1337/ADV	Preston Baker	17 - 19 Gowthorpe Selby North Yorkshire YO8 4HE	Advertisement consent for 1 No externally illuminated fascia sign and 6 No internally illuminated free standing internal signs	SPLIT DECISION FOR ADVERTS 12 Apr 2022	Jac Cruickshank
2021/1354/FUL	Mr Rob Murtland	Land off Austfield Lane Hillam Leeds West Yorkshire	Erection of agricultural barn and associated works consisting of engineering works in connection with the upgrading of an existing field access, creation of a private access road and laying of hardstanding	PERMITTED 28 Mar 2022	Elizabeth Maw
2021/1382/HPA	Mr Roy Stanley	Mount Pleasant House High Eggborough Lane Eggborough Selby North Yorkshire DN14 0FR	First floor extension to single storey garage	PERMITTED 12 Apr 2022	Ellis Mortimer



Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1385/DOC	Nun Appleton Farm	Nun Appleton Hall Nun Appleton Appleton Roebuck York North Yorkshire YO5 7BG	Discharge of conditions 03 (Building Recording), 04 (Structural Engineer's Statement) and 06 (Mortar Mix) of approval 2016/0094/LBC Listed building consent for works to reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works	CONDITIONS PART DISCHARGED  29 Mar 2022	Irma Sinkeviciene
2021/1407/FUL	Mr Rob McCrea	Land adjacent to Hawthorn Lakes Balne Moor Road Balne Goole	Siting of a welfare cabin	PERMITTED  18 Mar 2022	Elizabeth Maw
2021/1428/HPA	Mr David Thompson	2 Church Mews Church Fenton Tadcaster North Yorkshire LS24 9RE	Change of use of garage to bedroom, the erection of a detached garage	PERMITTED  14 Apr 2022	Bethany Harrison
2021/1442/HPA	Mr Mathew Durnin	Greenhaven Main Road Burn Selby North Yorkshire YO8 8LJ	Demolish old outbuildings and replace with double garage with workshop and storage in roof space	PERMITTED  12 Apr 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1445/HPA	N Woodhall	Burton Hall Main Street Burton Salmon Selby North Yorkshire LS25 5JS	Demolition of existing conservatory and new construction of single storey rear extension and proposed glazing to the existing garage	PERMITTED  22 Mar 2022	Ellis Mortimer
2021/1447/COU	Mrs Marlene Dixon	Ivydene 107 High Street South Milford Selby North Yorkshire LS25 5AQ	Change of use of ancillary outbuilding to a yoga and wellness studio in order to teach Yoga/Pilates to non-family members	REFUSED  30 Mar 2022	Irma Sinkeviciene
2021/1453/FUL	Mr James & Mrs Sylvia Paul	Appleton House Meadows Edge Biggin Selby North Yorkshire LS25 6GL	Erection of a green house, summerhouse with a small gravel area to the front and a lean-to shed and change of use of land to residential curtilage (retrospective)	REFUSED  30 Mar 2022	Irma Sinkeviciene
2021/1454/HPA	Mr James & Mrs Sylvia Paul	Appleton House Meadows Edge Biggin Selby North Yorkshire LS25 6GL	Erection of a perimeter fence, garden gate and five bar gate to the front of the property, privacy fencing and trellis to the right and left side, installation of 2no CCTV cameras on the front and rear of the property and installation of lighting on fence posts to the left and right of the property and on the five bar gate posts (retrospective)	REFUSED  4 Apr 2022	Irma Sinkeviciene

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1460/HPA	Mr & Mrs Aitchison	The Old School Escrick Park Gardens Escrick Selby North Yorkshire YO19 6LZ	Single-storey extension to former school house in Conservation Area	REFUSED  20 Apr 2022	Jac Cruickshank
2021/1467/DOC	GL03 LTD	Land south of Common Lane Church Fenton Tadcaster North Yorkshire	Discharge of Conditions 02 (materials) and 09 (highways) of approval 2020/0904/S73 Section 73 to vary conditions 01, 04, 05 and 11 of planning permission 2019/0746/REM Reserved matters application including appearance, landscaping, layout and scale of approval 2016/0457/OUT Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall granted on 03.06.2020	CONDITION DECISION  6 Apr 2022	Yvonne Naylor
2021/1474/DOC	GL03 LTD	Land south of Common Lane Church Fenton Tadcaster North Yorkshire	Discharge of Conditions 03 (land contamination), 04 (remediation scheme), 05 (remediation scheme), 07 (noise), 11 (detailed drawings), 13 (surface water), 14 (highways), 15 (construction method statement) and 17 (highways) of approval 2016/0457/OUT Outline application for the erection of 9 dwellings including access to serve the new development from Bridge Close and realignment access serving Church Fenton Hall	CONDITION DECISION  6 Apr 2022	Yvonne Naylor

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1495/OUT	Mr & Mrs Peibst	Springwood Hollygarth Lane Beal Selby North Yorkshire DN14 0SX	Outline application for erection of a bungalow on land to the west of the site (all matters reserved)	REFUSED 18 Mar 2022	Emma Howson
2021/1498/FUL	Samuel Smith Old Brewery (Tadcaster)	Greyhound Inn Main Street Saxton Tadcaster North Yorkshire LS24 9PY	External alterations to buildings on site and alterations to boundary wall	PERMITTED 6 Apr 2022	Irma Sinkeviciene
2021/1499/TPO	Mrs Smith	1 Ravenscroft Close Back Lane Bilbrough Selby North Yorkshire YO23 3PL	Crown lift by 6 metres and removal of lowest hanging limbs to 1 No Scots Pine covered by TPO 12/2003	PERMITTED 5 Apr 2022	Bethany Harrison
2021/1525/HPA	Mr Lee Simpson	Manor Farm Orchard Main Street Kellington Selby North Yorkshire DN14 0NE	Erection of single storey side extension following demolition of existing attached garage	PERMITTED 20 Apr 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0023/TCA	Mr David Clegg	Bridge House Main Street Thorganby Selby North Yorkshire YO19 6DA	Fell 1 No Ash (1), fell 1 No Lawson Cypress (2), reduce 1 No Copper Beech (4) by 3.66 metres, fell 1 No Fir (6), reduce trunk by 3.6 metres to 1 No Blue Fir (7), fell 1 No Sitka Spruce (8), remove large bough and crown reduce by 1.8 metres to 1 No Bay Willow (9), fell 1 No Acacia (10), crown reduction by 3.66 metres to 1 No Bay Willow (11), fell 1 No Ash (13) and fell 1 No Apple tree (18) in the conservation area	SPLIT DECISION FOR TREES  28 Mar 2022	Jac Cruickshank
2022/0034/TCA	Mr Craig Butterfield	Brownfield Site Shipyards Road Pump Station Shipyards Road Selby North Yorkshire	Application for consent to fell 2No Elderberry trees (G1), 1No Willow tree (T2), 4No Silver Birch trees (T4, T5, T6 & T7), 1No Sycamore tree (T8) and 1No Willow tree (T9)	RESPONSE / COMMENTS SENT  18 Mar 2022	Kelly Sweeney
2022/0039/FUL	Mr & Mrs Fielding	Fentune House Meadows Edge Biggin Selby North Yorkshire LS25 6GL	Erection of a single storey storage building (retrospective)	REFUSED  23 Mar 2022	Irma Sinkeviciene
2022/0054/HPA	Mr Steve Gledhill	Mulberry House 35 Sandhill Lane Selby YO8 4JP	Erection of single storey front porch and rear extension (retrospective).	PERMITTED  1 Apr 2022	Ellis Mortimer
2022/0055/HPA	Mr & Mrs J Barker	25 Garnet Lane Tadcaster North Yorkshire LS24 9LD	Demolition of existing conservatory and erection of a single storey rear extension	PERMITTED  14 Apr 2022	Bethany Harrison

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0064/HPA	Eleanor Hawkins	32 Bramley Park Avenue Sherburn In Elmet Selby North Yorkshire LS25 6FA	Conversion of existing loft space into habitable room	PERMITTED 22 Mar 2022	Jac Cruickshank
2022/0068/HPA	Ms Amy Sinclair	The Lodge York Road Stillingfleet Selby North Yorkshire YO19 6HW	Extension to the rear and lifting of existing roof line to allow for an increase of usable first floor space	REFUSED 8 Apr 2022	Jac Cruickshank
2022/0069/HPA	Mr Drew Bates	Willowdene Hull Road Hemingbrough Selby North Yorkshire YO8 6QG	Erection of detached double garage and workshop	PERMITTED 31 Mar 2022	Jac Cruickshank
2022/0070/MAN2	Mrs Jill Wheeler	Greystones Main Street Towton Tadcaster North Yorkshire LS24 9PB	Non material amendment of 2021/0865/HPA Demolition of garage and rebuilding of double garage with home office above	REFUSED 6 Apr 2022	Irma Sinkeviciene
2022/0071/HPA	Mrs Helen Bennett	Avondale Main Street West Haddlesey Selby North Yorkshire YO8 8QA	Erection of single storey side and rear extensions following demolition of existing conservatory.	PERMITTED 31 Mar 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0078/HPA	Mr Greaves	Stickle Barn Haverland Farm Stewart Lane Stillingfleet Selby North Yorkshire YO19 6HP	Erection of double garage with 'work from home' office over	REFUSED 6 Apr 2022	Jac Cruickshank
2022/0083/TPO	Mr Peter Giles	43 Eversley Court Sherburn In Elmet North Yorkshire LS25 6BP	Crown lift to 4 metres to 1 No Oak (T1) covered by TPO 21/1986	PERMITTED 4 Apr 2022	Bethany Harrison
2022/0087/HPA	Mr & Mrs Bell	20 Pasture Court Sherburn In Elmet North Yorkshire LS25 6LL	Erection of single storey extension to rear	PERMITTED 5 Apr 2022	Mandy Cooper
2022/0089/HPA	Mr A Pearson	21 Buckingham Way Byram Selby North Yorkshire WF11 9NW	Erection of single storey rear extension	PERMITTED 1 Apr 2022	Ellis Mortimer
2022/0095/TPO	Mr Webster	18 Lynton Close Brayton Selby North Yorkshire YO8 9ED	Crown reduce 1 No Maple tree by 1 metre and crown reduce 1 No Silver Birch tree by 1 metre protected by TPO 28/1986	REFUSED 24 Mar 2022	Linda Drake

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0098/DOC	Threadneedle Portfolio Services Ltd	Restaurant Three Lakes Retail Park Selby North Yorkshire YO8 8LY	Discharge of conditions 04 (materials) and 05 (landscape) of planning permission 2021/1025/FUL The remodelling and re-use of the vacant Frankie and Benny's restaurant to accommodate a mixed-use coffee shop/restaurant selling food and drink for consumption on and off the premises in addition to the reconfiguration of the unit and provision of a drive thru lane and parking and change of use from Class E to Sui Generis (amended description)	CONDITION DECISION  21 Mar 2022	Hannah Blackburn
2022/0100/ADV	CP Media	Sponsored Roundabout at A162 and Low Street Low Street Brotherton Selby North Yorkshire	Advertisement consent for 3no. non-illuminated pole-mounted signs	PERMITTED  31 Mar 2022	Ellis Mortimer
2022/0101/HPA	Michael Heeley	8 Moorland Way Sherburn In Elmet North Yorkshire LS25 6FN	Single storey rear extension, single storey extension to and conversion of existing garage and loft conversion with rear dormer to main house. Alterations to vehicular crossing and driveway	PERMITTED  24 Mar 2022	Jac Cruickshank
2022/0111/HPA	Mr Jaron Goulding	11 Selby Road Riccall Selby North Yorkshire YO19 6QP	Two storey rear extension and internal alterations	REFUSED  4 Apr 2022	Jac Cruickshank



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0116/HPA	Selwyn Horn	1 Lunnsfield Lane Fairburn Knottingley North Yorkshire WF11 9LE	Erection of single storey rear extension.	PERMITTED  5 Apr 2022	Ellis Mortimer
2022/0125/HPA	Mr & Mrs J Whitfield	Common End Farm York Road Cliffe Selby North Yorkshire YO8 6NX	Erection of single storey side extension with balcony and alterations to existing hipped roof side extension to introduce flat roof with glazed lantern	PERMITTED  20 Apr 2022	Jac Cruickshank
2022/0130/CPE	Paul & Naomi Britton	Narbeth 10 Carr Lane Escrick Selby North Yorkshire YO19 6JQ	Lawful development certificate for existing use of single storey side extension to existing dwelling	PERMITTED  19 Apr 2022	Jac Cruickshank
2022/0139/DOC	Orion Homes Ltd	23 Ryther Road Cawood Selby North Yorkshire YO8 3TR	Discharge of condition 10 (carriageway, footway/footpath construction) of approval 2017/0177/FULM Proposed residential development of 0.78 Ha to provide 23 no. dwellings with ancillary infrastructure, access road, parking spaces and garages	CONDITION DECISION  6 Apr 2022	Fiona Ellwood
2022/0156/FUL	Stephen Clark	Manor Farm South End Lane Balne Selby North Yorkshire DN14 0EQ	Construction of concrete aprons to replace existing impermeable hard standings	PERMITTED  20 Apr 2022	Emma Howson

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0162/HPA	Mr & Mrs D Storr	Brimir Escrick Road Stillingfleet Selby North Yorkshire YO19 6SD	Erection of two storey rear extension and alteration to fenestration to front elevation	PERMITTED  8 Apr 2022	Jac Cruickshank
2022/0166/HDG	Crosshills Pigs Ltd	Elfhole Farm Selby Common Selby YO8 3RN	Hedgerow Removal Notice	PERMITTED  28 Mar 2022	Jac Cruickshank
2022/0202/TCA	Mr Roy Parker	Church End Farm 54 Church End Cawood Selby North Yorkshire YO8 3SN	Fell 2 No Lombard Poplar trees in the conservation area	REFUSED  21 Mar 2022	Jac Cruickshank
2022/0205/DOC	Albemarle Homes	Bowmans Mill Doncaster Road Whitley Selby North Yorkshire DN14 0LQ	Discharge of condition 17 (noise scheme) of approval 2017/0542/OUTM Outline to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of including demolition and removal of all structures, buildings and hard standing to facilitate future development	CONDITION DECISION  25 Mar 2022	Hannah Blackburn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0206/DOC	Renewable Energy Systems Ltd (RES Ltd)	Land off New Road Drax Selby North Yorkshire	Discharge of conditions 15 (Drainage), 16 (Drainage) and 17 (Drainage) of approval 2020/1357/FULM Development of an energy storage facility including battery storage containers; substations; power conversion systems; transformers and associated switchgear; HVAC equipment; communications and grid compliance equipment; temporary construction compound; CCTV; fencing; infrared lighting; access, drainage and landscaping works and associated development	CONDITION DECISION  22 Mar 2022	Jenny Tyreman
2022/0229/TELB	Openreach	Stubbs Common Farm Common Lane Stubbs Walden Selby North Yorkshire DN6 9BU	Installation of 3no poles	TELECOMMUNICATIONS - NOT REQUIRED  18 Mar 2022	Jenny Tyreman
2022/0230/TPO	Ms Susan Chisholm	3 Green Lane Selby North Yorkshire YO8 9AN	Lateral reduction of branches to retain 2 metre clearance from property to 1 No Copper Beech covered by TPO 2021/1486/TPO	PERMITTED  4 Apr 2022	Linda Drake
2022/0238/HPA	Mr Andrew Elsey	Solomons Edge West Lane Burn Selby North Yorkshire YO8 8LR	Erection of lean-to extension to front of dwelling and alterations to conservatory to form additional living space	PERMITTED  20 Apr 2022	Bethany Harrison

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0241/HPA	Mr & Mrs John Crane	Brockhampton Main Street West Haddlesey Selby North Yorkshire YO8 8QA	Erection of first floor extension to side	PERMITTED  20 Apr 2022	Bethany Harrison
2022/0251/TCA	Mr & Mrs Jane Uren	Beech Tree House The Green Stillingfleet Selby North Yorkshire YO19 6SF	Application for consent to fell 1No Cedar tree (T1), 1No Yew tree (T2) and 2No Conifer trees (T3 & T4) in the conservation area	SPLIT DECISION FOR TREES  20 Apr 2022	Kelly Sweeney
2022/0252/DOC	Steph O'Brien	Hodgsons Lane Sherburn In Elmet North Yorkshire	Discharge of Condition 15b (dropped kerb crossings/tactile pavements) of approval 2015/0544/OUT Outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved) on land to east	CONDITION DECISION  7 Apr 2022	Yvonne Naylor
2022/0259/MAN2	Ms Andrea Hall	The Old School Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Non material amendment of 2005/1521/FUL approval for partial demolition and conversion of former primary School/Parish Centre into residential dwelling including extensions to front, rear and side and the erection of an attached two storey garage following demolition of outbuildings	PERMITTED  7 Apr 2022	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0270/TCA	Mr Iain Cockerham	Church Cottage Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JZ	Application for consent for partial crown reduction of approx 1m, crown thin approx 10% and reducing 1 limb to 1no Willow tree and partial crown reduction of approx 1m and crown thin by approx 10% to 2no Willow trees	PERMITTED  12 Apr 2022	Emma Howson
2022/0273/TELB	Quickline	Holme Lane Selby North Yorkshire	Installation of a wooden pole (15M) for the deployment of superfast broadband	TELECOMMUNICATIONS - NOT REQUIRED  18 Mar 2022	Jac Cruickshank
2022/0275/DOC	Mr Michael Ramsay	The Old Windmill Old Road Appleton Roebuck Selby North Yorkshire YO23 7EL	Discharge of Condition 3a (door & window sections & joinery details) of approval 2020/1080/LBC Section 19 application to vary condition 02 (drawings) of approval 2019/0694/LBC Listed building consent for internal alterations, installation of a door, increase in the size of roof light and change of position of annex	CONDITION DECISION  7 Apr 2022	Yvonne Naylor
2022/0281/MAN2	Countryside Partnerships (UK) Ltd	Land at Hodgsons Gate Hodgsons Lane Sherburn In Elmet North Yorkshire	Non material amendment of 2018/0045/REMM Reserved matters application relating to appearance, landscaping, layout and scale of approval 2015/0544/OUT outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved)	PERMITTED  28 Mar 2022	Yvonne Naylor

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0287/SCN	Sulis Environmental Ltd	Land adjacent to Barlow Common Barlow Common Road Barlow Selby North Yorkshire	EIA scoping opinion for a 50 mw battery storage system (BESS) on land off Barlow Common Road	EIA NOT REQUIRED 8 Apr 2022	Jenny Tyreman
2022/0396/TELB	Clarke Telecom Ltd	Rest Park Farm Bishopdyke Road Sherburn In Elmet North Yorkshire LS25 6HP	Upgrade to existing radio base station installation	TELECOMMUNICATIONS - NOT REQUIRED 20 Apr 2022	Bethany Harrison
2022/0392/TNO2	Selby District Council	Selby Park Park Street Selby North Yorkshire	Five day notice to remove 1 No limb from 1 No Conifer in the conservation area	PERMITTED 31 Mar 2022	Jac Cruickshank
2022/0402/TNO2	North Yorkshire County Council	Lime Tree Drive Whitley Selby North Yorkshire	Five day notice to fell 1No Lime tree covered by TPO 1/1999	PERMITTED 5 Apr 2022	Gareth Stent

# Glossary of Planning Terms

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

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

## **Curtilage:**

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

## **Environmental Impact Assessment (EIA):**

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

## **National Planning Policy Framework (NPPF):**

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

## **Permitted Development (PD) Rights**

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

## **Previously Developed Land (PDL)**

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

## **Planning Practice Guidance (PPG)**

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

## **Recreational Open Space (ROS)**

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

## **Section 106 Agreement**

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

## **Site of Importance for Nature Conservation**

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

## **Site of Special Scientific Interest (SSI)**

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

## **Scheduled Ancient Monument (SAM):**

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

## **Supplementary Planning Document (SPD)**

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

## **Tree Preservation Order (TPO):**

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

## **Village Design Statements (VDS)**

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



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