



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 5 SEPTEMBER 2018**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), D Peart (Vice-Chair), I Chilvers, J Deans, M Jordan, R Packham, P Welch, L Casling and R Musgrave**

Agenda

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

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

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

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

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

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

- 3. Chair's Address to the Planning Committee**
- 4. Suspension of Council Procedure Rules**

The Planning Committee is asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the committee meeting. This facilitates an open debate within the committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a

proposal to be moved and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

5. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 July 2018.

6. Planning Applications Received (Pages 5 - 6)

- 6.1. 2016/1077/FULM - Staynor Hall, Bawtry Road, Selby (Pages 7 - 34)
- 6.2. 2017/1295/FULM - Turnhead Farm, York Road, Barlby (Pages 35 - 52)
- 6.3. 2018/0059/FUL - The Orchard, Garman Carr Lane, Wistow (Pages 53 - 74)
- 6.4. 2018/0260/FUL - Low Farm, Low Farm Road, Bolton Percy (Pages 75 - 96)
- 6.5. 2018/0281/COU - Hillam and Monk Fryston Cricket Club, Chapel Street, Hillam (Pages 97 - 110)
- 6.6. 2018/0541/COU - Unit 4, Swordfish Way, Sherburn in Elmet (Pages 111 - 120)
- 6.7. 2018/0650/FUL - Land adjacent to 4 Sir Johns Lane, Sherburn in Elmet (Pages 121 - 140)

G. Marshall

Gillian Marshall, Solicitor to the Council

Dates of next meetings (2.00pm) Wednesday, 10 October 2018
--

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@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 the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

This page is intentionally left blank

Agenda Item 5



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 11 July 2018
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors D Peart (Vice-Chair), I Chilvers, J Deans, M Jordan, R Packham, P Welch and R Musgrave
Officers Present:	Kelly Dawson (Senior Solicitor), Paul Edwards (Principal Planning Officer), Martin Grainger (Head of Planning), Alpha Love-Koh (Solicitor), Jenny Tyreman (Senior Planning Officer) and Palbinder Mann (Democratic Services Manager)
Press:	0
Public:	4

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Casling. Councillor Buckle was in attendance as a substitute for Councillor Casling.

9 DISCLOSURES OF INTEREST

All Committee Members declared that they had received representations in relation to agenda item 6.3 – 2018/0383/COU – Unit 5, Copley Enterprise Park, Station Road, Tadcaster.

10 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no address from the Chair.

11 SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

12 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 6 June 2018.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 6 June 2018 for signing by the Chairman.

13 PLANNING APPLICATIONS RECEIVED

The Committee considered the following applications:

13.1 2017/0687/FUL - SPRINGFIELD HOUSE FARM, GREEN LANE, NORTH DUFFIELD

Application: 2017/0687/FUL

Location: Springfield House Farm, Green Lane, North Duffield

Proposal: Proposed erection of 4 no. detached bungalows with integral garages

The Principal Planning Officer presented the application that had been brought to the Committee as it was contrary to the Development Plan, Policy SP2A (c) of Selby District Core Strategy, but there were material considerations that would justify supporting the application.

Members noted that the application was for the proposed erection of four detached bungalows with integral garages.

It was queried what percentage of growth that was acceptable in Designated Service Villages (DSVs). The Head of Planning agreed to look into this issue and confirm back to Committee.

In relation to the officer update note, the Committee were made aware that an additional water drainage condition was needed and this was outlined in the update note.

Melissa Madge, agent spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the condition set out in paragraph six of the report and the additional condition in the officer update note.

13.2 2018/0263/FUL - JACKADORY, 37 YORK ROAD, RICCALL

Application: 2018/0263/FUL

Location: Jackadory, 37 York Road, Riccall

Proposal: Proposed erection of 1 no. dwelling

The Senior Planning Officer presented the application that had been brought to the Committee as it was a departure from the Development Plan, but there were material considerations which would justify approval of the application.

Members noted that the application was for the proposed erection of one dwelling.

The Senior Planning Officer explained that an additional condition would be proposed to remove permitted development rights for the insertion of any additional windows in the south side elevation of the proposed dwelling in the interests of the residential amenity of the neighbouring property. The Committee were informed that although this was mentioned in paragraph 4.13 of the report, no condition was currently proposed.

Stephanie Leeman, applicant, spoke in support of the application.

The Committee noted that there already an extant planning consent on the site.

It was proposed and seconded that the application be approved with the additional condition as outlined above.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph six of the report and the additional condition outlined above.

13.3 2018/0383/COU - UNIT 5, COPLEY ENTERPRISE PARK, STATION ROAD, TADCASTER

Application: 2018/0383/COU

Location: Unit 5, Copley Enterprise Park, Station Road, Tadcaster

Proposal: Change of use from Class B2 General Industry to Class D2 Assembly and Leisure

The Principal Planning Officer presented the application that had been brought to the Committee as Officers considered that although the proposal was contrary to the provisions of the Development Plan, there were material considerations which would justify approving the application.

Members noted that the application was for change of use from Class B2 General Industry to Class D2 Assembly and Leisure.

In relation to the officer update note, the Committee were made aware that an additional letter of representation supporting the application had been received and the details were outlined in the update note.

Richard Axtell on behalf of the applicant spoke in support of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph six of the report.

The meeting closed at 2.38 pm.

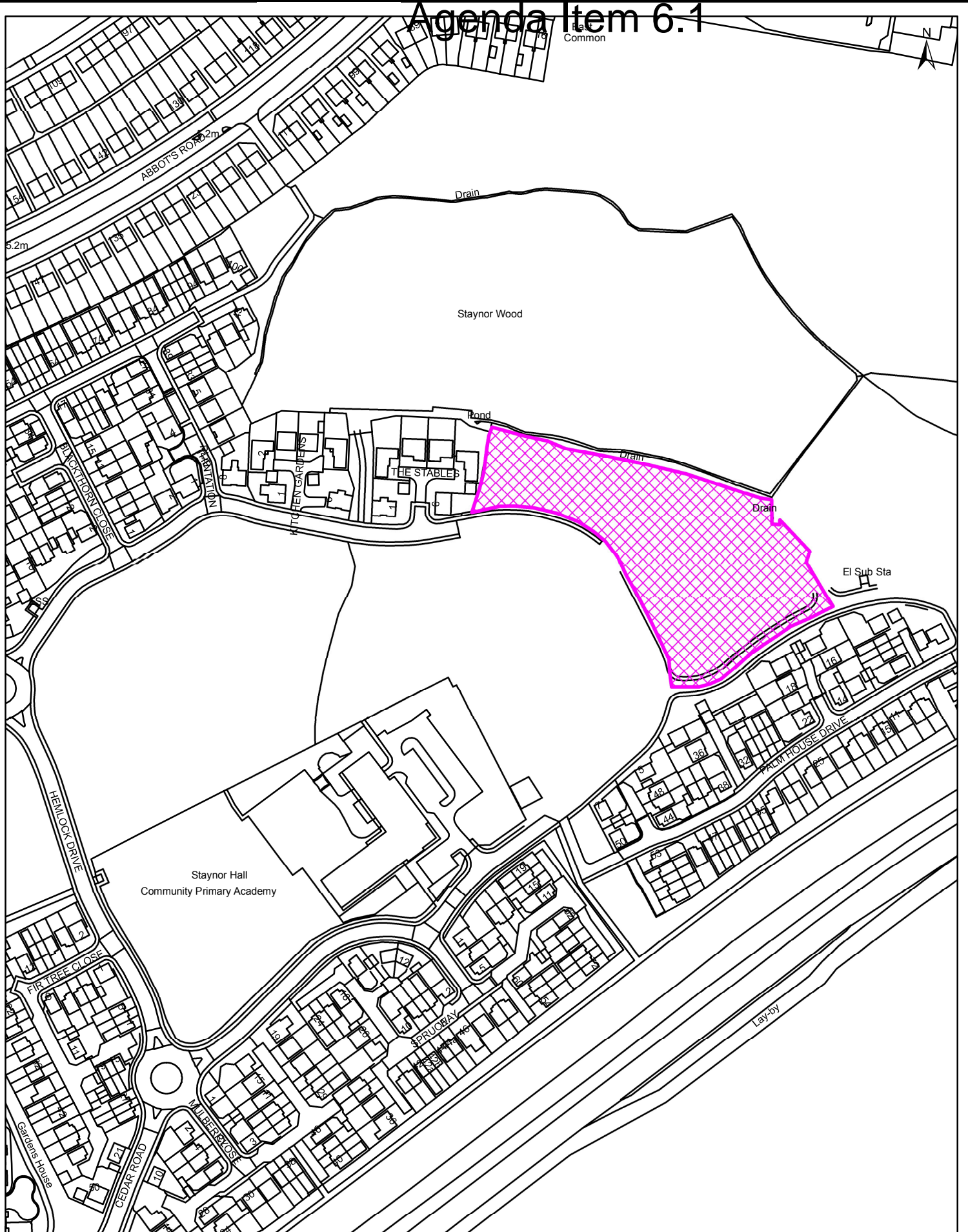
Agenda Item 6

Items for Planning Committee

5 September 2018

Item No.	Ref	Site Address	Description	Officer	Pages
6.1	2016/1077/FULM	Staynor Hall Bawtry Road Selby	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)	ANMA	7 – 34
6.2	2017/1295/FULM	Turnhead Farm York Road Barlby	Proposed residential development (partial re-plan of approval 2013/0478/FUL) for 27 dwellings and associated infrastructure	PAED	35 – 52
6.3	2018/0059/FUL	The Orchard Garman Carr Lane Wistow	Erect extension to existing outbuilding (retrospective) in association with change of use from dwellinghouse C3b (6 residents) to Care Home C2 (8 residents)	ANMA	53 – 74
6.4	2018/0260/FUL	Low Farm Low Farm Road Bolton Percy	Proposed erection of a four bedroom dwelling and garage	FIEL	75 - 96
6.5	2018/0281/COU	Hillam & Monk Fryston Cricket Club Chapel Street Hillam	Change of use from D2 (assembly and leisure) to mixed use D1 (non residential institution) and D2 (assembly and leisure) to provide a cricket pavillion and nursery	SOKI	97 - 110
6.6	2018/0541/COU	Unit 5 Swordfish Way Sherburn in Elmet	Change of Use from B1 to D2	JABR	111 - 120
6.7	2018/0650/FUL	Land adjacent 4 Sir Johns Lane Sherburn in Elmet	Proposed erection of two storey detached dwelling	JETY	121 - 140

This page is intentionally left blank



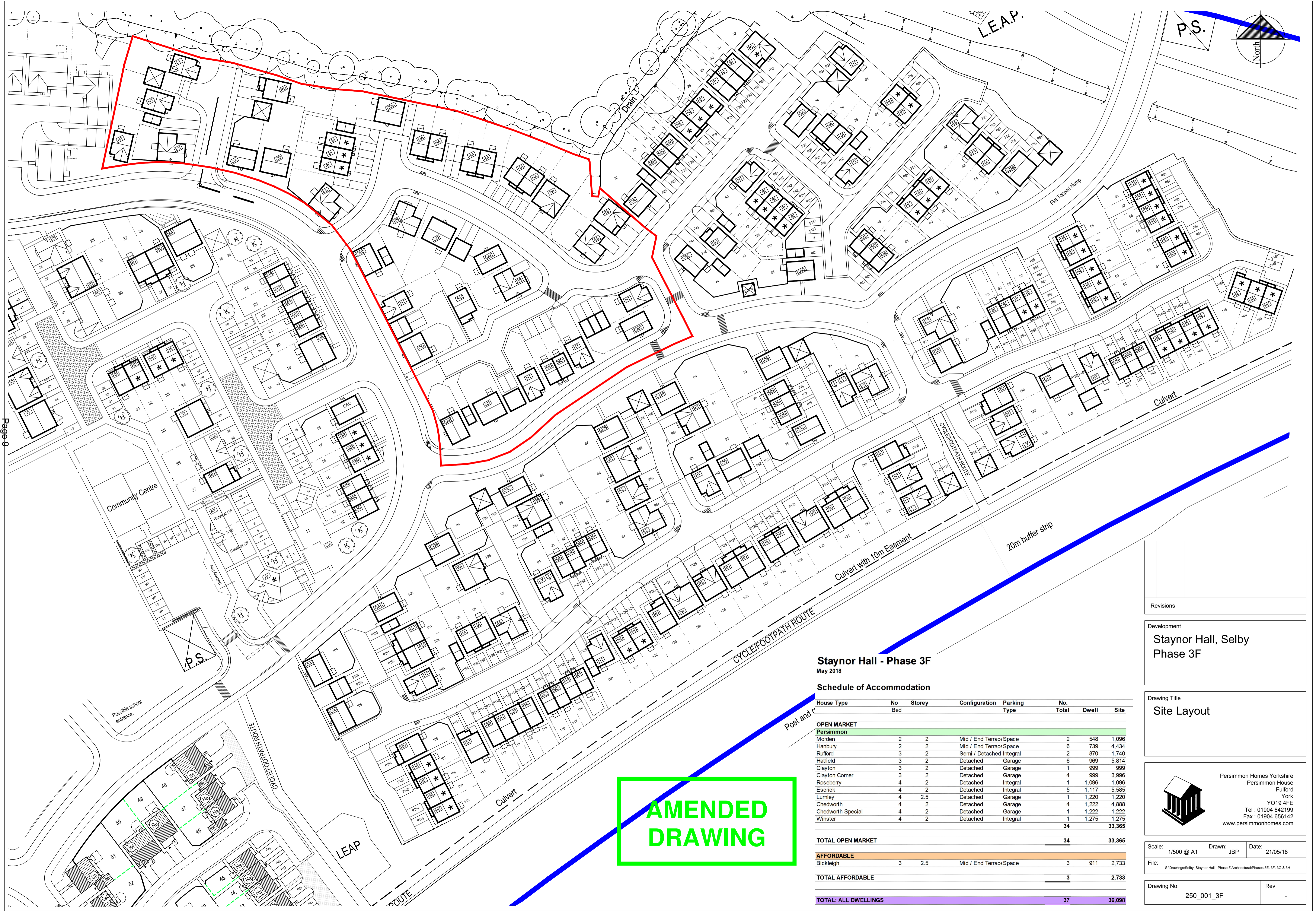
APPLICATION SITE

Staynor Hall, Abbots Road, Selby
2016/1077/FULM

1:2,500

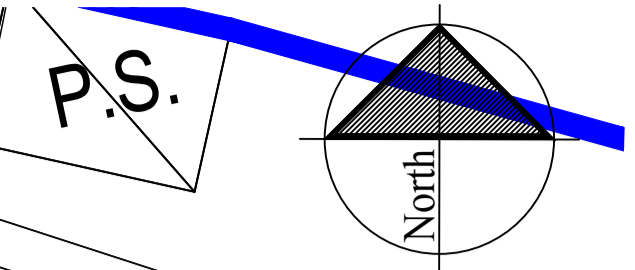


This page is intentionally left blank



Page 9

L.E.A.P.



Staynor Hall - Phase 3F
May 2018

Schedule of Accommodation

House Type	No Bed	Storey	Configuration	Parking Type	No. Total	Dwell	Site
OPEN MARKET							
Persimmon							
Morden	2	2	Mid / End Terrace Space		2	548	1,096
Hanbury	2	2	Mid / End Terrace Space		6	739	4,434
Rufford	3	2	Semi / Detached Integral		2	870	1,740
Hatfield	3	2	Detached Garage		6	969	5,814
Clayton	3	2	Detached Garage		1	999	999
Clayton Corner	3	2	Detached Garage		4	999	3,996
Roseberry	4	2	Detached Integral		1	1,096	1,096
Escrib	4	2	Detached Integral		5	1,117	5,585
Lumley	4	2.5	Detached Garage		1	1,220	1,220
Chedworth	4	2	Detached Garage		4	1,222	4,888
Chedworth Special	4	2	Detached Garage		1	1,222	1,222
Winster	4	2	Detached Integral		1	1,275	1,275
TOTAL OPEN MARKET					34		33,365
AFFORDABLE							
Bickleigh	3	2.5	Mid / End Terrace Space		3	911	2,733
TOTAL AFFORDABLE					3		2,733
TOTAL: ALL DWELLINGS					37		36,098

AMENDED DRAWING

Revisions

Development
**Staynor Hall, Selby
Phase 3F**

Drawing Title
Site Layout



Persimmon Homes Yorkshire
Persimmon House
Fulford
YO19 4FE
Tel : 01904 642199
Fax : 01904 656142
www.persimmonhomes.com

Scale: 1/500 @ A1 Drawn: JBP Date: 21/05/18

File: S:\Drawings\Selby, Staynor Hall - Phase 3F\Architectural\Phases 3E, 3F, 3G & 3H

Drawing No. 250_001_3F Rev -

This page is intentionally left blank



Report Reference Number: 2016/1077/FULM (8/19/1011BJ/PA) **Agenda Item No:** 6.1

To: Planning Committee
Date: 5 September 2018
Author: Andrew Martin (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1077/FULM	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE:	08.09.2016 31.10.2017
PROPOSAL:	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION:	APPROVE subject to a Section 106 agreement and conditions		

This application was previously considered by the Planning Committee on 6 June 2018 where it was resolved to grant planning permission subject to no objections following the further consultation, a section 106 agreement and conditions however it is considered that the application should be brought before Planning Committee for clarification of the earlier resolution in respect of the affordable housing provision.

1. INTRODUCTION AND BACKGROUND

1.1. This application was considered by the Committee on 06 June 2018 and a copy of the report and extract of the officer update presented at that time is contained in Appendix A. Any changes and updates to the report presented on 6 June 2018 are considered in this report

2. CONSULTATION AND PUBLICITY

2.1. The committee resolution of 06 June Committee referred to further consultation with immediate neighbours based upon amendments to the layout for Phase 3F which have brought the units on the western edge closer to occupied units in Phase 3H.

That consultation has now expired. No letters of representation from neighbouring properties have been received on this further consultation.

3. SITE CONSTRAINTS AND POLICY CONTEXT

National Guidance and Policy – National Planning Policy Framework (NPPF),

- 3.1. Since the resolution of 6 June 2018 The National Planning Policy Framework (July 2018) has replaced the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan. This application has been considered against the 2018 NPPF and does not affect the officer recommendation.

4. APPRAISAL

- 4.1. This report seeks to clarify the position in respect of: (1) the provision of affordable housing; and (2) the heads of terms for the proposed section 106 agreement – and to seek a further the resolution accordingly.

4.2. Affordable housing

- 4.2.1. The section 106 agreement concluded in association with the outline planning permission for this development requires the proportion of affordable housing within the development to be agreed on a phase-by-phase basis. For Phase 3 the contribution was fixed at 20% in 2010, albeit that subsequent reserved matters consents have established variable proportions within each of the ten “sub-phases” (3A – 3K). The approved position is summarised in Appendix B. Currently, no affordable housing units are to be delivered in sub-phase 3F, the subject of the current application.

- 4.2.2. As set out in the 6 June 2018 report the applicant’s main objective in pursuing the current proposal for sub-phase 3F is to adjust the mix of unit types to reflect current market demand; the extant approval contains a disproportionate number of larger units. The split of unit sizes in the extant and proposed schemes compares as follows:

Unit Size	Extant consent (2015/0579/REM)	Current Proposal (2016/1077/FULM)
2 Bedrooms	0	8
3 Bedrooms	2	16
4 Bedrooms	5	13
5 bedrooms	14	0
Total	21	37

- 4.2.3. As a full application this proposal takes us back to first principles and the presumption established by Core Strategy Policy SP9 that up to a maximum of 40% of dwellings within a development of this scale will be provided as affordable housing, subject to negotiations *“having regard to abnormal costs, economic viability and other requirements associated with the development.”* A 40% contribution for the 37 houses now proposed within sub-phase 3F would equate to 15 units.

- 4.2.4. However, the extant (and implemented) consent is considered to represent a realistic “fallback” for the applicant and, as such, is a material consideration. In considering these revised proposals within Phase 3, it is considered reasonable to maintain a 20% requirement for the number of dwellings up to the total approved by the extant consents, and only look to renegotiate the affordable housing contribution

for any increase in numbers. The applicants have agreed this approach and have further agreed to make a 40% contribution for the 16 additional units proposed within this application. For sub-phase 3F that leads to a total requirement for affordable housing units of $(21 @ 20\% = 4.2) + (16 @ 40\% = 6.4) = 11$ units.

4.2.5. However, consistent with the approach taken with Phase 3 to date, the applicants are seeking to satisfy this requirement by distributing provision in a manner that best meets the expectations of Registered Providers. In this case that means providing some of the affordable housing in other sub-phases, beyond the red line of the current application.

4.2.6. The applicant proposes to deliver 3 of the units within the application site and the remaining 8 units are to be delivered in sub-phases 3G and 3K. The reason for seeking a further resolution of the Planning Committee is to clarify that part of the provision is to be met off-site provision and seek the appropriate authority for the section 106 Agreement.

5. CONCLUSION

5.1. This is a full application for the re-planning of an extant consent for Phase 3F of the Staynor Hall development, including an additional 16 dwellings as set out in the previous report dated 6 June 2018 at Appendix A.

5.2. The application has been brought back to Planning Committee for clarification that the affordable housing provision of 11 units is proposed to be delivered by three on site units and the remaining 8 units outside of the red line site in sub phases 3F and 3G.

6. RECOMMENDATION

6.1. This application is recommended to be APPROVED subject to:

1. a section 106 agreement based upon the heads of term set out in Appendix C;
2. the conditions as set out in the 06 June committee report.

7. Legal Issues

7.1. Planning Acts

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

7.2. 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.

7.3. 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.

8. Financial Issues

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

9. Background Documents

9.1. Planning Application file reference 2016/1077/FULM and associated documents.

10. Appendices

Appendix A: 6 June 2018 Committee Report and Officer Update Note

Appendix B: Phase 3: Approved Affordable Housing Provision

Appendix C: Section 106 Agreement: Proposed Heads of Terms

Contact Officer:

Andrew Martin

Principal Planning Officer

01757 292357

amartin@selby.gov.uk



Report Reference Number: 2016/1077/FULM (8/19/1011BJ/PA) **Agenda Item No:** N/A

To: Planning Committee
Date: 06 June 2018
Author: Andrew Martin (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1077/FULM	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE:	08.09.2016 31.10.2017
PROPOSAL:	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION	APPROVE subject to a Section 106 agreement and conditions.		

This application has been brought before Planning Committee due to it being EIA Development.

1.0 INTRODUCTION AND BACKGROUND

Site and context

- 1.1. The ongoing development at Staynor Hall was granted outline planning permission in 2005 for a mixed-use development for 1,200 dwellings, employment floorspace, public open space, shopping and community facilities. The residential element of the development is divided in four main phases. Phases 1 and 2 are now essentially complete and Phase 4 is the subject of an unresolved application for approval of reserved matters. Phase 3 is currently under construction and is progressing in ten sub-phases, all off of which have detailed permission. Phases 3E, F and G benefit from an extant reserved matters approval dating from 2015 (ref. 2015/0579/REM) for a total of 150 units, 21 of which are located within Phase 3F.

The proposal

- 1.2. This is an application to re-plan part of Phase 3F to increase the number of houses by 16, from 21 to 37. The extended ten year deadline for submission of reserved matters pursuant to the original outline consent expired in 2015 and so this particular change has had to come in as a full application. The original outline

application was categorised as EIA Development and was accompanied by an Environmental Statement. The current application is accompanied by a Supplementary Environmental Statement.

- 1.3. The applicant's main objective with this proposal is to adjust the mix of unit types to reflect current market demand. And to that end the split of unit sizes in the extant and proposed schemes compares as follows:

Unit Size	Extant consent (2015/0579/REM)	Current Proposal (2016/1077/FULM)
2 Bedrooms	0	8
3 Bedrooms	2	16
4 Bedrooms	5	13
5 bedrooms	14	0
Total	21	37

- 1.4. This manifests itself physically in the subdivision of certain approved plots and the substitution of different house types.
- 1.5. The application has been amended since first submitted in response to comments from statutory consultees and officers. This has reduced the number of units down from 40 and resulted in a series of alterations to the layout.

Relevant Planning History

- 2015/0579/REM: Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185 APPROVED 28.10.2015
- 2009/0213/REM: Reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall APPROVED 24.02.2010
- CO/2002/1185: Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 sq. m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land (Details provided for phase one comprising of 236 houses) APPROVED 06.06.2005

2.0 CONSULTATION AND PUBLICITY

- 2.1. The Town Council was consulted, a site notice was erected and statutory consultees notified.

Selby Town Council

- 2.2. No response received.

Local highway authority

- 2.3. It is noted that only one parking space has been allocated to the following 3 bedroom properties, plots 10, 11, 12, 13, 156, 157, 158, 161, 162, 163, 164, 165 and 166. The parking standards adopted by the County Council as Local Highway Authority require 2 parking spaces to be provided for 3 bedroom dwellings.

Insufficient parking results in pavement parking, obstruction of driveways and accesses, hindrance to larger delivery and refuse vehicles, damage to soft landscaping and footways and cluttered and unsightly streets. They cause tension between neighbours and are likely to reduce the likelihood of children using the street for play.

The layout should be re-visited in order that the appropriate level of parking is provided.

Environment Agency

- 2.4. Provided the proposed development is in accordance with the submitted documents, in particular the (Supplementary) Environmental Statements and Flood Risk Assessment, then we have no objections.

Shire Group of IDBs

- 2.5. Should consent be required from the IDB ... then we would advise that this should be made a condition of any planning decision.

Principal Archaeologist, North Yorkshire County Council

- 2.6. No objection.

Designing Out Crime Officer North Yorkshire Police

- 2.7. Has made recommendations ... based on well documented "Designing out Crime" principles, including Building for Life 12 and ... intended to ensure that this proposed development, if granted planning consent, will provide future residents with a safe and secure environment to live, by reducing the opportunities for crime and anti-social behaviour to occur. This will accord with the core principles and design objectives set out in the National Planning Policy Framework.

North Yorkshire Fire & Rescue Service

- 2.8. At this stage in the planning approval process the fire authority have no objection/observation to the proposed development. The fire authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the fire authority.

Neighbour Comments

- 2.9. No letters of representation from neighbouring properties have been received.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1. The site lies within the development limits of Selby and within Flood zone 3.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.2. The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.3. 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. 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.

Selby District Core Strategy Local Plan

- 3.4. The relevant Core Strategy and saved Policies are:
- SP1: Presumption in Favour of Sustainable Development;
 - SP2: Spatial Development Strategy;
 - SP4: Management of Residential Development in Settlements
 - SP9: Affordable housing;
 - SP18: Protecting and Enhancing the Environment;
 - SP19: Design Quality

Selby District Local Plan

- 3.5. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".
- 3.6. The relevant Selby District Local Plan Policies are:
- ENV1: Control of Development
 - T1: Development in Relation to the Highway
 - T2 : Access to Roads
 - SEL/2: Land for housing development between Abbots Road/Selby Bypass, Selby

Other Policies and Guidance

- Affordable Housing Supplementary Planning Document
- NYCC Interim Parking Standards 2015

4.0 APPRAISAL

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

- Principle of development
- Character
- Affordable housing
- Access and parking
- Flood risk
- Community infrastructure
- Environmental Statement

Principle of development

4.2. The site is within the development limits of Selby, which as the principal town within the District remains the Core Strategy's "*focus for new housing, employment, retail, commercial and leisure facilities.*" The site is allocated for development by Local Plan policy SEL/2 and has an extant permission, a product of the 2005 outline planning permission for the allocation as a whole and the subsequently (implemented) reserved matters permission for Phases 3E, F and G dating from 2015.

Character

4.3. The proposals have been amended since first submitted, in response to: (a) concerns from the local highway authority; (b) recommendations from the Designing Out Crime Officer with North Yorkshire Police; and (c) Officers' observations on some urban design aspects of the layout. As a result the number of units has been reduced from 40 to 37, two new house types have been introduced (albeit house types that appear elsewhere on the estate) and a number of plots and houses have been re-orientated. We now have a layout that better reflects the established character of the estate, with strong frontage development, buildings placed to provide key focal points and a rich mix of house types and sizes – all consistent with the objectives of Core Strategy Policies SP2, SP4 and SP19, and Local Plan Policy ENV1.

Affordable housing

4.4. The section 106 agreement concluded in association with the outline planning permission for this development requires the proportion of affordable housing within the development to be agreed on a phase-by-phase basis. For Phase 3 the proportion was fixed in 2010 at 20%. As a full application this proposal takes us back to first principles and the presumption established by Core Strategy Policy SP9 that up to a maximum of 40% of dwellings within a development of this scale will be provided as affordable housing, subject to negotiations "*having regard to abnormal costs, economic viability and other requirements associated with the development.*"

- 4.5. In this case, given that the applicant's business case for Phase 3 has been based upon the initial agreement to a 20% contribution, it seems reasonable to maintain that commitment for the number of dwellings originally agreed and only to revisit that figure for any increase in dwellings. The applicants have accepted that approach and have committed to the principle of a 40% contribution for any dwelling over and above the 560 agreed by way of reserved matters for Phase 3. Taking into account existing commitments this will result in a total of 6 affordable dwellings within Phase 3F, with another 3 units in Phase 3K (to the west) needed to meet the overall increased provision. This will require a section 106 agreement, or deed of variation to the existing section 106 agreement.

Access and parking

- 4.6. The amended proposals now meet the North Yorkshire County Council's *Interim Parking Standards 2015*. The local highway authority has raised no objection to the application on access grounds and so the proposals are now judged compliant with the Local Plan Policies T1 and T2 and the relevant criteria within Policy ENV1.

Flood risk

- 4.7. The application site lies within Flood Zone 3, which is at highest risk of flooding. It is an allocated development site, although not one that has been allocated through the Sequential Test required by the NPPF. Therefore, given that this is a full application which takes us back to first principles, it would ordinarily require a bespoke Sequential Test to establish compliance with national planning policy on flood risk. However, that it is clearly not warranted in this case; the site is in the heart of an established housing estate and already has an extant planning permission. Therefore, the pragmatic approach would be to maintain the mitigation established in that extant consent. The Environment Agency has raised no objection subject to the proposed development proceeding in accordance with the Flood Risk Assessment submitted as part of the accompanying Supplementary Environmental Statement. And that recommends that within Flood Zone 3 finished floor levels (FFL) should be set a minimum of 600mm above existing ground levels. This can be enforced through a planning condition.

Community infrastructure

- 4.8. As a full application the development will be liable to CIL. This may end up effectively duplicating part of some of the financial contributions hardwired into the existing section 106 agreement for the development, although the applicants may be able to seek a commensurate reduction of sums still to be paid (or repayment of sums paid, but not yet spent) through a future request for a deed of variation. However, this is by no means guaranteed and the applicants appreciate the risk.

Environmental Statement

- 4.9. The Supplementary Environmental Statement (ES) has updated the original assessment of Staynor Hall's likely environmental impact across a range of factors. Most of the impacts are already mitigated by design principles established in the outline planning permission and the associated section 106 agreement. These include: (a) physical works such as access to the site and the provision of public open space; and (b) financial contributions towards a new school (now built and

operational) and a new community hall. The supplementary ES identifies no new impacts, although it does justify the re-imposition of certain planning conditions which appeared on earlier permissions.

5.0 CONCLUSION

- 5.1. This is a full application for the re-planning of an extant consent for Phase 3F of the Staynor Hall development, including an additional 16 dwellings. The applicant's main objective with this proposal is to adjust the mix of unit types to reflect current market demand.
- 5.2. The principle of development in this area remains consistent with the spatial strategy of the Core Strategy, and the proposals (as subsequently amended) will blend seamlessly with the established character of the estate, maintaining a rich mix of house types and sizes and adhering to a now well-established set of urban design principles, consistent with the objectives of Core Strategy Policies SP2, SP4 and SP19, and Local Plan Policy ENV1.
- 5.3. Affordable housing is proposed to be applied at the rate of 20% up to the number of units committed by the extant consent and 40% thereafter. This is judged to be consistent with the objectives of Core Strategy Policy SP9.
- 5.4. The proposals as amended meet the North Yorkshire County Council's *Interim Parking Standards 2015* and the local highway authority has raised no objection to the access arrangements. As such the proposals are judged compliant with the Local Plan Policies T1 and T2 and the relevant criteria within Policy ENV1.
- 5.5. The application site lies within Flood Zone 3, but flood risk can be mitigated by a condition, as can outstanding issues in respect of foul and surface water raised by Yorkshire Water.
- 5.6. The Supplementary Environmental Statement identifies no new impacts, although it does justify the re-imposition of certain planning conditions which appear on earlier permissions.

6.0 RECOMMENDATION

- 6.1. APPROVE subject to:
 - a. a Section 106 agreement (or deed of variation) to bring forward the relevant obligations from the agreement concluded in association with the outline planning permission for Staynor Hall with amendments to secure affordable housing at the rates of: (i) 20% for the number of units equivalent to the extant consent relating to this site; and (ii) 40% thereafter; and
 - b. the following conditions:
 1. The development for which permission is hereby granted shall be begun within a period of 3 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.

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

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

- 3F_Replan_010, Site Location
- 250_001_3F, Site Layout
- Staynor Hall / RS / A3-Planning / 01, The Roesberry Housetype Planning Layouts
- Staynor Hall / RS / A3-Planning / 02, The Roesberry Housetype Planning Elevations
- Staynor Hall / HT / A3-Planning / 01, The Hatfield Housetype Planning Drawing
- Staynor Hall / HA / A3-Planning / 01, The Hanbury Housetype Planning Drawing
- CCA-WD10 Revision G, Clayton Corner
- Staynor Hall / CA / A3-Planning / 01, The Clayton Housetype Planning Drawing
- Staynor Hall / BI / A3-Planning / 01 Revision B, The Bickleigh Housetype End Terrace / Semi Detached Planning Drawing
- Staynor Hall / BI / A3-Planning / 02 Revision A, The Bickleigh Housetype Mid Terrace Planning Drawing
- Staynor Hall / MN / A3-Planning / 01, The Morden Housetype Planning Drawing
- Staynor Hall / RU / A3-Planning / 01, The Rufford Housetype Planning Drawing
- Staynor Hall / ES / A3-Planning / 01, The Escrick Housetype Planning Layouts
- Staynor Hall / ES / A3-Planning / 02, The Escrick Housetype Planning Elevations
- Staynor Hall / CD / A3-Planning / 01, The Chedworth Housetype Planning Layouts
- Staynor Hall / CD / A3-Planning / 02, The Chedworth Housetype Planning Elevations
- Staynor Hall / CDS / A3-Planning / 01, The Chedworth Special Housetype Planning Layouts
- Staynor Hall / CDS / A3-Planning / 02, The Chedworth Special Housetype Planning Elevations
- Staynor Hall / WI / A3-Planning / 01, The Winstar (New) Housetype Planning Layouts
- Staynor Hall / CWI / A3-Planning / 02, The Winstar (New) Housetype Planning Elevations

- Staynor Hall / LY / A3-Planning / 01, The Lumley Housetype Planning Layouts
- Staynor Hall / LY / A3-Planning / 02, The Lumley Housetype Planning Elevations

Reason: To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby District Local Plan Policy ENV1.

2. The materials to be used in the construction of the exterior walls and roof(s) of the houses and garages hereby approved shall be as first 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.

3. The finished floor levels of the dwellings hereby approved must be set 600mm above existing ground levels.

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

4. No individual house shall be first occupied until its associated off-street parking as shown on the approved Site Layout (drawing 250_001_3F) has been constructed and made available for use.

Reason: To ensure the timely provision of adequate off-street parking.

5. None of the houses hereby approved shall be first occupied until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iii) an implementation timetable; and (iv) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetable.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

6. None of the houses hereby approved shall be first occupied until the means of enclosure to its entire plot boundary has been completed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

8. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

Contact Officer: Andrew Martin

Appendices: None

APPENDIX A (continued)

Officer Update Note Planning Committee 6th June 2018

Items 6.1 & 6.2

APPLICATION NUMBER:	2016/1077/FULM	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes (Yorkshire) Limited	VALID DATE: EXPIRY DATE:	08.09.2016 31.10.2017
PROPOSAL:	Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION	APPROVE subject to a Section 106 agreement and conditions.		

APPLICATION NUMBER:	2017/0853/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Ltd	VALID DATE: EXPIRY DATE:	4 th September 2017 4 th December 2017
PROPOSAL:	Proposed erection of 12 residential dwellings at Phase 3G		
LOCATION:	Staynor Hall, Abbots Road, Selby		
RECOMMENDATION	APPROVE subject to a Section 106 agreement and conditions.		

Affordable housing

The Solicitor to the Council has asked for further clarification of the methodology underpinning the calculation of affordable housing provision for these two proposals. Phases 3E, 3F and 3G have the benefit of an extant (and implemented) planning permission, which is the product of the original outline permission granted under reference CO/2002/1185 and reserved matters subsequently approved under reference 2015/0579/REM. The extant consent is bound by an obligation to make a 20% contribution to affordable housing. The two full applications currently under consideration will increase the overall number of houses within the area of the extant consent by 18. (Application ref. 2017/0853/EIA only relates to part of the extant consent for Phase 3G).

Notwithstanding that these two applications take us back to first principles, the extant consent represents a realistic “fallback” for the applicant and, as such, is a material consideration. Therefore, in considering revised proposals within Phase 3, it is considered reasonable to maintain a 20% requirement for dwellings up to the number approved by the extant consents, and only look to renegotiate the affordable housing contribution for any increase in numbers. The applicants have agreed this approach and have further agreed to make a 40% contribution for the increase

proposed within the current applications. The consequences of this are summarised below:

	Units approved under extant consent (20% contribution of affordable housing)	Additional units proposed under current applications (40% contribution of affordable housing)
Phase 3F	21	16
Phase 3G	34	2
Totals	55 (of which 11 (20%) will be affordable)	18 (of which 7 (40%) will be affordable)

If these applications are approved, Phase 3 as a whole will provide 578 dwellings, of which 560 will make a 20% contribution towards affordable housing (112 units) and 18 will make a 40% contribution (7 units).

Planning obligations

Further to the conclusion of the reports into these two items, additional work has been undertaken to refine the heads of terms for the proposed section 106 agreement. These are summarised in the table below:

Category of Obligation	Current Terms of Obligation	Proposed Terms of Obligations in respect of applications 2016/1077/FULM & 2017/0853/EIA
Definition of “the Development”	Linked to 2005 Outline Planning Permission, which, amongst other things, limits development to 1,200 dwellings	Approved dwellings need to be explicitly credited against ceiling of 1,200 units established by original Outline Planning Permission. There are a number of ways to achieve this and further discussions with the applicant will be necessary to agree the simplest solution.
Affordable Housing	To be agreed and implemented on a phase-by-phase basis. For Phase 3 the agreement is currently 20% affordable housing provided as 50% Affordable Rent and 50% Intermediate, in unit	Phase 3 commitment to be adjusted to 20% affordable housing for 55 units and 40% of 18 units as per the above table. Unit size requirement adjusted to reflect demand from

	sizes comprising 80% 3-bedroom and 20% 2-bedroom	Registered Providers, including one 4-bedroom dwelling.
Green Travel Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Green Travel Plan agreed for Phase 3.
Landscape Management Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Landscape Management Plan agreed for Phase 3.
Masterplan and Phasing Strategy	Development to proceed in accordance with agreed Masterplan and Phasing Strategy, which can be varied by agreement.	Obligation needs to be repeated.
Nature Conservation Management Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Nature Conservation Management Plan agreed for Phase 3.
Recreational Open Space	Recreational Open Space to be provided in accordance with Masterplan and offered to Council at no cost, but with Recreational Open Space Maintenance Payment	No recreational open space is being proposed within either of these two schemes. However, the Staynor Hall development as a whole is making significant provision which, in part, reflects the existing commitment to development within Phases 3F and 3G. Relying on that existing commitment (plus the additional contributions from CIL) will meet the expectations of Local Plan policy RT2.

	Additional Obligations	
Waste & Recycling	There is no obligation covering this requirement in the existing section 106 agreement.	The Council's Developer Contributions Supplementary Planning Document (March 2007) expects a financial contribution of £65 per dwelling towards "Waste and Recycling Facilities".

Trees

Phases 3F and 3G both abut an area of Ancient Woodland to the north. This is not directly affected by the proposals (confirmed in the Environmental Statement), although a number of self-seeded trees that have extended into the application site are to be removed. These are not within the Ancient Woodland, they are not protected by a TPO and would have to be removed anyway in order to progress implementation of the extant permission for the site. However, an additional condition to ensure that the Ancient Woodland is protected during the course of development is now being recommended.

Re-publicity

The recent amendments to the layout for Phase 3F have brought the units on the western edge closer to occupied units in Phase 3H. This has triggered a further consultation with the immediate neighbours, the deadline for which as yet to expire.

AMENDMENTS TO RECOMMENDATIONS

2016/1077/FULM

APPROVE subject to:

- a. No objections following the further consultation on the latest layout amendments;
- b. A Section 106 agreement based upon the heads of term set out in the table above; and
- c. the conditions set out in the main agenda, plus the following additional condition relating to the adjoining Ancient Woodland:

No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.

2017/0853/EIA

APPROVE subject to:

- a. A Section 106 agreement based upon the heads of term set out in the table above; and
- b. the conditions set out in the main agenda, plus the following additional condition relating to the adjoining Ancient Woodland:

No development shall commence until measures to safeguard to ensure the protection of the adjoining Ancient Woodland during the course of development have been implemented in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless otherwise agreed in writing by the local planning authority, the agreed measures shall be retained for the entire duration of construction works.

Reason: To safeguard the adjoining Ancient Woodland.

This page is intentionally left blank

Phase 3 – Affordable Housing Approved

Sub-Phase	Total Dwellings	Total Affordable	% Affordable
A	29	6	20.69
B	51	10	19.61
C	90	17	18.89
D	41	8	19.51
E	95	26	27.37
F	21	0	0.00
G	34	9	26.47
H	20	4	20.00
J	135	20	14.81
K	44	9	20.45
Totals	560	109	19.46

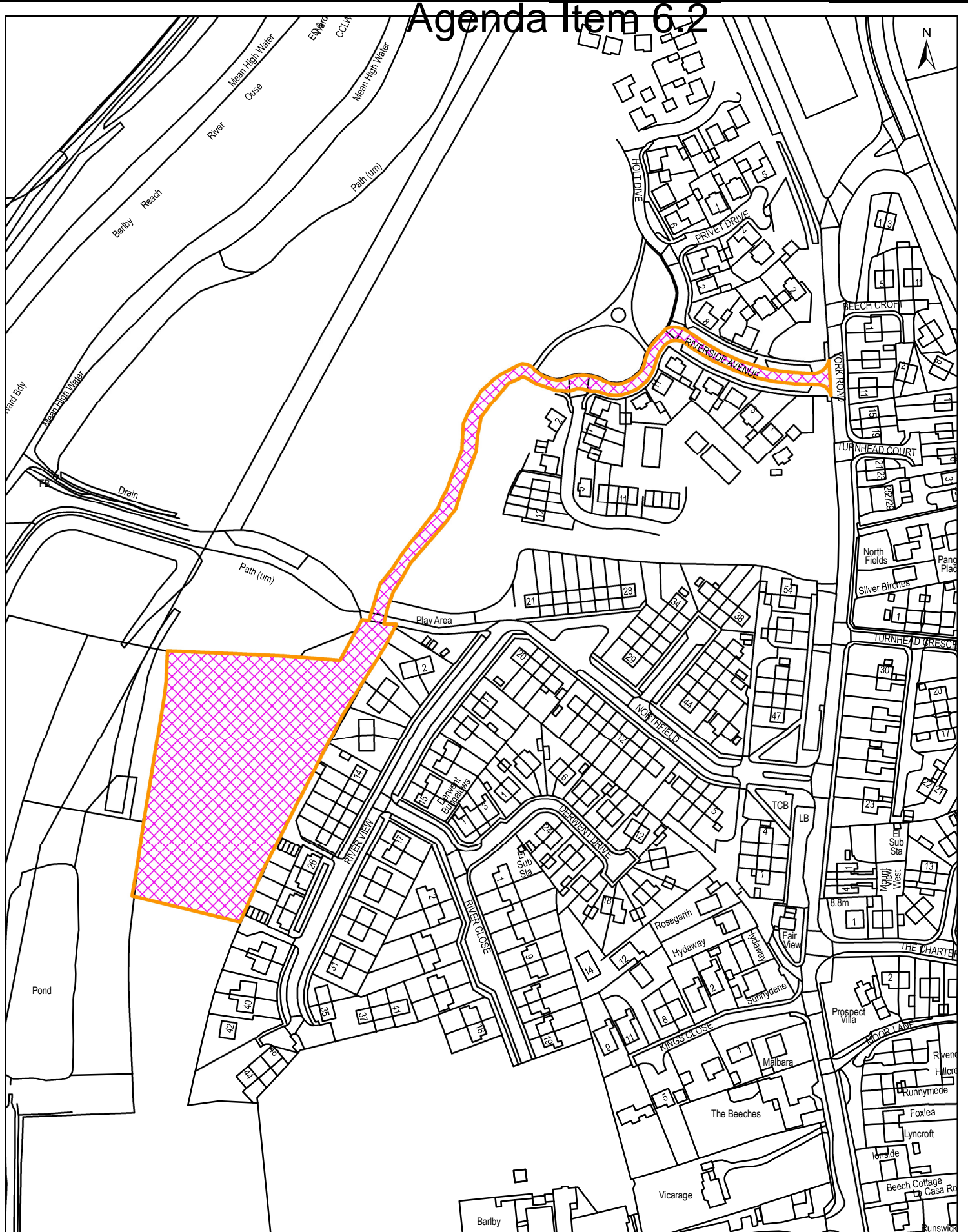
This page is intentionally left blank

Application ref. 2016/1077/FULM

Section 106 Agreement - Heads of Terms

Category of Obligation	Current Terms of Obligation	Proposed Terms of Obligations
Definition of “the Development”	Linked to 2005 Outline Planning Permission, which, amongst other things, limits development to 1,200 dwellings	Approved dwellings need to be explicitly credited against ceiling of 1,200 units established by original Outline Planning Permission. There are a number of ways to achieve this and further discussions with the applicant will be necessary to agree the simplest solution.
Affordable Housing	To be agreed and implemented on a phase-by-phase basis. For Phase 3 the agreement is currently 20% affordable housing provided as 50% Affordable Rent and 50% Intermediate, in unit sizes comprising 80% 3-bedroom and 20% 2-bedroom	Commitment to be adjusted to 20% affordable housing contribution for 21 units (subject of extant consent) and 40% for 16 units (increase proposed by current application), <u>equating to 11 units. Of the 11 units 3 units are to be provided on site and 8 units are to be provided off-site in sub-phases 3G (5 units) and 3K (3 units)</u> Tenure split to remain as 50% Affordable Rent and 50% Intermediate, Unit size requirement adjusted to reflect demand from Registered Providers.
Green Travel Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Green Travel Plan agreed for Phase 3.
Nature Conservation Management Plan	To be agreed and implemented on a phase-by-phase basis	Permissions need to be bound by Nature Conservation Management Plan agreed for Phase 3.

	Additional Obligations	
Waste & Recycling	There is no obligation covering this requirement in the existing section 106 agreement.	The Council's Developer Contributions Supplementary Planning Document (March 2007) expects a financial contribution of £65 per dwelling towards "Waste and Recycling Facilities".



APPLICATION SITE

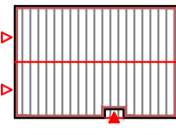
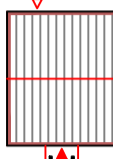
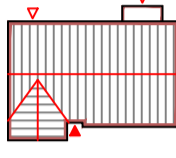
Turnhead Farm, York Road, Barlby
2017/1295/FULM

1:2,500






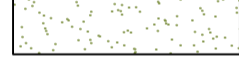
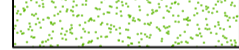


This page is intentionally left blank

Schedule of Accommodation

HOUSETYPE	No.
 MIDHURST 1 2 bed 1 Storey Detached	9
 BEDALE 2 bed 1 Storey Semi	13
 ALTON 3 bed 1 Storey Detached	5
TOTAL	27

KEY:

-  1800mm HIGH BOUNDARY WALL & FENCE
-  1800mm HIGH CLOSE BOARDED TIMBER FENCE
-  450mm HIGH TIMBER KNEE RAIL
-  LOCKABLE REAR ACCESS GATE
-  BLOCK PAVING
-  REAR GARDEN TURF
-  FRONT GARDEN TURF

Development layouts and landscaping are not intended to form part of any contract or warranty unless specifically incorporated in writing into the contract. Images and development layouts are for illustrative purposes and should be used for general guidance only. Development layouts including parking arrangements, social/affordable housing, commercial buildings/space, retail buildings/space, play areas and public open spaces may change to reflect changes in planning permission and are not intended to form part of any contract or warranty unless specifically incorporated in writing. Please speak to your solicitor to whom full details of any planning consents including layout plans will be available.

RECEIVED
11 April 2018
DEVELOPMENT MANAGEMENT

**AMENDED
DRAWING**

REV	DATE	DESCRIPTION	BY	CHECK
F	11.04.18	BIN COLLECTION POINTS HAVE BEEN SHOWN TO PRIVATE DRIVES WITH SWEEP PATHS ALSO BEING INDICATED TO THE ROAD NETWORK	RAN	VS
E	26.03.18	THE GARAGES HAVE BEEN UPDATED TO MATCH BARRATT HOMES STANDARD STYLING	RAN	VS
D	07.03.18	THE TURNING HEAD TO THE SOUTH OF THE SITE HAS BEEN ALTERED TO FULLY ACCOMMODATE THE APPROPRIATE REFUSE VEHICLE	RAN	VS
C	13.02.18	ALL THE 1200mm HIGH CLOSE BOARDED TIMBER FENCING HAS BEEN UPGRADED TO 1800mm IN HEIGHT	RAN	VS
B	03.11.17	LAYOUT AMENDED FOLLOWING CLIENT COMMENTS	RAN	VS
A	23.08.17	PLOT DIVISION FENCING AMENDED AND KNEE RAILS ADDED. HATFIELDS MOVED TO SOUTHERN PART OF SITE TO ALLOW SPACE FOR DRIVES.	DRH	VS

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



CLIENT: BARRATT YORK
PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT YORK ROAD, BARLBY
DRAWING: PROPOSED RE-PLAN PLOTS 159-180

DRAWING NUMBER: P17:5118:01 - F
SCALE @ A2: 1:500
DRAWN: DRH
CHECKED: VS

DATE: JUL 17
DATE: JUL 17

14 MARINER COURT / CALDER PARK / WAKEFIELD / WF4 3FL
01924 383322 / www.jrpassoc.co.uk / info@jrpassoc.co.uk
jrpassoc is a trading style of John R. Paley Associates Limited



Do not scale off this drawing - Only figured dimensions to be taken from this drawing. Drawings based on Ordnance Survey and/or existing record drawings - Design and Drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved.

This page is intentionally left blank

To: Planning Committee
Date: 5 September 2018
Author: Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/1295/FUL	PARISH:	Barlby Parish Council
APPLICANT:	Barratt Homes Yorkshire East	VALID DATE: EXPIRY DATE:	1st December 2017 2 March 2018
PROPOSAL:	Proposed residential development (partial replan of approval 2013/0478/FUL) for twenty-seven dwellings with associated infrastructure		
LOCATION:	Turnhead Farm, York Road, Barlby		

This application is to be determined by the Planning Committee as officers consider that although the environs of the site are already under development through previous consents, the development is not in accordance with the provisions of the Development Plan which brings it to Committee. It is considered that there are material considerations that would justify approving the application.

1. Introduction and Background

The Site and Context

- 1.1 The application site is an undeveloped, vacant tract of former agricultural land immediately behind (to the west of) properties fronting River View, west of York Road, Barlby. To the west across informal recreational paths and public rights of way are the wooded banks of the River Ouse and the on-going residential development by the applicants and David Wilson Homes known as 'Barley Fields' is approaching the site from the north. The application site is separated from this new development on Poplar Drive by a public right of way which runs west from York Road to the Ouse banks to join the north-south path along the west bank at Barlby Reach; past a small area allocated as Recreation Open Space.
- 1.2 The southern parts of the application site abut an allocated Site of Importance for Nature Conservation (SINC SE63-11) between the site and the River including ponds, footpaths and planting. This is designated for its assemblage of aquatic plants, indicating a high water quality and some water species. It is understood that the wildlife area is owned and managed by Barlby Parish Council. A low voltage

power line follows approximately the line of the embankment. The developable area of the site is located within Flood Zone 1.

The Proposal

- 1.3 Full permissions were given in 2015 and, later in 2017 for an amended total of 233 homes across 10ha of land which included this application site. This application now relates to 1.05ha of that site and the proposal for 27 bungalows is described by the applicant as a part replan of development already granted under a previous permission.
- 1.4 This is since previously this site has consent for 22 bungalows under both 2013/0478 and 2016/1314 that both relate to larger areas of land including all that land that is being developed to the north.
- 1.5 Thus this application is for 27 bungalows on a site that has consent for 22 bungalows. The applicant says that the revisions are to improve the design, the efficiency of the layout and alter the property types on offer. There is an increase over the existing consent of 5 bungalows and the mix remains mostly the same in terms of two and three bedroom bungalows. The eleven allotments and seventeen parking spaces further south remain as previously approved and are not within the current application site.
- 1.6 The application is accompanied by:
 - Geophysical archaeological survey and trial trenching evaluations
 - Geoenvironmental appraisal
 - Gas risk assessment
 - Evidence of agricultural land classification
 - Drainage Proposals (strategy) and update
 - Planning Policy Statement
 - Arboricultural Report
 - Flood Risk Assessment and update
 - Stage 1 Road Safety Audit
 - Landscape and Visual appraisal (LVIA)
 - Ecological assessment
 - Transport Assessment & addendum
 - Confidential viability affordable housing information update

Relevant Planning History

- 1.7 Application 2013/0478/FUL – Permission granted subject to conditions in July 2015 for the erection of 179 houses on 10.8ha of land. This included 22 bungalows on the land subject to the current application together with allotments, open space and a new roundabout at the A163 junction. The planning obligation concluded before that decision was released related to Recreational Open Space (ROS), affordable housing, an Education contribution and Waste and Recycling contribution.
- 1.8 Application 2016/1314- Permission granted in December 2017 for revisions including an increase in numbers from 179 to 233, with the current application site still accommodating 22 bungalows. A new planning obligation and an amendment of the original secured recreational open space (in the form of publicly accessible open

space, 'pocket orchards' and areas of allotments), nine affordable rented housing units plus either a contribution or 15 on site, ~£111,000 health contribution, ~£598,000 Education and waste and recycling contribution of ~£5,200 (its final form following a deed of variation concluded in December 2017). The variations, it is understood followed the introduction of CIL and the need to ensure against double counting of contributions

- 1.9 Although there have been a series of further approvals, these are condition discharge or non-material amendment applications which have enabled the development to commence and a number of the properties are already completed and occupied.

2. CONSULTATION AND PUBLICITY

- 2.1 **Barlby and Osgodby Parish Council** replied that it has no comments to make other than advising that the applicant's statement that there is a Post Office in Barlby is incorrect.

- 2.2 **The Public Rights of Way Officer** has no objections and requests an Informative on any consent to protect the PROW

- 2.3 **The Highway Authority** has replied with no objection to the development subject to the conditions that were imposed on the original (2015) consent being imposed relating to details of construction access and the site access, specification of highways layouts, timing for their construction, York Road visibility splay detail, provision of the A19/A163 roundabout, piping or bridging of culverts, highway condition survey, parking for dwellings, no garage conversions, doors and windows opening over the highway, travel plan and construction traffic management plan.

- 2.4 **The Council's Contracts Team Leader** comments on the ability for service vehicles to manoeuvre and seeks clarification/ amendment to bin collection presentation points.

- 2.5 **The County Principal Ecologist** requests a more up to date ecology survey since this application relies upon the survey carried out for the originally consented application. Request up to date assessment so that these can be reviewed and any further necessary advice given. In considering the revised Ecological Survey, the Ecologist confirms that it takes into account the nearby SINC and although the development will increase the number of visitors to the site/area, it is not considered that this would impact upon the interest of the SINC. The Ecologist agrees with the need for a Construction Environmental Traffic Plan (CEMP), that the biodiversity measures should be incorporated into the landscaping plan and that a sensitive lighting scheme should be secured by condition.

- 2.6 **The County Development Archaeologist** recommends that, in the light of previous advice on the 2013 application (granted in 2015) and the results of intrusive evaluation which shows a Roman, perhaps military, site of high significance – particularly to the north of this site recommends a scheme of archaeological mitigation recording in the form of strip map and record controlled by condition on any approval to ensure a detailed record is made of deposits that may be disturbed.

- 2.7 **The North Yorkshire Bat Group** agrees with the applicants' assessment that bats are unlikely to be adversely affected by development and recommends the provision of bat and swift boxes within the development.
- 2.8 **Natural England** has replied that it has no comments to make and refers to their standing advice.
- 2.9 **The Lead Environmental Health and Housing Officer** advises that whilst the Environmental Protection Act 1990 allows for the abatement of statutory nuisance in respect of noise, dust and vibration, would nevertheless recommend a condition on any approval to address dust, noise and vibration on nearby residential amenity.
- 2.10 **The Environment Agency** has replied with no objection and gives advice on surface water drainage design.
- 2.11 **The Shire Group of IDBs** replies with the standard response that the application will increase the impermeable area and the applicant should satisfy himself that any surface water systems installed have the capacity to cope with any increase in surface water discharge from the site. There is a recommendation for a surface water discharge condition on any approval.
- 2.12 **The Ouse and Derwent Internal Drainage Board** recommends a series of conditions dependent upon the nature of the surface water discharge proposals.
- 2.13 **Yorkshire Water** requests a condition on any approval that the development is carried out in accordance with the submitted Flood Risk Assessment and that restrictions on surface water disposal might be imposed by others.
- 2.14 **The Lead Local Flood Authority** request conditions relating to detailed foul and surface water drainage design, rate of run-off and exceedance flow controls, and measures for maintenance of the SuDS.
- 2.15 **The City of York Environmental Consultancy** advises that the applicant's report on contaminated land is acceptable and recommends conditions to do with implementation and verification of gas protection measures and unforeseen contamination.
- 2.16 **The Canal and River Trust** has replied that it has no comment to make.
- 2.17 **The North Yorkshire Police Designing Out Crime Officer** makes detailed comments about surveillance and security concerning gate and boundary treatments, parking and secure cycle storage measures.
- 2.18 **The North Yorkshire Fire and Rescue Service** say that it has no objection/observations to make at this stage but will comment in detail when the building control body submits their statutory Building Regulations consultation.
- 2.19 No neighbour representations have been received.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The site is located outside the defined development limits of Barlby and is therefore defined as open countryside by the Local Plan. The site does not contain any protected trees and there is no Conservation Area for Barlby or local listed buildings that are affected. There are no statutory or local landscape designations but the area to the west of this site is an SIN. To the west of the site is the River Ouse and the application site is in Flood Zone 1.
- 3.2 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.
- 3.3 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.

Selby District Core Strategy Local Plan

- 3.4 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

- 3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF is relevant. The Framework should thus be taken into account in determining applications, and existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF; due weight should be given to them according to their degree of consistency with the Framework. Thus the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them.
- 3.6 The relevant Selby District Local Plan Policies are:

Policy ENV1: Control of Development

Policy ENV2: Environmental Pollution and Contaminated Land
Policy T1: Development in relation to the Highway Network
Policy T2: Access to Roads

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.7 The 2018 Framework replaces the first NPPF issued in March 2012.
- 3.8 Achieving sustainable development has three interdependent overarching objectives of social, economic and environmental. The previous para 14 presumption is now in para 11 but this is not triggered since the development plan is not 'out of date'. In addition, since there is a demonstrable five year supply the para 11 d) presumption in favour of granting housing applications similarly does not apply. However, that the authority can demonstrate a five year supply is not a reason for resisting sustainable development and para 38 says decision-makers should seek to approve applications for sustainable development where possible.

4. APPRAISAL

- 4.1 The main planning considerations to be taken into account when assessing this application are:
- Principle of Development and the weight to be afforded to the existing consent
 - Impact on Residential Amenity
 - Affordable Housing
 - Highway safety
 - Impact on Nature Conservation and Protected Species
 - Archaeology
 - Flood Risk and Drainage
 - Land Contamination
 - Planning obligation

Principle of Development and weight to be afforded to the existing consent

- 4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in paragraphs 11 and 12 of the 2018 NPPF.
- 4.3 Although the application site is outside of the development limits for Barlby and is therefore contrary to the spirit of Policy SP2 of the Core Strategy - which would presume against development in the countryside - there is an extant permission on the site and the principle of residential development is firmly established here which can amount to a 'special circumstance' envisaged in SP2 A (c).
- 4.4 The extant permissions can be afforded even more weight since those permissions referred to above are substantially implemented and thus the applicant can therefore demonstrate a 'fallback' position i.e. an existing consent which is being

implemented irrespective of the decision on this current application; this constitutes a material consideration to be taken into account in determining the application.

- 4.5 In this case there is an extant planning permission for 233 dwellings and which has already been included in the Council's land supply calculations. Although the proposals now for this smaller part of the larger consented site are different to that approval, the extant planning permission is nevertheless considered to be a clear fallback position that is a material consideration of sufficient weight to constitute a special circumstance (to allow development in the countryside) envisaged by Policy SP2 and since the previous decisions confirm that this is a sustainable location for development.

Residential amenity

- 4.6 The existing consent envisages the estate access coming in from the north east corner and then encircling the western site boundary with a small central private court and a turning head in the south west corner. The nearest properties with their rear east facing gardens towards River View would be between 23m to 29m facing back to back relationships and where there are gable ends facing these existing neighbours, these would be blank.
- 4.7 The proposed alternative layout is a more efficient layout since the estate road enters down the middle of the site to enable development off both road frontages and with two small private drives to the west. The terraces of bungalows down the eastern boundary have a common 10m rear garden length and a minimum 27m separation from the rears of River View neighbours. The site has an overall impression of low density (26dph) and all relationships between existing and proposed and existing and existing are acceptable.
- 4.8 The western site boundary is defined by the existing tree-lined public footpath and the site will abut it with selective tree planting and, at the ends of the west facing private drive heads, short stretches of copper beech/hornbeam hedging protected by 450mm high knee rail to deter access across the planted hedge. The North Yorkshire Police, Designing Out Crime Officer's comments (para 2.17 above) have been shared with the applicant, and particularly in respect of these western fringes of the site, amendments have been sought. Further areas of planting to discourage access have been provided on the revised layout and landscaping plans to prevent the formation of areas hidden from view which could otherwise attract unneighbourly behaviour or escape routes. It has been confirmed that these areas outside of property curtilages will be managed by a management company.
- 4.9 There are no neighbour representations to report.
- 4.10 It is therefore concluded, subject to the receipt of the satisfactorily revised layout and landscape proposals drawings that this change to the approved layout still has the appearance of a low density scheme and the relationships to existing neighbours are not significantly different but better than the existing consent. The mix remains similar to that previously approved (consistent with SP8- Housing Mix) and complies with SDLP Policy ENV1.

Affordable Housing

- 4.11 Core Strategy Policy SP9 would seek 40% provision of affordable housing on major sites. The definition of affordable housing in the 2018 Framework has changed from the first (2012) issue and the Council's definition in the Core Strategy or the adopted Supplementary Planning Document (February 2014) is thus not up to date since, for example it does not include Starter Homes within the plan definition. Nevertheless, current Policy would seek 10 units on this application.
- 4.12 However, the Council's policy position would remain that the amount provided is a matter for negotiation having regard to cost, viability and other requirements associated with the development (Policy SP9).
- 4.13 The last revision of the larger site, to 233 dwellings in total, secured a ~10% contribution to affordable housing based upon viability information provided at that time secured through a new obligation (14 December 2017) and a variation to the original obligation from 30 July 2015 (dated 4 December 2017). These provide for 15 on site, or a contribution, plus 9 from the deed of variation. (15 + 9 = 24). This compares to a 5.5% contribution which was able to be achieved on the original, 179 house scheme.
- 4.14 Thus if the previously achieved 10% contribution was applied to the current scheme, an increase by 5 would result in a request for 0.5 of a unit. Neither the Council's development plan policy nor the SPD indicate whether requirements are 'rounded up' or 'rounded down' when part whole units are involved.
- 4.15 The applicant has provided some information to support his case that the scheme cannot viably provide any further affordable contribution. This has not been independently tested, given the very small implication of this increase, but costs per plot have decreased slightly (by about 6%) and there is an approximate 8% upturn in the difference between revenue and costs based upon the experience of the existing site and actual development costs for this part of the site.
- 4.16 It was accepted in September 2017 that the development had incurred additional costs as a result of the high water table. It is therefore considered that since any increased requirement is negligible and that contributions towards other facilities such as Health, Waste and Recycling and the previous affordable provisions were all previously reduced, it would not be reasonable and be disproportionate to engage in a viability exercise for 0.5 of a unit. Put another way, ten percent of 238 units is 23.8 and the site is already committed to provide 24. The applicant has agreed the way in which this confidential information has been summarised for this report.
- 4.17 The Framework speaks of maintaining the supply of housing and helping to ensure that consents are implemented in a timely manner (paras 75 and 76). The continuing development of 'Barley Fields' under the previous consents is approaching from the north and a timely decision here would assist in not interrupting this delivery.

Impact on the Highway Safety

- 4.18 The site has an approved vehicle access point and many of the Highway Authority requested conditions relate to the larger 233 dwelling scheme and the advanced off site road improvements which have since all been provided. The shared surface drive through the site has a number of multiple parking bays off it, albeit broken up with tree planting but given that the vehicle movements in the site will be low and there is no through traffic as such, these details are acceptable. All plots have two off street parking spaces.
- 4.19 The amended Transport Assessment concludes that there will be a small number of additional trips that would have a negligible impact on the network. It is considered that the only conditions that are necessary on any approval, given that the previous scheme has secured all the off-site highway improvements and other works relate to no occupation until constructed to basecourse level, surface water, and provision of parking before occupation. The Contract Manager's comments have been shared with the applicants and revisions to the layout plan have been received and some further clarifications on the ability of the turning areas to accommodate collection vehicles are expected to be available for Committee.
- 4.20 Thus the scheme, subject to conditions, is acceptable in highway terms and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF with respect to the impacts on the highway network.

Impact on Nature Conservation and Protected Species

- 4.21 The consultees agree that the updated reports are acceptable and that the need for biodiversity enhancement measures, referred to in the proposals, can be controlled by conditions. A Construction Environmental Management plan has been submitted with the application so there is no need to condition its submission. No external lighting is proposed as part of the application so it is also not necessary to condition its submission.

Archaeology

- 4.22 There has already been intrusive evaluation of this site and the County archaeologist is content with a strip, map and record approach to the investigation of this site, controlled by condition on any approval. This is the subject of discussion with the applicants, over the reasonableness of this request given the previous intrusive works and the Committee will be updated on the agreed solution.

Flood Risk and Drainage

- 4.23 The application site is entirely in Environment Agency Flood Zone 1 but the site size requires the application to provide a site specific flood risk assessment. Minimum finished floor levels are to be above any maximum flood event and surface water is to be discharged to the River Ouse and discharge rates restricted to the greenfield rate through oversize pipes and storage. Soakaways are unlikely to be suitable for this site; the site to the north has a positive piped system which also discharges to the River.
- 4.24 Foul will be drained to the south and then pumped to the existing combined sewer in York Road. This will be controlled through the existing and to-be-adopted foul pumping station, located in the northern site which would also take flows from this

application site. Yorkshire Water find this discharge to the public sewer acceptable and there is thus no reason to condition any further details of this since the commissioning and adoption of that system will be controlled by other means

- 4.25 The consultees all concur that surface water disposal can be dealt with by condition on any approval.

Land Contamination

- 4.26 The applicants' assessment concludes that the site is free from contamination in the topsoil, which is thus suitable for re-use. A number of foundation solutions are suggested and initial gas monitoring seems to suggest that with the construction of floor slabs, sub floor ventilation and gas membranes will be necessary. The Council's Contaminated Land Consultant confirms that the applicants' report is acceptable and the recommended conditions are reflected at recommended conditions numbers 5 and 6.

Planning obligation

- 4.27 On the face of it this revision application (which is really a new application in its own right for twenty seven bungalows) should raise the question of whether a further or revision of the existing planning obligations is required. If the same suggested approach to affordable housing is acceptable to Committee, then this application should not raise the need for further obligation preparation or variation.
- 4.28 The applicants have agreed to provide a unilateral undertaking to confirm that any approval here does not alter the obligations they are already bound to, as set out in paragraphs 1.7 and 1.8 of this report above. This would ensure that the necessary benefits negotiated for the larger site (which includes the current application site) remain in place and will continue to be delivered; it is also a more efficient method than seeking a new obligation or further revisions to the existing obligations. The undertaking will be submitted in draft in order that your officers may seek legal opinion that it achieves what it is intended to.

5. CONCLUSION

- 5.1 This application site is part of a larger committed site outside of development limits where significant housing construction and occupation is well advanced.
- 5.2 Development plan policy, like the spirit of the plan and national guidance, would presume against development in the countryside and Policy SP2 would limit development in the countryside to ones only of specific descriptions including 'other special circumstances'. It is concluded that the existing consent(s) and the advancement of that permitted development (which includes this application site) towards this part of the site from the north is, together with the 'fall-back' a 'special circumstance' which would clearly support this application.
- 5.3 In order to facilitate and not unreasonably delay the delivery of housing, and given the small scale of the change compared to the committed consent, it is concluded that no further affordable housing (0.5) should be sought. By the same token, since the applicants are agreeable to committing to the existing obligations for the larger site, it would be disproportionate to seek any further contributions.

- 5.4 There are no outstanding consultee objections, or comments that may not be addressed by condition on any approval, and subject to the receipt of satisfactorily revised drawings, the conclusion on archaeology and a satisfactorily concluded unilateral undertaking, updates upon all of which will be presented to Committee, the application will be recommended to be approved.

6. RECOMMENDATION

- 6.1 That, subject to an appropriate planning obligation to secure contributions as set out in paragraphs 1.7 and 1.8 of the report above, this application is recommended to be APPROVED 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:

Site layout plan Dwg no P17:5118:01 G

Landscaping Plans. Dwg No P17:5118106-D.

External Works Dwg and topographical layout (to be inserted)

Flood Risk assessment prepared by BWB LDH/2020/FRA revision dated 02/04/2013)

Geo Environmental Assessment prepared by Lithos Consulting Report No 1416/1 dated October 2013

Construction Mgt Plan dated (to be inserted)

List the House types (to be inserted)

Reason: For the avoidance of doubt and in accordance with policy ENV1 of the Selby District Local Plan.

03. Prior to the commencement of work above foundation level, details of all external materials to be used in the construction of the exterior walls and roofs of the development hereby approved shall be submitted to and approved in writing by the local planning authority, and only the approved materials shall be utilised.

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

04. No parts of the surface water drainage system shall be commenced to be constructed until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The surface water drainage design should demonstrate that

the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity, in accordance with Policies

05. Foundation design shall include proposed gas protection measures, the details of which shall have been submitted to and approved by the local planning authority prior to their installation.

Reason: To ensure that risks from landfill gas to the future users of the site are minimised in accordance with Selby District Local Plan Policy ENV2.

06. 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.

07. All hard and soft landscaping works shall be carried out in accordance with the approved landscaping plans during the first available planting season following the substantial completion of the development.

Reason: In accordance with the details of the application to comply with s.197 of the Act in respect of the preservation and planting of trees, in the interests of visual amenity and in order to comply with PolicySP19 of the Core Strategy and Policy ENV1 of Selby District Local Plan.

08. The first dwelling shall not be first occupied until the details of the management company and how it will ensure for the long term and continuing maintenance and management of those areas of hard and soft landscaping and planting outside of private property curtilages have been submitted to and approved by the local planning authority.

Reason: In accordance with the details of the application to comply with s.197 of the Act in respect of the preservation and planting of trees, in the interests of visual amenity and in order to comply with PolicySP19 of the Core Strategy and Policy ENV1 of Selby District Local Plan.

09. No dwelling shall be occupied until that part of the service road and any footways that provide access to it have been constructed up to at least base course level in accordance with the approved plans.

Reason: In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to provide for adequate and satisfactory access to properties from a highway in the interests of safety and the general amenity of the development.

10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with approved drawing no P17:5118:01 – G. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

11. A scheme for the provision of bird boxes shall be implemented in accordance with detail that have previously need submitted to and approved by the local planning authority prior to the substantial completion of the development.

Reason: In order to provide for the retention and enhancement of biodiversity in accordance with the details of the application and in the interests of ensuring that protected species are not significantly impacted by the development and to accord with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV10 of the Selby District Local Plan.

12. The development hereby approved shall proceed in accordance with the approved Construction Environmental Management Plan (ref xxx) received by the local planning authority on (to be inserted)

Reason: In order to protect the general and residential amenities of the area and the Site of Importance for Nature Conservation in accordance with development plan policies ENV1, ENV10, SP18 and SP19.

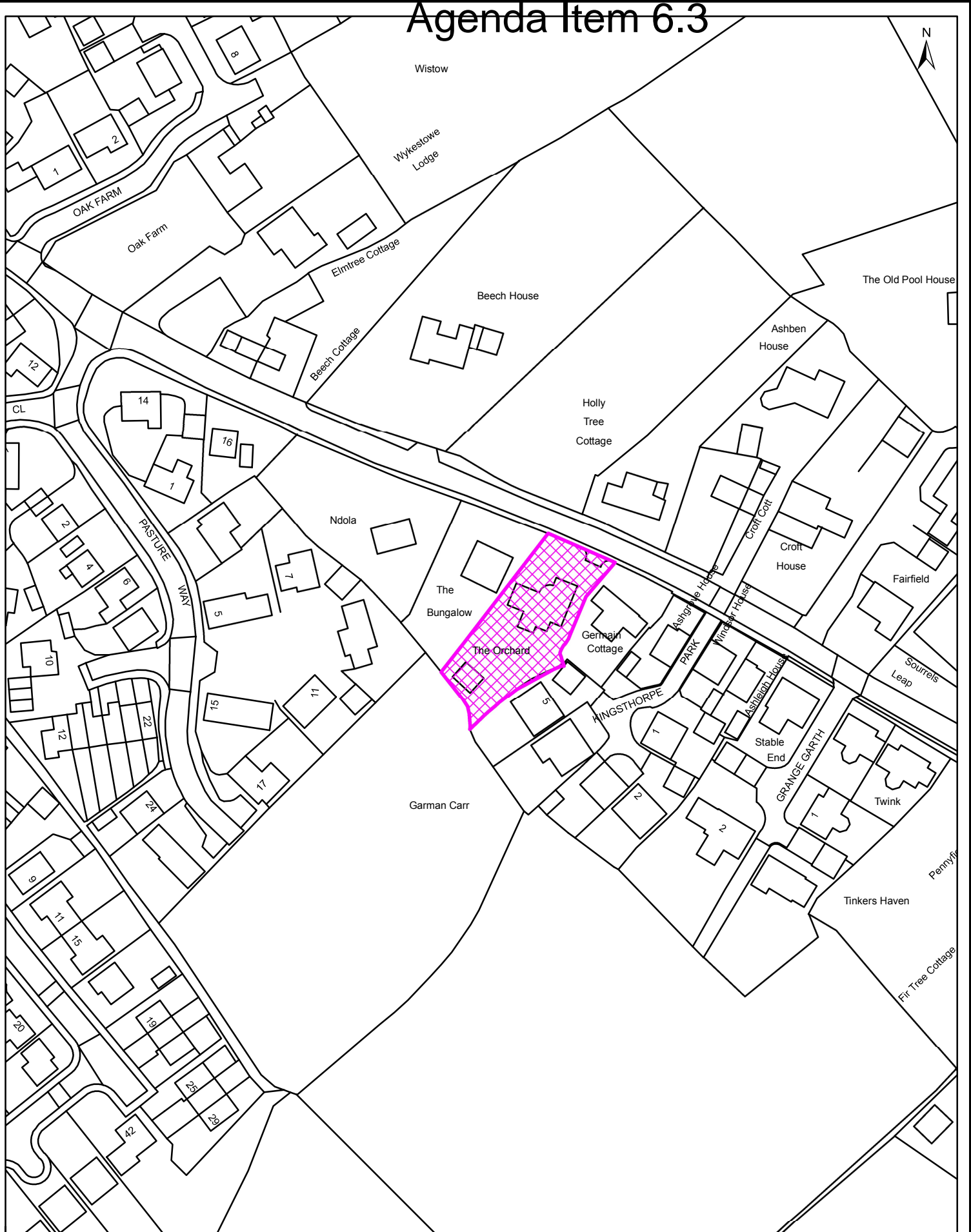
Informative: The existing Public Right of Way which crosses the access to the site must be protected and kept clear of any obstruction at all times until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Contact Officer: Paul Edwards, Principal Planning Officer
pedwards@selby.gov.uk
01757 292 135

Appendices: None

This page is intentionally left blank

Agenda Item 6.3



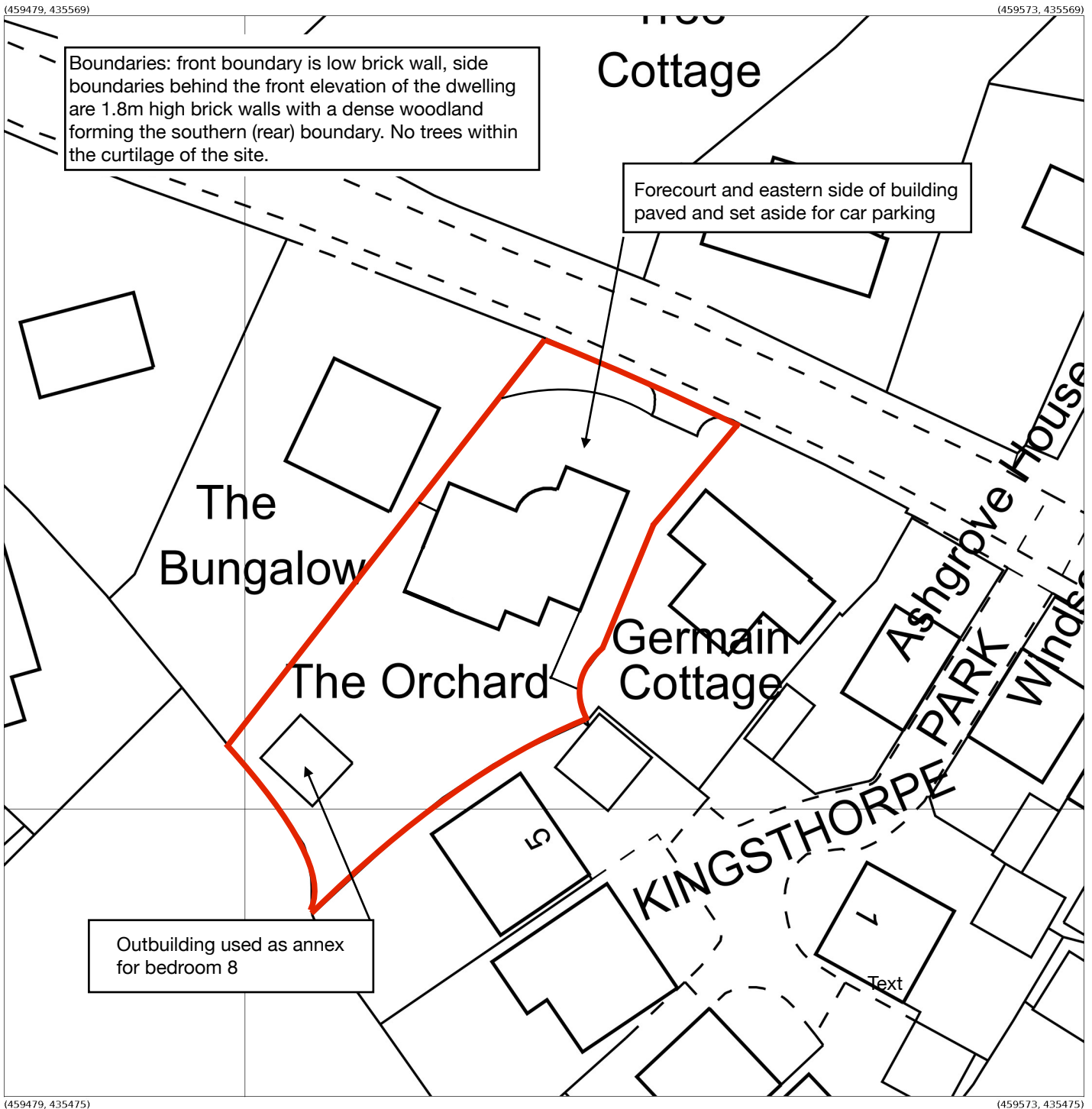
APPLICATION SITE

The Orchard, Garman Carr Lane, Wistow
2018/0059/FUL

1:1,250

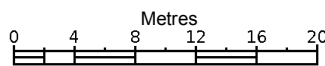


This page is intentionally left blank



Produced 29 Mar 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



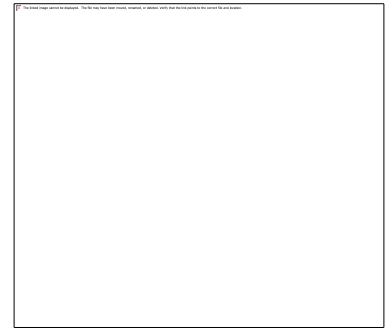
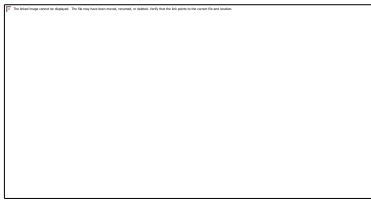
1:500



The Orchard, Garmancarr Ln, Wistow,
Selby
YO8 3UW

Supplied by: **Stanfords 29 Mar 2018**
Licence: © Crown Copyright and
database rights 2018 OS100035409
Order Licence Reference: O11216280
Centre coordinates: 459526 435522

This page is intentionally left blank



Report Reference Number: 2018/0059/FUL

Agenda Item No: 6.3

To: Planning Committee
Date: 5 September 2018
Author: Andrew Martin (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0059/FUL	PARISH:	Wistow
APPLICANT:	Action For Care Ltd	VALID DATE: EXPIRY DATE:	09 April 2018 04 June 2018
PROPOSAL:	Erect extension to existing outbuilding (retrospective) in association with change of use from dwellinghouse C3b (6 residents) to Care Home C2 (8 residents)		
LOCATION:	The Orchard, Garman Carr Lane, Wistow, Selby, Leeds, North Yorkshire, YO8 3UW		
RECOMMENDATION:	APPROVE		

This application has been brought to the committee because it is a minor application where 10 or more letters of representation have been received which in the view of a Director raise material planning considerations and where officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The Orchard is a large, detached house on the southern side of Garman Carr Lane, in a predominantly residential area of Wistow. For planning purposes the property is still currently classed as a dwellinghouse, although since 2011 it has been operating as a care home within the terms of Class C3(b) of The Town and Country Planning (Use Classes) Order 1987 (as amended), in which the definition of a dwellinghouse is extended to include use *“by not more than 6 residents living together as a single household (including a household where care is provided for residents).”*

The proposal

- 1.2. The proposal is to change the use of the premises to a “*residential institution*” within Class C2 of the Use Classes Order and to increase the number of residents receiving care from six to eight. The application has also been amended to regularise works that were undertaken earlier this year to extend what was an existing outbuilding in the rear garden. The original structure housed a biomass boiler (amongst other things) and this remains within the building as extended. But it also now includes specialist accommodation proposed for one of the two additional residents. The other new resident would be accommodated in a currently unused bedroom in the main dwelling. The extended outbuilding now has a footprint of 8m by 8.47m and a height to eaves and ridge of 2.855m and 3.981m respectively. The specialist accommodation comprises a lounge, a relaxation area and an en-suite bedroom.
- 1.3. The biomass boiler is fed by a large metal hopper, which sits outside the outbuilding, close to the boundary with 5 Kingsthorpe Park. The hopper was dismantled and re-erected as part of the recent works.
- 1.4. The nature of the care provided within the property is described in the applicant’s Planning Statement as follows:

“The residents are aged between 18 - 65 and live together based on the model of a small group of individuals having their own care package in terms of support needs but living in a “family” type setting; socialising, cooking and sharing meals, domestic tasks, activities and shopping.

“The residents share all the facilities common to a normal household such as kitchen, dining room, utility room, lounges and a quiet room. They have their own bedrooms with en-suite facilities for privacy once again as any household would provide.”
- 1.5. Care is provided 24 hours a day in three shifts. The maximum number of staff per shift is six, although the number of carers on site will be greater during shift changes.

Relevant Planning History

- 1.6. There is no planning history on this site relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

- 2.1. The application has twice been publicised by site notice and direct neighbour notification, first when the application was registered and subsequently when the description of development was amended to include reference to retrospective consent for the extensions to the outbuilding. We have now received objections from 11 different respondents, raising the following concerns
 - Expanding the business as proposed will create an inappropriate commercial enterprise in an otherwise quiet lane in a small village
 - Increasing number of residents can only generate extra traffic associated with staff and service vehicles, exacerbating existing on-street parking problems. Congestion is creating difficulties for residents accessing their properties and causing problems for larger vehicles, including tractors.

- Disturbance from residents shouting and screaming will inevitably increase
- View of biomass boiler from neighbour's properties is unsightly. Its size is dictated by the need to serve a business, not a residential house.
- Development of the annex has led to localised flooding. Has the management of surface water been considered?
- Lights are on throughout the night and are a nuisance. Already a separate complaint to environmental health.
- The fencing that has been erected is unsightly resembling a prison camp and the typical build of the village is brick not whitewashed block.
- The proposal will exacerbate existing drainage problems

2.2. Wistow Parish Council

"The Parish Council totally objects to the extension and expansion of the number of residents in this care home in the village. At the present time the residents living in this area of this quiet village have been subjected to unceasing noise from residents 24 hours of the day with no consideration from the present staff in the home.

"The villagers are unable at times to walk safely along the footpath near the home due to inconsiderate parking totally blocking the path.

"Waste bins (of industrial size) are parked on the front of the drive, sometimes spilling contents onto the area!

"Cared for residents have been seen outside the property using foul language and on one occasion left screaming on the drive for a long period with no care staff in attendance.

"Outside lighting is left on for long periods at night causing light pollution to neighbours.

"The company running the business appears not to be aware of these problems or does not care for the distress it is causing to local residents despite telephone calls and letters.

"North Yorkshire County Council seem not to be aware of the failure of this company (Action for Care Ltd) to safe guard, not only the residents, but also the people living in the area who are subjected to the effects of living near this business."

2.3. Local highway authority

"There are no local highway authority objections to the proposed development"

2.4. Lead Officer Environmental Health and Housing

"I can confirm I have no objections to the proposals so far as this department's interests are concerned.

"I am aware however that a number of residents have raised concerns in relation to noise from increased traffic and the increased number of residents. Noise of this

type would not normally be considered to be a Statutory Nuisance and as such complaints regarding noise are unlikely to be dealt with by this department. The fact that the type of noise generated by this development is not likely to give rise to a Statutory Nuisance should not be taken to imply that noise from the development will not lead to a loss of amenity of the locality. I would recommend therefore that you ensure the proposals are complainant with relevant Planning Policy in relation to noise.”

2.5. Yorkshire Water

“ ... we have no record of blockages on the local sewerage system. The additional head count at the care home will not have a material impact on the sewerage network. If we do have to “jet” the sewers to remove blockages we would request local residents (including the care home) to think before they flush and to avoid putting material such as wet wipes, nappies etc down their toilets. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network or interfere with the free flow of its contents or affect the treatment and disposal of its contents.”

3. SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1. The site is within the development limits of Wistow.
- 3.2. The site is within Flood Zone 3 wherein land has a 1 in 100 or greater annual probability of river flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF),

- 3.3. The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (para 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

- 3.4. The relevant Core Strategy Policies are:
 - SP1: Presumption in Favour of Sustainable Development
 - SP2: Spatial Development Strategy
 - SP15: Sustainable Development and Climate Change
 - SP18: Protecting and Enhancing the Environment
 - SP19: Design Quality

Selby District Local Plan

- 3.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into

account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.6. The relevant Selby District Local Plan Policies are:

- ENV1: Control of Development
- ENV2: Environmental Pollution and Contaminated Land
- ENV3: External lighting
- EMP2: New Employment Development
- T1: Development in Relation to the Highway Network
- T2: Access to Roads

Other Guidance / Policies

3.7. None

4. APPRAISAL

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

- Principle of development
- Visual amenity
- Living conditions
- Highway safety
- Flood risk

4.2. Principle of development

4.2.1. The Orchard is located within the development limits of Wistow, a Secondary Village in the settlement hierarchy identified in paragraph 4.15 of the Core Strategy. The district's Spatial Development Strategy, set out in Core Strategy Policy SP2, identifies Secondary Villages as having scope for *"limited amounts of residential development"*, but is silent on non-residential uses. However, Local Plan Policy EMP2 states that *"Encouragement will ... be given to proposals for small-scale [employment] development in villages and rural areas in support of the rural economy."* Therefore, the principle of the expansion of the business at The Orchard is clearly consistent with the development plan.

4.2.2. Further support is offered by the NPPF. Under the heading of *"Supporting a prosperous rural economy"* paragraph 83 is clear that *"Planning policies and decisions should enable ... the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings"*. The proposal is also consistent with paragraph 92 which expects planning policies and decisions to *"take into account and support the*

delivery of local strategies to improve health, social and cultural well-being for all sections of the community”.

- 4.2.3. By way of an introduction to subsequent headings in this report, it is important to acknowledge that any detrimental impacts upon residential amenity currently being experienced by neighbours result from a lawful planning use – The Orchard is presently a dwellinghouse for the purposes of The Town and Country Planning (Use Classes) Order 1987 (as amended). And whilst approving this application would move the premises into a different use class, the practical effect would be to increase the number of residents by two – a number that could be limited by condition were this application to be approved.
- 4.2.4. The applicants operate businesses of a similar scale elsewhere within the District, including one in South Milford, which was granted planning permission on appeal in 2015. A copy of that appeal decision is contained within Appendix A. The issues raised have strong parallels with the current application and, whilst every application must be considered on its merits, the inspector’s reasoning in the South Milford case provides a useful insight into how the relevant planning considerations might be judged were this application to end up at appeal.

4.3. Visual amenity

- 4.3.1. The only physical changes to the property relate to the enlargement of the outbuilding in the rear garden to provide the new annex. The extended building can only be glimpsed from public viewpoints and has no appreciable impact upon the wider character of the area. It is prominent when viewed from the rear of neighbouring properties, but, although large, its physical impact is not considered to be overbearing. It is judged consistent with the expectations of Core Strategy policy SP19 and Local plan policy ENV1.
- 4.3.2. The hopper serving the biomass boiler is, again, largely shielded from public view, but is particularly prominent when viewed from the rear of 5 Kingsthorpe Park to the south. The hopper has been in place for some while; the applicant’s agent maintains that it was installed not long after the care home started operating in 2011 and, consequently, is lawful. It was temporarily taken down as part of the recent works to extend the outbuilding and it is unclear whether it has now been re-erected in a different position. Nevertheless, even if the hopper did require consent then judged on its current position, and notwithstanding its crude, utilitarian design, it is doubtful whether its appearance from neighbouring properties alone would be sufficient grounds to sustain a refusal of planning permission.
- 4.3.3. In response to concerns raised in the representations the applicants have offered to paint the hopper, and thereafter to maintain it painted. In the circumstances, it would not be unreasonable to make that a condition of any consent.

4.4. Living conditions

Noise

- 4.4.1. There is local concern that the proposal will lead to an increase in noise. There is a general apprehension about the potential for the proposal to further commercialise a predominantly residential area in a small village, and there are particular references to noise from existing residents shouting and screaming.

- 4.4.2. The commercialisation point seems to stem, for the most part, from a concern about traffic movements – particularly those associated with deliveries and the arrival and departure of staff. The highway safety aspects of this are discussed below; this section of the report concentrates on amenity. Local Plan Policy ENV2 states that *“Proposals for development which would give rise to ... unacceptable levels of noise, [or] nuisance ... will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.”*
- 4.4.3. Again it is important to stress that any existing issues relate to a lawful planning use. Therefore, in practical terms, an assessment of commercialisation needs to be judged on the likely impact of two more residents. The applicants have confirmed that the proposal involves no increase in staff, although it would not be unreasonable to conclude that two additional residents would increase the number of social and, occasionally, professional visitors, which would have some impact. The Council’s Lead Officer for Environmental Health and Housing raises no objection to the proposal, although qualifies that conclusion with the observation that the thresholds for statutory nuisance may well be higher than would be necessary to identify harm for planning purposes. Nevertheless, with that in mind, and whilst acknowledging that the area around The Orchard is predominantly residential, it seems unlikely that the noise and general disturbance associated with this level of additional activity, nor any noise from the extra residents themselves, would intensify impact on the surrounding area to an appreciable degree. It is interesting to note that the inspector determining the South Milford appeal drew similar conclusions in an area that is also predominantly residential.

Lighting

- 4.4.4. A number of the representations make reference to pollution from existing lighting, particularly the external lights positioned on the enlarged annex. The Council’s Environmental Health Service has also received complaints which have triggered a separate investigation of nuisance under the Environmental Protection Act.
- 4.4.5. Existing lighting on, or within, the main house is beyond planning control, but new lighting on the recently extended annex is subject to Local Plan Policy ENV3 which states that *“Proposals involving outdoor lighting will only be permitted where [amongst other things] lighting schemes: (1) Represent the minimum level required for security and/or operational purposes; [and] (2) Are designed to minimise glare and spillage ...”*
- 4.4.6. The annex has been fitted with three external lights which illuminate the route to and from the main house. At the moment we are told that these are LED “14W downlighters” with an output of 900 lumens each and no motion control sensors. Neighbours have complained that these lights can be on all night and cause considerable light spillage.
- 4.4.7. The applicants have agreed to replace each of these lights with a *Searchlight 30 LED Wall Light Stainless Steel with PIR [Passive Infrared Sensor]* which is a 6W LED motion sensitive unit with an output of 420 lumens. It is recommended that this broad specification (rather than the specific brand) is incorporated into a condition.

4.5. Highway safety

- 4.5.1. There is considerable local concern that the proposal will lead to further on-street parking, exacerbating existing problems with the free flow of traffic and access to other properties in Garman Carr Lane. Policy ENV1 of the Local Plan states that

proposals will be permitted where a good quality of development will be achieved taking into account various factors, including *“the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking”*. To prevent detriment to highway safety, policies T1 and T2 of the Local Plan require adequate road capacity and no detriment to highway safety.

4.5.2. Once again, it is important to stress that any existing issues relate to a lawful planning use. Insofar as the parking issues depicted in the photos submitted by objectors relate to The Orchard, the matter is beyond planning control. And given the fallback of using the premises as a care home *“by not more than 6 residents”*, the issue raised by this application is essentially whether the needs of two additional residents would give rise to an increase in traffic that would create further problems. In the context of Local Plan Policy T1 proposals will only be supported where *“existing roads have adequate capacity and can safely serve the development”*. Paragraph 109 of the NPPF, which is a material consideration, sets the bar higher:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

4.5.3. As stated earlier, the applicants have confirmed that the proposal involves no increase in staff. That is disputed in some of the letters of objection, but there is no evidence to refute the applicant’s assertion. An additional two residents may well increase the number of social and, occasionally, professional visitors, but it is difficult to foresee that these would lead to the “severe” impacts referenced in the NPPF. The local highway authority has no objection to the application.

4.5.4. Inconsiderate or dangerous parking on the public highway would be a matter for the police.

4.6. Flood risk

4.6.1. The application site is within Flood Zone 3. The annex is “minor development” in relation to flood risk, and whilst minor developments (and changes of use) do not need to be subjected to either the Sequential or Exception Tests, paragraph 164 of the NPPF is clear that they still need to meet the requirements for site-specific flood risk assessments as set out in the Government’s *Planning Practice Guidance*. For a development of this nature that means assessing whether: (1) the development is likely to be affected by current or future flooding from any source; (2) it will increase flood risk elsewhere; and (3) the measures proposed to deal with these effects and risks are appropriate.

4.6.2. The applicant has submitted a Flood Risk Assessment (FRA) addressing these issues. It emphasises that whilst the site lies within Flood Zone 3, the area is protected by a formal flood defence system and in the unlikely event of an incident the property’s three storeys would provide a safe space for residents and on-duty staff. In terms of flood risk elsewhere, although the representations refer to an instance of surface water flooding during the course of building works to the annex, this would appear to have coincided with a temporary disconnection of the existing surface water drainage system whilst the soakaway was being upgraded. There is no evidence of any other likely issues. The footprint of the enlarged annex reduces flood storage capacity, but the applicants make the point that this is by no more than is acceptable as permitted development. Overall, the proposal is judged consistent

with Government policy expressed through the NPPF and the associated sections of the *Planning Practice Guidance*.

4.7. Other matters

- 4.7.1. The letters of representation raise a number of other matters that do not fall under planning control, including: the safety of the biomass boiler; the proximity of the new accommodation within annex to the boiler; and the standards of care being offered to residents.

5. CONCLUSION

- 5.1. The Orchard has been operating as a care home within the terms of Class C3(b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) since 2011. The proposal is to change the use of the premises to a “*residential institution*” within Class C2 of the Use Classes Order and to increase the number of residents receiving care from six to eight. The application also proposes regularisation of an enlarged annex in the rear garden.
- 5.2. The proposal has attracted a considerable number of objections, raising planning concerns relating to noise, lighting, flood risk and on-street parking congestion. Many of these concerns relate to the situation as is, which stems from a lawful planning use. The proposal would take the premises into a different use class, increasing the number of residents from six to eight, but the existing use is clearly a fallback that carries considerable weight in this case. So much so that it is reasonable to consider the material impacts of the current proposal in the context of the pressures from two additional residents. That was the approach taken by the inspector in the appeal at South Milford, a copy of which is appended to the report. And, in those terms, the proposal is unlikely to have an appreciable impact.
- 5.3. Having said that, the lights that have appeared on the new “annex” are causing a nuisance. And regardless of whether that would amount to a reason for refusal of this planning application the applicants have agreed to change or modify these lights to reduce their impact, adding motion sensors at the very least. This, and the addition of further lights in the future, can be controlled by a condition. The applicants have also agreed to paint the hopper providing fuel to the biomass boiler in the annex. With an additional condition to ensure that the premises are restricted to use as care home with a maximum number of 8 residents at any one time, the proposal is considered compliant with Core Strategy policies SP1, SP15, SP18 and SP19 and Local Plan policies ENV1, ENV2, ENV3, EMP2, T1 and T2.

6. RECOMMENDATION

- 6.1. This application is recommended to be APPROVED subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
 - Location Plan, LOC01
 - Layout Plan, 02
 - Floor Layouts, 03
 - Proposed Garden Room & Bio-Mass Enclosure, 100

Reason: To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby District Local Plan Policy ENV1.

2. The use of the premises hereby approved shall be for a Residential care home only and for no other use within Class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). Furthermore, the number of residents shall be limited to a maximum of 8 at any one time.

Reason: To ensure that the impacts of any alternative uses and/or increase in the number of residents are considered in the context of Selby District Local Plan policies ENV1 and ENV2.

3. Within one month of the date of this permission the existing hopper in the rear garden serving the biomass boiler shall be painted RAL 6003 Olive green. Thereafter the hopper shall be maintained painted that colour.

Reason: To protect residential amenity in accordance with Selby District Local Plan policies ENV1 and ENV2.

4. Within one month of the date of this permission the three existing external security lights on the "*Proposed Garden Room & Bio-Mass Enclosure*" (the building shown on approved drawing 100) shall be replaced with alternatives meeting a specification that includes a Passive Infrared Sensor, or equivalent motion sensor, and an output of 420 lumens or less. Thereafter, these lights shall be maintained to the agreed specification.

Reason: To protect residential amenity in accordance with Selby District Local Plan policies ENV1 and ENV3.

5. No further external lights shall be fitted to any building within the application site unless in accordance with a specification that shall first have been submitted to, and agreed in writing by, the local planning authority. Thereafter, any lights so fitted shall be maintained in accordance with the agreed specification.

Reason: To protect residential amenity in accordance with Selby District Local Plan policies ENV1 and ENV3.

7. Legal Issues

7.1. Planning Acts

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

7.2. 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.

7.3. 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.

8. Financial Issues

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

9. Background Documents

9.1. Planning Application file reference and associated documents.

Contact Officer:

Andrew Martin
Principal Planning Officer
amartin@selby.gov.uk
01757 292357

This page is intentionally left blank

Appeal Decision

Site visit made on 22 July 2015

by Michael Moffoot DipTP MRTPI Dip Mgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2015

Appeal Ref: APP/N2739/W/15/3009833

The Lodge, 10 Westfield Lane, South Milford LS25 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Action for Care Limited against the decision of Selby District Council.
 - The application Ref: 2014/0741/COU, dated 1 July 2014, was refused by notice dated 15 January 2015.
 - The development proposed is alterations to garage to form 2 bedrooms, extension to garage to form internal link to house and change of use of house from C3(b) to C2 (8 residents).
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to garage to form 2 bedrooms, extension to garage to form internal link to house and change of use of house from C3(b) to C2 (8 residents) at The Lodge, 10 Westfield Lane, South Milford LS25 5AP, in accordance with the terms of the application Ref: 2014/0741/COU dated 1 July 2014, and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building in colour and texture.
 3. Before the first occupation of the extension hereby permitted the windows on the front (south) elevation shall be fitted with obscure glazing and shall be permanently retained in that condition thereafter.
 4. The development hereby permitted shall be carried out in accordance with the following approved plans: (i) LOC01; (ii) 100; and (iii) 101.

Procedural Matter

2. The appellant submits that the increase in the number of residents to be accommodated at the care home does not amount to a material change of use. However, as the application includes a proposed change of use and has been refused it is for me to determine the subsequent appeal.

Application for Costs

3. An application for costs was made by Action for Care Limited against Selby District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are:
 - (i) the effect of the proposed development on the living conditions of nearby residents, with particular reference to noise and disturbance, overlooking and light pollution; and
 - (ii) the effect of the proposal on highway and pedestrian safety.

Reasons

The proposal and policy background

5. The Lodge comprises a three-storey, split level building set on a sizeable plot located within a predominantly residential part of South Milford. From its junction with School Lane, the section of Westfield Lane running north-eastwards is for the most part a single track road with a few informal passing places, a partial footway and a turning head opposite the appeal site. The carriageway terminates about 30m beyond the site and reduces to a footpath leading to Low Street.
6. The building currently operates as a registered care home for up to six residents between the ages of 18 and 65 years who have learning difficulties. They live as one household with shared facilities and receive 24 hour care from visiting staff comprising six in attendance at any one time (including 1/1.5 'permanent core staff members'). There is a brief increase in staff numbers at the property when the shift changeover occurs at lunchtime.
7. The existing attached garage would be converted to form two additional bedrooms with en-suite facilities, and would be connected to the main building by the construction of a small corridor extension to the front elevation. An additional window would be inserted into the rear elevation of the garage to serve one of the new bedrooms. The design and materials employed would match the existing building.
8. Saved policy ENV1 of the *Selby District Local Plan (2005)* states that proposals will be permitted where a good quality of development will be achieved taking into account various factors, including the effect on the amenity of adjoining occupiers. Policy ENV2 indicates that development proposals will not be permitted where, amongst other things, they would give rise to unacceptable levels of noise, nuisance or other environmental pollution unless satisfactory remedial or preventative measures can be incorporated in the scheme. These objectives are consistent with one of the core planning principles of the *National Planning Policy Framework* which requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
9. To prevent detriment to highway safety, policies ENV1, T1 and T2 of the Local Plan require adequate road capacity and satisfactory parking provision to serve new development.

10. Policy SP19 of the *Selby District Core Strategy* (2013) sets out key requirements for design quality in new development, including preventing it from contributing to unacceptable risk from unacceptable levels of noise or light pollution. The document is subject to legal challenge which reduces the weight that can be accorded to its policies. Nevertheless, it is a material consideration in my decision.

Living conditions

11. The proposal would increase the number of residents in the care home from six to eight. It is argued that this would generate additional comings and goings by staff, doctors and other specialist visitors as well as delivery drivers, family and friends, creating noise and disturbance that would be detrimental to local residents' amenities.
12. The appellant advises that the number of staff would remain the same. Although this is disputed by the Council and some local residents, I have seen no substantive evidence to show that the proposal would require increased staff numbers. Even if it did, any increase would be modest and noise levels associated with staff activity on the site and their associated comings and goings would not be significantly higher than at present. The proposal is likely to increase the number of social and, occasionally, professional visitors, but it would be relatively small scale and would not intensify noise on the site or the surrounding area to an appreciable degree. I see no reason why the proposal would result in a material increase in service vehicles visiting the site and generating additional noise and disturbance.
13. It is submitted that noise from residents within the care home and its garden is intrusive and would increase as a result of the development. However, I consider that any such increase would not be measurably greater than existing noise levels at The Lodge. In this respect, I note that the Council's Environmental Health Officer advises that they have not historically received complaints regarding noise from the care home and offers no objections to the appeal proposal.
14. Turning to concerns regarding privacy for neighbouring occupiers, the appellant indicates that the windows in the proposed extension would be obscure glazed. Overlooking of the properties to the south would not therefore occur. Although the two windows in the rear elevation of the new bedrooms may increase overlooking of surrounding properties to some extent it would not justify dismissal of the appeal on these grounds.
15. The impact of light pollution on local residents' amenity has also been raised. However, I see no necessity for additional outside lighting as a result of the development, and light from the additional windows would be insignificant given the existing number of window openings in the building.
16. For these reasons, I conclude on the first issue that the appeal proposal would not result in material harm to the living conditions of nearby residents. As such, I find no conflict with policies ENV1 and ENV2 of the Local Plan.

Highway and pedestrian safety

17. Although not an issue raised by the Council or highway authority, local residents' concerns include the implications of the proposal for the safety of road users and pedestrians in the vicinity of the appeal site.

18. The forecourt to The Lodge can accommodate about three or four vehicles and the garage is used for storage rather than parking. Although the proposal would result in loss of the garaging facility, the new extension is small and would not reduce the functional parking space available on the forecourt. Given the restricted width of the carriageway and the numerous accesses to properties on Westfield Lane, most overspill staff and visitor parking connected with the present care home operation takes place on surrounding streets, and this would continue upon completion of the development.
19. Beech Drive, Beech Close and Maple Close serve an estate of modern single-storey dwellings and larger family houses. The great majority of properties have off-street parking on driveways and in garages. Whilst on-street parking levels were low during my mid-afternoon site visit, I appreciate they will be higher at evenings and weekends when more people are likely to be at home and friends and family may visit. Nevertheless, the capacity and width of these roads are adequate to accommodate parked vehicles, including those belonging to staff at the care home.
20. Staff levels would not increase as a result of the proposal, and the amount of overspill staff parking on surrounding streets would therefore remain essentially the same. Even if the number of staff did increase slightly, any additional demand for on-street parking would not be so significant that highway safety would be appreciably compromised.
21. Although visits by maintenance people are unlikely to increase as a consequence of the proposal, it would lead to some additional on-street parking by family and friends visiting the care home and occasional attendance by doctors or other specialists. Any extra parking demand would be modest, however, and could be accommodated on Beech Drive or other roads on the estate without creating undue hazards for road users or pedestrians. It is unlikely that visitors parking on these roads would knowingly obstruct a driveway access, but if it were to occur as a result of the proposal it is a matter for the police to resolve.
22. Some parking space is available at the junction of Westfield Lane and School Lane. It is highly unlikely, however, that visitors would park on the section of Westfield Lane leading to the appeal site and obstruct pedestrians, car-borne residents or emergency vehicles seeking to access properties. Furthermore, it would be open to the Council in conjunction with the highway authority to consider parking restrictions or other measures if they deemed them necessary and appropriate on Westfield Lane, Beech Drive or other streets in the vicinity.
23. Service vehicles such as post, grocery and courier vans, taxis and refuse and domestic fuel lorries already visit the appeal site and other properties in Westfield Lane, inevitably causing brief obstruction for other road users. Local residents claim that some of these vehicles also use Beech Drive when visiting the site. The proposal would not, however, increase the number and duration of such visits to any measurable degree, and users of these roads would not suffer greater inconvenience than presently occurs. I appreciate that in an emergency those attending The Lodge may park on Westfield Lane if the forecourt is occupied, but such instances would be relatively rare. Reference has been made to a sewage tanker visiting the appeal site and obstructing the lane, which the appellant advises was a response to an emergency and is not a

regular occurrence, although this is disputed by local residents. I deal with the matter of the adequacy of sewerage system below.

24. I therefore conclude on the second issue that the proposal would not materially harm highway and pedestrian safety, and thus would not conflict with those parts of policies ENV1, T1 and T2 of the Local Plan which are concerned with such matters.

Other Matters

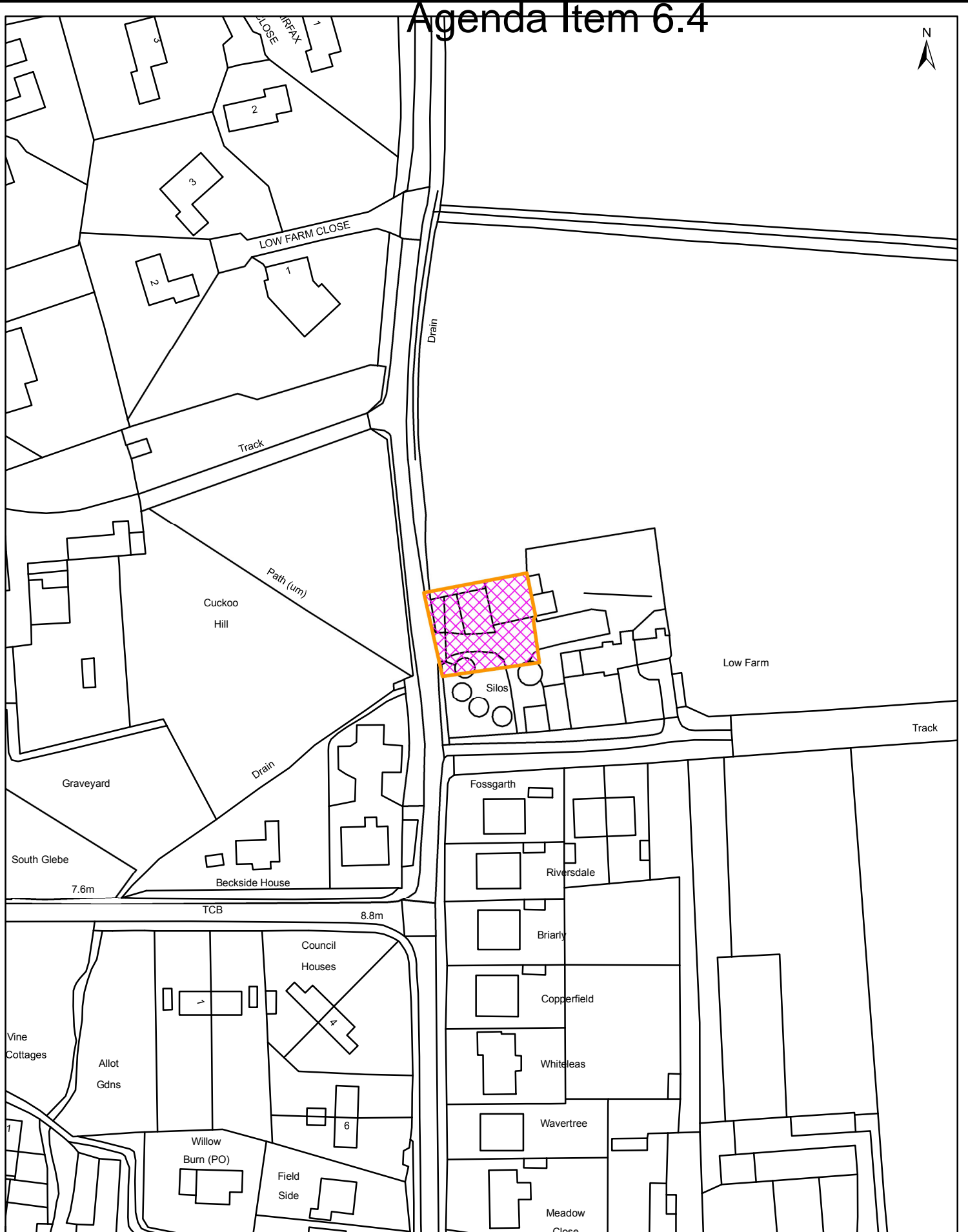
25. The appeal proposal has generated a significant amount of local concern, including matters additional to those forming the main issues in this case. The authorised use of The Lodge as a care home for up to six residents is not an issue for me to consider in the context of this appeal, nor is its licensing/ registration or the ratio of staff to residents. Some residents assert that the care home presently employs some 15-20 staff but no evidence has been provided to substantiate this.
26. Reference has been made to instances of security breaches at the home and the fear of some local residents for their personal safety. However, the appellant advises that the building is secured internally, and given the ratio of staff to residents I see no grounds to believe that such breaches would increase as a consequence of the development.
27. It is contended that the sewerage system is unable to satisfactorily serve the existing care home resulting in effluent discharging on to adjacent properties, which would be exacerbated by the proposed development. However, I have seen no information regarding the capacity of the existing system or technical evidence to show that it is incapable of accommodating the additional discharge from the proposed development. The storage of clinical and other waste is a matter for other legislation to deal with. The design of the proposed extension and alterations to the garage would respect the host building and the character and appearance of the surrounding area. The proposal would not demonstrably increase wear and tear on Westfield Lane and the condition of the carriageway and footways is for the highway authority to manage.
28. As to the creation of a precedent if the appeal were to succeed, the established planning principle that a development proposal should be determined on its individual merits is applicable in this case. Some concerns relate to public consultation and engagement during the pre-application and application stages, the role of Council officers and the conduct and protocol followed at the site visit and Planning Committee meetings. However, these relate to procedural matters and do not affect my consideration of the planning merits of the case.
29. General reference has been made to respecting the human rights of people in nearby properties. However, for the reasons given, allowing the appeal would not interfere with the home and family life of those living locally under Article 8 of the European Convention on Human Rights. In addition, there would be no interference with the peaceful enjoyment of their properties in compliance with the requirements of Article 1. Other issues raised in representations concern matters unrelated to this particular appeal.

Conditions and Conclusion

30. In the interest of visual amenity I shall require matching materials to be used for the exterior of the extension. Obscure glazing should be installed and retained to the windows to the front of the extension to safeguard the privacy of those using the room and occupiers of surrounding properties. To facilitate minor material amendments, a condition listing the approved plans should also be imposed.
31. For the reasons set out above, and having regard to all other matters raised, I conclude that the proposal is acceptable and the appeal should succeed.

Michael Moffoot

Inspector



APPLICATION SITE

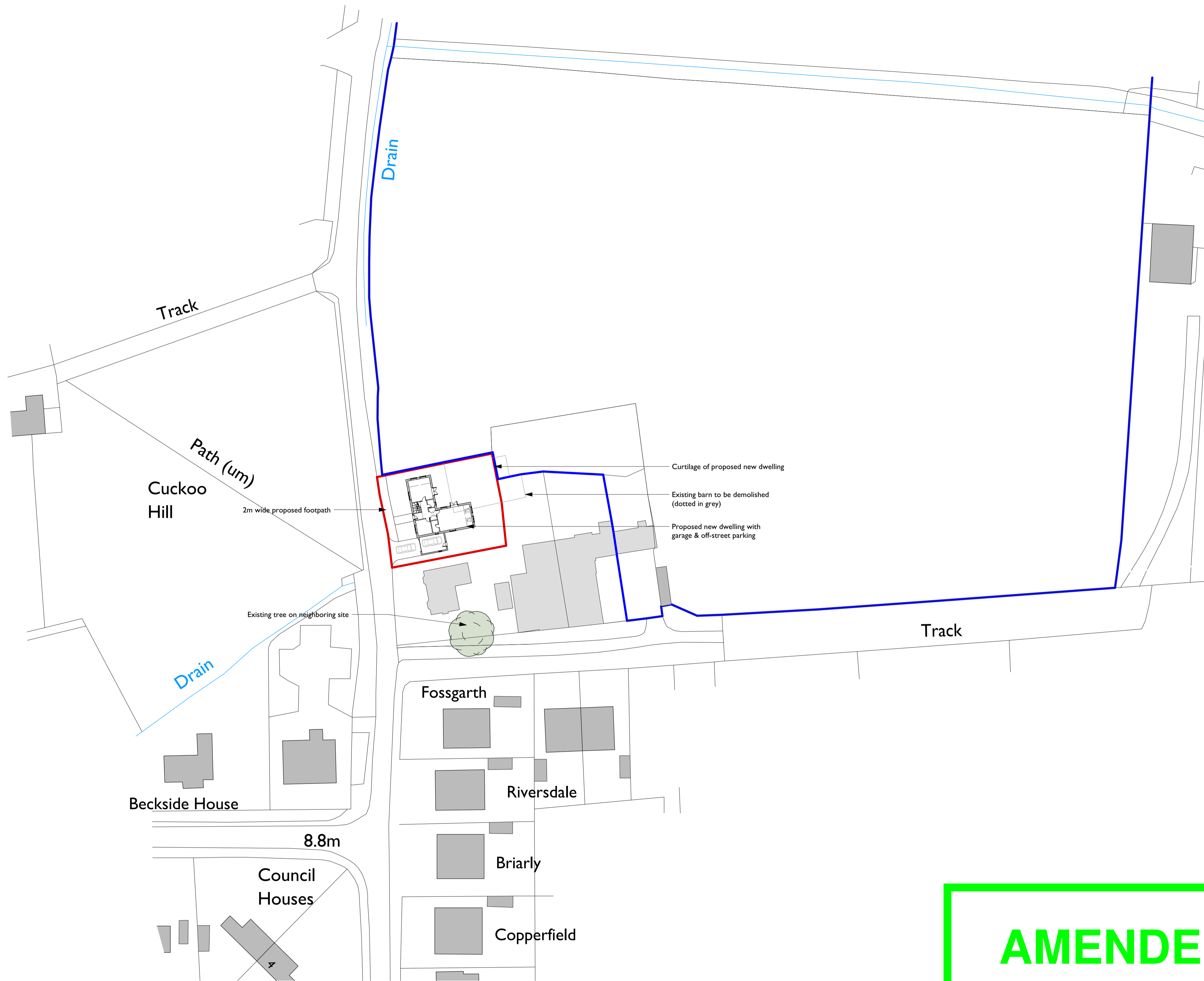
Low Farm, Low Farm Road, Bolton Percy
2018/0260/FUL

1:1,250

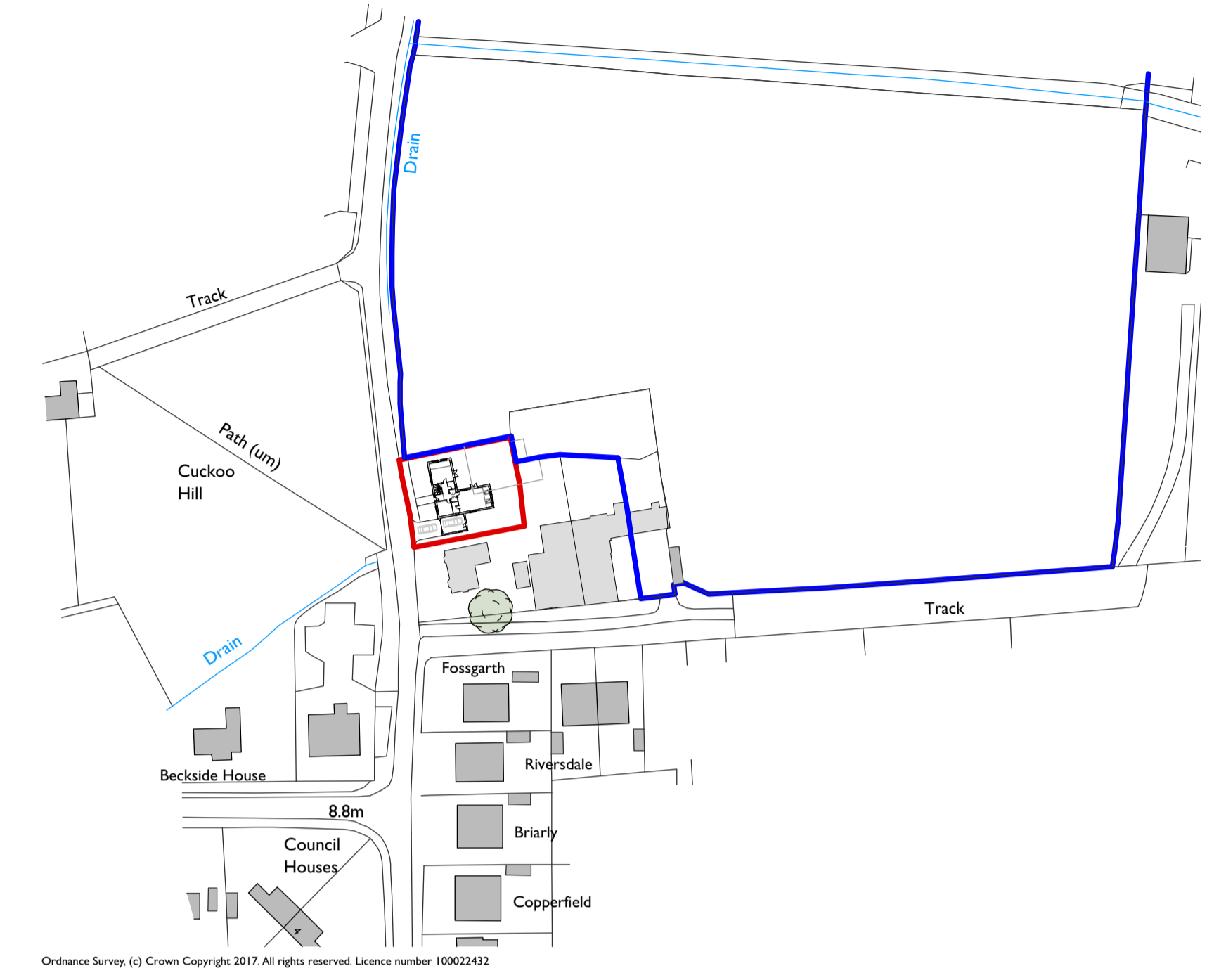


This page is intentionally left blank

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



Ordnance Survey, (c) Crown Copyright 2017. All rights reserved. Licence number 100022432



**AMENDED
DRAWING**



NATIVE CHARTERED ARCHITECTS
The Granary, Lingcroft Farm, Fulford, York, YO19 4RE
T: 01904 656133 F: 01904 626283
E: info@nativearchitects.com www.nativearchitects.com



RIBA WORK STAGE 3

CLIENT
Rob Penty

JOB
Low Farm

JOB NO.
17025

DRAWING
Proposed Site Block Plan & Location Plan

DRG NO. SCALE
301A 1:500 @ A1

DRAWN APPROVED DATE
ASN SW 12/12/17



The copyright in this drawing is vested in Native Chartered Architects and no licence or assignment of any kind has been granted to any third party whether by provision of copies or originals of the drawing or otherwise. This drawing is not to be used without the written consent of Native Chartered Architects.

© NATIVE CHARTERED ARCHITECTS

This page is intentionally left blank



Report Reference Number 2018/0260/FUL

Agenda Item No: 6.4

To: Planning Committee
Date: 5 September 2018
Author: Fiona Ellwood (Principle Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager – Planning)

APPLICATION NUMBER:	2018/0260/FUL	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr Robert Penty	VALID DATE: EXPIRY DATE:	8th March 2018 3rd May 2018
PROPOSAL:	Proposed erection of a four bedroom dwelling and garage		
LOCATION:	Low Farm Low Farm Road Bolton Percy York YO23 7AH		
RECOMMENDATION:	REFUSAL		

This application has been brought before Planning Committee at the discretion of the Head of Planning due to the issues arising out of public responses. The application was deferred from the Committee Meeting of May due to queries raised by an objector.

1. Introduction and background

The Site

- 1.1 The application site lies outside the development limits of Bolton Percy, a secondary village as identified in the Core Strategy, and is therefore located in the open countryside. The village development limits run through the centre of the farm site with this application sitting just outside but adjoining the boundary. It is within the Bolton Percy Conservation Area and is Flood Zone 1.
- 1.2 The site, which has frontage to Old Road, is part of the curtilage of the original farm complex known as Low Farm on the North East side of the village. It is bounded to the north west by Old Road, to the south by the plot of a new dwelling under construction and to the north by open field.

The Proposal

- 1.3 The proposal is for a detached three bedroom dwelling with an attached single garage. Access is from Low Farm Road with an extension of the footpath across the site frontage.

Planning History

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
 - 2008/0418/CON (NOREQ - 10.04.2008) Conservation Area Consent for the demolition of grain store.
 - 2010/0828/FUL (PER - 18.11.2010) Conversion of redundant agricultural buildings to two dwellings including the addition of a two storey and a single storey extension. All the pre-commencement conditions have been discharged for the 2010 conversion permission were discharged.
 - 2013/0685/DPC (COND - 08.08.2013) Discharge of conditions 2 (materials), 4 (hard landscaping), 6 (landscaping), 7 (contamination investigation and risk assessment), 15 (site enclosure), 16 (trees) and 17 (demolition) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to two dwellings including the addition of a two storey and a single storey extension.
 - 2013/1046/DPC (COND - 22.10.2013) Discharge of conditions 7 (contamination) and 8 (remediation) of approval 2010/0828/FUL (8/78/100B/PA) for conversion of redundant agricultural buildings to 2 No dwellings including the addition of a two storey and a single storey extension.
 - 2013/1083/DPC (COND - 12.11.2013) Discharge of condition 9 (Remediation Scheme) of approval
 - 2012/0553/COU (PER - 12.02.2013) Change of use of part of former farmyard to garden land. The permission was subject to a condition requiring permission for any means of enclosure.

- 2015/0683/FUL (PER - 07.09.2016) Retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. Dwellings with garden land and the erection of 1 No. dwelling. (This application was originally for 2 additional dwellings but was reduced to just one new build on the part of the site within the development limits).
- 2017/0118/FUL (REF - 31.01.2018) Erection of a four bedroom dwelling and garage
- 2017/0978/DOC (PCO -) Discharge of conditions 02 (Materials), 03 (Ecology), 05 (Landscaping), 07 (Site Enclosure), 08 (works around trees), 09 (Ground Works - Surface Water), 10 (Ground Works - Highways), 11 (Construction Method Statement) of approval 2015/0683/FUL for retention of an existing dwelling, the alteration of an existing agricultural building with previous planning permission for conversion to 2No. dwellings with garden land and the erection of 2No. dwellings

2 Consultation and Publicity

- 2.1 County Ecologist - The application is accompanied by an Ecological Impact Assessment (MAB - March 2018). Satisfied with the assessment in relation to nearby SINCS, SSSI's and wildlife. Conditions recommended in relation to new lighting and bats, hedgerow and demolition removal not to be undertaken during the nesting season and pre-commencement checks for barn owls.
- 2.2 Historic England – No objection on heritage grounds.

There is some benefit in removing the existing large agricultural shed and allowing greater views through to the nineteenth-century farm buildings behind. The large silos which stood at the front of the site have been demolished and the condition of the large timber shed has deteriorated in recent years. On a recent visit to Bolton Percy HE noted that two detached dwellings have been constructed opposite the site. HE therefore would not have any objection to the removal of the existing shed structure and replacement with a dwelling.

HE defer to the advice of your authority's specialist conservation and design advisers regarding the detail of the design of the dwellings. In our previous responses HE highlighted the importance of boundary treatments and welcomed the proposal to introduce hedgerows in appropriate species. Boundary treatments are not detailed on the plans submitted with the application and HE recommend this is clarified prior to determination of the application.

2.3 NYCC Highways

No Objections subject to conditions and Informatives.

2.4 Yorkshire Water

Based on the information submitted, no comments are required from Yorkshire Water.

2.5 Ainsty (2008) Internal Drainage Board

The Board does have assets adjacent to the site in the form of various watercourses around the village; these watercourses are known to be subject to high flows during storm events. Detailed comments and conditions recommended relating to soakaways to be included if consent is granted.

2.6 Conservation Officer – No comments received

Comments made on previous identical application (2017/0118/FUL) repeated below:

The previous proposed new development appeared to lack an identity as it was the scale of a house but with elements of a barn and did not reflect the farmhouse approach which they intended. The revised plan 303 shows a proposed dwelling which regular proportions and single storey elements which break up the bulk and massing of a new build property and provide variety and interest in its appearance. This approach is in line with the prevailing character of the village and much more appropriate.

2.7 Selby District Council - Urban Design Team

No comments received but comments on previous identical application repeated below:

Agree with the Conservation Officer that the scheme has improved substantially and now appears as a much more contextual form of building that should help to preserve and enhance the character of the village and associated heritage assets in light of its sensitive location to the village periphery. Recommends conditions of the architectural details.

2.8 Contamination Consultant

Content of applicants Phase 1 report accepted except in respect to gas risk which hasn't assessed the potential for possible burial of animal carcasses. Agree that further asbestos assessment required. Standard Conditions recommended

2.8 Parish Council

Re-iterate comments on previous scheme.

The only amendments seems to be car parking space. This does not overcome the problems with siting on Low Farm Road of the property, lack of parking for visitors and deliveries, plus sewage/surface water problems, outside the village envelope, velux windows been shown but no staircase etc.

1. Outside village development limits.
2. Secondary village in the Core Strategy.
3. Seven new houses in either completed/construction stage at the moment.
4. Situated on narrow single track road, no footpath - flooded during past few days.
5. The map supplied Fig 1 is out of date. The farm buildings are now under development.

6. Two new very large 5 bedroom properties have been completed recently in the paddock opposite the site. (Also not shown on map).
7. The silos are being replaced with converted barns and one already granted 4 bedroom house.
8. Sited in the Conservation Area.

Concern that Selby District Council can consider this application again, when it has already been refused and it must be refused again.

Publicity

2.9 The site was advertised by Press Notice, Site Notice and Neighbour Notification.

2.10 Objections

At the time of writing this report letters of objection have been received from 12 individuals raising the following issues:

- Overdevelopment
- Not infill-outside development limits
- Inappropriate extension of a secondary village
- Adverse impact on CA
- Off street-parking inadequate
- Building position inaccurate
- Traffic problems
- Existing infrastructure overloaded
- Misleading why a 2nd application and not an appeal
- Process manipulation
- Local school over-subscribed
- Supporters are from York and have been canvassed by the applicant – no investment in preserving this village
- Claims that the support letters are not genuine and have been falsified.
- Refusal should be under delegated powers and the applicant should not be given the opportunity to get their way with this application through supplying dodgy letters and manipulating the system.
- Comments that the application is materially misleading and cannot be lawfully approved
- Deliberately running down the site and the neglect of the Heritage Asset so that re-development is seen as an improvement.
- Farmyard boundary was extended recently to include more land
- Queries raised about the land ownership within the red line and the blue line area and consequently the ownership certificates are incorrect making this an invalid application.
- Contamination Assessment out of date and should not be relied on.
- The site has been a working farmyard with beef suckler cows and calves as recent as spring 2017
- Other Questions on the application forms have provided false information in relation to hedgerows and watercourses.
- How the development will be carried out is material to the decision on whether to grant planning permission.

- The application does not meet the national minimum validation requirements because it does not show all the land necessary to carry out the proposed development. (reference made to the site across the road where the public highway was used as a loading zone and verges for parking)
- Suggestions that the development can't be contained within the small site and would result in violations of the highways acts, and potential harm to ecological and other interests during the development phase.
- The Ecological impacts will be wider than just the application site area and this should be taken into consideration
- Detailed queries raised about the construction of this scheme and the impact on local residents.
- Public interest is at risk
- Application forms say there are no new public rights of way to be provided which is false because a public footpath is to be provided along the site frontage.
- Providing such a footpath is unsustainable development (impermeable path, loss of hedgerow, leads nowhere)
- Construction Management Plan is urged due to the potential for a number of issues causing nuisance.
- Potential for lorries blocking main access into the village
- Queries the validity of the Ecology Assessment and the County Ecologists comments and consider that the full extent of land needed to carry out the development should be considered in their assessment.
- The EA maps are not up to date and don't account for new development that has taken place. Surface water maps show land to the west classed as medium high risk before the houses were built and a high risk area at the access to this site. Yorkshire Water are only commenting that the site can connect to the local sewer and the IDB are only saying there is no risk if the claims by the applicant can be achieved.
- No evidence to support the applicants claim that the scheme will reduce the flow of water into the existing drains
- LPA not assessing the evidence submitted on drainage.
- Implications of Supreme Court decision on Suffolk Coastal case in interpreting relevant policies for the supply of housing.
- Reference to planning history and the starting point should be a site with agricultural buildings.
- Not previously developed land because it's Agricultural Buildings and land.
- Contrary to Planning Policies SP2 and SP10 of the Core Strategy
- Ecological Survey inadequate and further survey work is needed as there is a reasonable likelihood of protected species being present
- No affordable housing is proposed.
- Inconsistencies and errors in the previous decisions.

2.11 Supports

In addition 16 letters of support have been received (at the time of writing this report) which it should be noted are mainly from residents of York, with 3 being from Appleton Roebuck and one from Bolton Percy itself. Main comments raised are as follows;

- Sympathetic addition which will enhance the Conservation Area
- 2m wide footpath to site frontage is an improvement

- Will reduce water flow to drains with new water attenuation and therefore decrease flood risk
- Sewage issues are only due to failure by Yorkshire Water
- Good use of farm buildings (was a working farm) which are an eyesore
- Not virgin land but Brownfield
- Complaints by residents helped to curtail the sites use as a farm base. Residential use would be appropriate next to the rest of the sites new residential use
- Part Q of the GPDO permits change of use to residential anyway
- BP does not have a village design statement like Appleton Roebuck And is therefore open to interpretations

3 SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1 The site is located outside the defined development limits of Bolton Percy and is therefore defined as open countryside by the Local Plan. The village development limits run through the centre of the farm site with this application sitting just outside but adjoining the boundary. It is within the Bolton Percy Conservation Area and is Flood Zone 1.
- 3.2 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.
- 3.3 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

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.4 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

- 3.5 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
SP16- Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

- 3.6 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 3.7 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development
 - ENV2 - Environmental Pollution and Contaminated Land
 - T1 - Development in Relation to Highway
 - T2 - Access to Roads

Other Policies and Guidance

- 3.8 Affordable Housing Supplementary Planning Document
Developer Contributions Supplementary Planning Document
Draft Selby District Strategic Housing Market Assessment – June 2015

4 Appraisal

Key Issues

- 4.1 The main issues to be taken into account when assessing this application are:
- a) The Principle of the Development
 - b) Impact on the Character and form of the village and the locality
 - c) Heritage Assets
 - b) Highway Safety conditions
 - c) Residential Amenity
 - d) Flood risk, Drainage and Climate change
 - e) Nature Conservation
 - f) Land Contamination
 - g) Affordable Housing
 - h) Other Matters

The Principle of the Development

- 4.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) 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.

- 4.4 Policy SP2 identifies Bolton Percy as being a Secondary Village and states that limited amounts of residential development may be absorbed inside its development limits where it will enhance or maintain the vitality of rural communities. However, the application site lies outside the defined development limits of Bolton Percy. Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 4.5 The proposals to develop this land for residential purposes are contrary to policy SP2A(c) of the CS and should be refused unless material circumstances indicate otherwise.
- 4.6 The Council have a five year housing land supply. This is not by itself sufficient reason in itself for refusing a planning application. The broad implications are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 4.7 Notwithstanding the above the site is outside the development limits of Bolton Percy which is a Secondary village, thus being one of the smallest least sustainable settlements in the district. Bolton Percy was too small to include in the Core Strategy Background Paper No5 which assessed the relative sustainability of rural settlements by indicators such as settlement size, basic local services, accessibility and local employment. It is considered to be one of the smaller more remote and least sustainable settlements in the district. It has none of the basic key local services such as a shop, school, post office or doctor's surgery. Although there is a bus service to York, future occupants of the proposed new dwelling would most likely be mainly reliant on car use.
- 4.8 It is noted that the applicants have made reference to an appeal decision at Biggin, a smaller secondary settlement for two dwellings which was allowed. However, this is only one appeal decision and a number of recent appeal decisions for dwellings outside Secondary Villages have been dismissed on the basis of sustainability and accessibility to services, facilities and employment.
- 4.9 In terms of Previous Levels of Growth and the Scale of the Proposal it should also be noted that SP2 of the CS does not require Secondary Villages to accommodate additional growth through allocations. Core Strategy Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The scale of this individual proposal, at 1 dwelling, is not considered to be inappropriate to the size and role of a settlement designated as a Secondary Village, when considered in isolation. However, Secondary Villages as a whole have already exceeded their minimum dwelling target set by Policy SP5. To date, Bolton Percy has seen 4 (gross) dwellings built in the settlement since the start of the Plan Period (4 net) in April 2011 and has extant gross approvals for 5 dwellings (5 net), giving a gross total of 9 dwellings (9 net).

- 4.10 When assessing the impacts of a housing scheme the effects on the settlements character, infrastructure capacity (including schools, healthcare and transport) and sustainability must also be considered. Given the limited services and facilities in the village, its isolated location and that its one of the least sustainable settlements in the district, there are insufficient justification on these grounds to set aside Policy SP2 in this case.

Design and Impact on the Character of the Area

- 4.13 Although the proposal would extend development beyond the development boundary, in this case there is a distinctive change in character between the site and the open fields beyond. The application site is just outside but adjoining the development boundary. It is part of a farm site which already has had planning permission as part of the overall site for conversion of the farm buildings. This site forms part of the redline area of an approved scheme for conversions and new build which has been started. Visually the site is associated with the farm buildings and has physical boundaries of existing fencing separating it from the surrounding adjoining fields. The site contains a large modern corrugated farm building with a smaller open fronted shed and hard standing. These are in a dilapidated and run down condition. Beyond the site to the north the land is open undeveloped agricultural field.
- 4.14 This application site also previously had a separate permission for use as garden land. No permitted development restrictions were imposed on the permission. Although this permission has expired, the site was incorporated into the subsequent application reference 2015/0683/FUL as part of the red line and residential area.
- 4.15 The proposed scheme would bring some visual improvement to the northern end of the village through the removal of unsightly farm buildings and replacement with a more conventional cottage style dwelling with varying roof form and subsidiary elevations. It has been designed to appear as if it were a dwelling originally associated with the adjacent original brick barn complex. As such the approach to the village would be a visual improvement replacing the dominance of a new modern detached standard dwelling (approved under ref 2015/0683/FUL and currently under construction) with an open side garden with the proposed cottage style dwelling designed in the local vernacular. This proposed dwelling would be seen alongside the converted barns and would be visible as the first buildings at the north end of the village.
- 4.16 The proposed dwelling will continue the building line formed by the recently permitted adjacent new dwelling. The development of this site would therefore be a rounding off to the existing development and could form a new distinctive and defensible boundary edge to the settlement. As such there would be no impact on the character and appearance of the open land around the village. In terms of landscaping the plans indicate natural field hedging to the boundaries. This would ensure a soft natural new edge to this end of the village. Permitted development restrictions could be imposed to ensure the garden to the side does not contain any outbuildings which could detract from the site.
- 4.17 Having had regard to all of the above elements the scheme has been appropriately designed so as to ensure that there would be a positive impact on the character of the area and the locality in accordance with Policies ENV1 (1) and (4) and ENV15

of the Local Plan and Policies SP18 and SP19 of the Core Strategy Core Strategy and the NPPF.

Impact on the Heritage Assets

- 4.18 In accordance with the NPPF paragraph 189 the Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Planning (Listed Building and Conservation Areas) Act 1990 requires, with respect to any buildings or land in a Conservation Area that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 4.19 The site lies within the Bolton Percy Conservation area which extends to include the whole of the Low Farm site. The applicants Heritage Statement indicates that the plot currently includes a large timber framed barn which will be removed to leave a flat, level and largely open plot with a perimeter defined by a timber post and rail fence, which will be reinforced and enhanced with the new perimeter hedges of native species, hawthorn, blackthorn, holly and hazel to provide privacy when mature.
- 4.20 The village of Bolton Percy has a very mixed collection of dwellings of many styles and eras and as such the existing character and appearance of the conservation area in the village is quite indistinct, especially with the larger more modern dwellings recently built and characterised by the adjacent dwelling and those opposite the site. The architect has produced a more conventional cottage appearance. The additions on the three subsidiary elevations appear organic as historically, over time cottages were extended. The dwelling now has a simple design appropriate to its location. Materials and details of the boundary treatment and landscaping can be secured by condition.
- 4.21 Overall the removal of modern dilapidated structures would improve the appearance of the site. Views of the rear of the old brick farm buildings would be maintained and the dwelling design would appear more like a farm house associated with the traditional farm buildings.
- 4.22 The site is located on a visibly prominent site at the northern entrance to the village. This proposal would create an attractive development at this end of the village encompassing the new dwellings and the converted farm buildings with a new indigenous hedgerow to form a softened edge to the village. As such the character and appearance of this part of the Conservation Area would be enhanced. The comments of Historic England, the Conservation Officer and the Urban Design officer support this view that the development proposed would have a positive impact on the character and appearance of the Conservation Area.
- 4.23 Having had regard to the above comments and taking into account Paragraph 197 of the NPPF, it is considered that the proposals are considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 of the Selby Local Plan, Policies SP18 and SP19 of the Selby Core Strategy and the NPPF.

Highway Safety conditions

- 4.24 The proposed dwelling would have an access directly onto Old Road, with the footpath extended across the front of the site.
- 4.25 On the recently approved scheme 2015/0683/FUL improvements were sought and the developer has agreed, to provide a new footway linking the site. This will encourage walking and provide safer access to and from the site for pedestrians. The plans for this dwelling clearly indicate this provision would be continued across the site frontage. In respect of parking provision, an appropriate level of parking provision can be achieved within the scheme in accordance with the required standards.
- 4.26 The concerns of local residents in relation to parking, service vehicles and deliveries, footways and road safety are noted. However, the Local Highway Authority is satisfied that the scheme is acceptable subject to the conditions imposed under section 3 of this report.
- 4.27 The scheme provides a safe means of access to the dwelling with adequate parking. It is therefore considered to be acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 105 of the NPPF with respect to the impacts on the highway network subject to conditions.

Residential Amenity

- 4.28 The nearest dwellings are the existing Farm House already on the site, together with the approved new house on the adjoining plot and the traditional farm buildings which have consent for conversion. 2 other semi-detached dwellings front the un-adopted side lane opposite the site. In addition, new dwellings are under construction on the opposite side of Old Road.
- 4.29 The design of the scheme ensures that no significant detriment would be caused through overlooking, overshadowing or creating an oppressive outlook on either the future residents of the proposed dwellings or the occupiers of adjacent properties. Adequate distances exist between the buildings and together with the arrangement of dwellings with private garden areas to the rear the scheme is considered acceptable.
- 4.30 Therefore the proposal would not cause a detrimental impact on the residential amenities of either existing dwellings and an adequate standard of amenity can be provided for future occupants in accordance with Policy ENV 1 (1) of the Local Plan and the NPPF

Flood risk, Drainage and Climate change

- 4.31 The application site is located in Flood Zone 1 (low probability of flooding) and as such it is not at risk from flooding. In respect of surface water run-off drainage it is proposed for source control of run-off via infiltration systems to a soakaway. Foul water would be disposed of via the existing main sewer.
- 4.32 The concerns of the Parish Council and Local Residents in relation to problems with drainage are noted. However, both the Water Authority and the Drainage Board support the scheme subject to conditions. The applicant has worked with the drainage board towards a solution and they are now satisfied that the applicant has

a clear methodology for sustainable disposal of surface water. The applicant has clarified the intention to discharge into the watercourse using the existing facilities, and will attenuate the discharge rate to 70% of the existing. A condition can be imposed to make this a requirement

- 4.33 In respect of energy efficiency, renewable materials will be utilised as far as possible and solar panels will be considered in order to reduce the reliance on non-renewable energy sources. In addition the dwellings would be constructed to Code for Sustainable Homes Level 3 with appropriate glazing and insulation required to meet this standard. As such the proposals will satisfy Policies SP15 and SP16 of the Core Strategy.
- 4.34 Therefore it is not considered the proposed development would have a significant impact on flood risk, drainage and the sewerage system. Having had regard to the above, subject to the inclusion of conditions the proposed scheme is therefore considered acceptable in accordance with Policy ENV1(3), Policies SP15 and SP16 of the Core Strategy and the NPPF with respect to flood risk, drainage and climate change, subject to attached conditions.

Impact on Nature Conservation and Protected Species

- 4.35 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 4.36 The Ecological Appraisal submitted confirms that there are no notable or protected habitats on site. There were no signs of use by protected species nor did the site offer suitable habitat for any. The site consists of bare ground, a section of species-poor hawthorn hedge, a small strip of improved grassland, and an open-sided barn. The barn offers no bat roosting potential and no further bat survey work is required. A barn owl has previously used the barn as an occasional feeding roost site, but there is no evidence of recent usage. A permanent internal barn owl nest box is being provided within a building adjacent to the site, which is subject to recent planning approval and condition. There would be loss of nesting habitat in the agricultural building and there could be risk of disturbance to nesting birds if hedges or building removal takes place in the nesting season or if active nests are present. However this can be controlled through a suitable planning condition. There are local records for great crested newt (GCN) from Bolton Percy. However, due to the fact that the development site is within an active farm yard, and there is an absence of suitable GCN habitat on site, presence/absence surveys are not required.
- 4.37 Concerns have been raised by objectors on the scope of the ecological assessments and on the wider impact of the proposals beyond the red line area. This was discussed with the County Ecologist who commented on the objections that;
- Wider impacts may be of concern and it would be useful to have a response from the applicant in terms of what impacts may occur outside of the red line boundary and they should ask their ecologists to undertake an impact assessment for these areas.
 - Timing of the ecology appraisal – both surveys for this site were undertaken outside of the optimal window for a Phase 1 habitat survey – however, given the

habitats present within the red line boundary and the features being assessed for protected species this is not considered to limit the conclusion of the assessment.

- GCN surveys and assessment – the assessment undertaken for GCN is considered appropriate and proportionate for the scale and location of the development. Notwithstanding the above comment regarding impacts outside the red line boundary it is considered that the development would not impact upon any ponds within the local area and the habitats found on site are of low value for GCN. It is therefore considered in accordance with the Habitat Regulations that the development as proposed would not have an impact upon the favourable conservation status of the species. The ecology report indicates that there are limited features on site which have the potential to support GCN, as such it is considered low risk that GCN could be found during the construction works. If found on site, harm to GCN during construction could be minimised by providing an informative within any permission granted.
- Water voles – the red line boundary of the site does not include habitat suitable for supporting water vole and there is no watercourse in the immediate surroundings which would be indirectly impacted – however as noted above impacts outside the red line boundary should consider whether the water course along the road and to the north of the site would be affected.

4.38 The applicant has confirmed that the only work outside the site would be the provision of services. There would be no disturbance to the open land to the north. The land to the south and east is currently a construction site for the barn conversions and additional dwelling. In terms of services, the Yorkshire Water pipe runs down the road fronting the site to the west and it is expected that the site would connect to that. The main foul drain pipe runs across the front of the site and the site would connect to that. In terms of rainwater, the discharge of the attenuation scheme is expected to be to the existing water courses which front the site. Similarly electricity would be connected by running across the frontage of the southern corner of the construction site to the south. As such the development would have little impact outside the red line site other than in front to the west on the street to connect to the various services.

4.39 In the light of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation.

Land Contamination

4.40 A Phase 1 Contamination Report was submitted as part of the previous planning application for the majority of the site and was the subject of a planning condition which was discharged as part of the commencement of the previous permission. Although a contamination assessment is not an essential requirement for single dwelling applications, an updated Phase 1 report was requested and supplied by the applicant.

4.41 The Councils Contamination Consultant comments that the Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. It is recommended that gas monitoring is carried out as part of future site investigation and that further asbestos assessment is required at the site due to proposed future residential use. Standard conditions can be imposed to secure the necessary investigation, remediation and mitigation.

As such the proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Selby Local Plan and Policy SP19 of the Selby Core Strategy.

Affordable Housing

- 4.42 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 4.43 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 4.44 The objection on the grounds of no affordable housing contribution is noted. However, in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case the Council is no longer able to seek a contribution for Affordable Housing under SP9 of the Core Strategy and the Affordable Housing SPD. The proposal is contrary to the provisions of the Development Plan but there are material considerations – the High Court decision on the West Berkshire case - which would justify approving the application without the need to secure an affordable housing contribution. The proposed legal agreement is therefore no longer required.
- 4.45 The proposed development, although contrary to Policy SP9 of the Core Strategy is considered acceptable without an Affordable Housing contribution.

Other Matters arising from letters of response

- 4.46 Queries were raised about land ownership of the adjoining barn conversion site and of a strip of land on the site frontage which links to the highway. Amended plans have been received removing the adjoining site from the 'blue' line area since this has now been sold. There were suggestions that this was misleading and the application was not lawful. However, the blue line area was based on the plans submitted on the preceding planning application before the site was sold and was a simple error on behalf of the applicant which has now been corrected. The applicant has also now verified the land ownership of the site frontage and therefore the certificates of ownership submitted with the application are correct.
- 4.47 In respect of the wider implications for ecology and drainage beyond the application site area, it is normal for the wider implications of the development to be considered by the Council and consultees. It is not necessary or reasonable to expect an applicant to include land beyond the site area, outside of their ownership to be included within the red line on the grounds that the ecological or drainage impacts are more extensive than the site area itself. The red line plan should encompass the

land for which planning permission is sought. It is accepted that during construction activities may go beyond the red line site. Moreover, Officers are satisfied that the wider implications of the impact of the development have been taken into consideration and assessed by consultees. Objectors refer to comments by the applicant about the proximity of watercourses being false and raise concerns about flooding. The problems within Bolton Percy are acknowledged. However, the IDB raise not objections to this proposal subject to conditions. It would not be reasonable to require improvements to the local systems from this development not would it be reasonable to withhold planning permission if this development would not exacerbate or increase those existing drainage problems.

- 4.48 Letters of support suggest that the agricultural building could be converted under Permitted Development Rights under the GPDO 2015, Schedule 2, Part 3, Class Q and this should be a fallback position which is a material consideration. However, the PD Rights cannot be engaged due to the building being in the Conservation Area.

5 CONCLUSION

- 5.2 Having assessed the proposals against the relevant policies, it is considered that an appropriate layout, scale, appearance, landscaping and access could be achieved for the proposals to be acceptable in respect of the impact on the character and appearance of the area, impact on residential amenity and impact on highway safety. Furthermore, the proposals are considered to be acceptable in respect of Historic Assets, flood risk, drainage and climate change, nature conservation and protected species, land contamination.
- 5.3 Given that the site is outside the development limit of a Secondary Village it would not fall within any of the categories of development set out in Policy SP2 (c). It therefore conflicts with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Moreover, the proposed development would not amount to a sustainable form of development and would thus be contrary to Policy SP1 and Policy SP2A(c) of the Core Strategy. The application should therefore be refused unless material considerations indicate otherwise.
- 5.4 On balance, although there would be some positive impact on the Conservation Area, and no harm to the character or appearance of the area is identified, this is not considered to outweigh the conflict with Policies SP1 and SP2(A)(c) of the Core Strategy and it is concluded that the proposals would be unacceptable.

6 Legal Issues

6.1 Planning Acts

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

6.2 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.

6.3 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.

Financial Issues

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

7 Recommendation

This planning application is recommended to be REFUSED for the following reasons;

01 There are already extant approvals for a total of 9 dwellings and capacity for further residential development already exists in the village Bolton Percy, a settlement, which is secondary Village in the Core Strategy. The expansion of the village beyond the development limits would undermine the spatial integrity of the development plan and the ability of the council to deliver a plan led approach. The proposal does not fall within any of the categories of development set out in Policy SP2 (c) would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth moreover, the proposed development would not amount to a sustainable form of development and would thus be contrary to SP1 and Policy SP2A(c) of the Core Strategy and paragraph 14 of the NPPF.

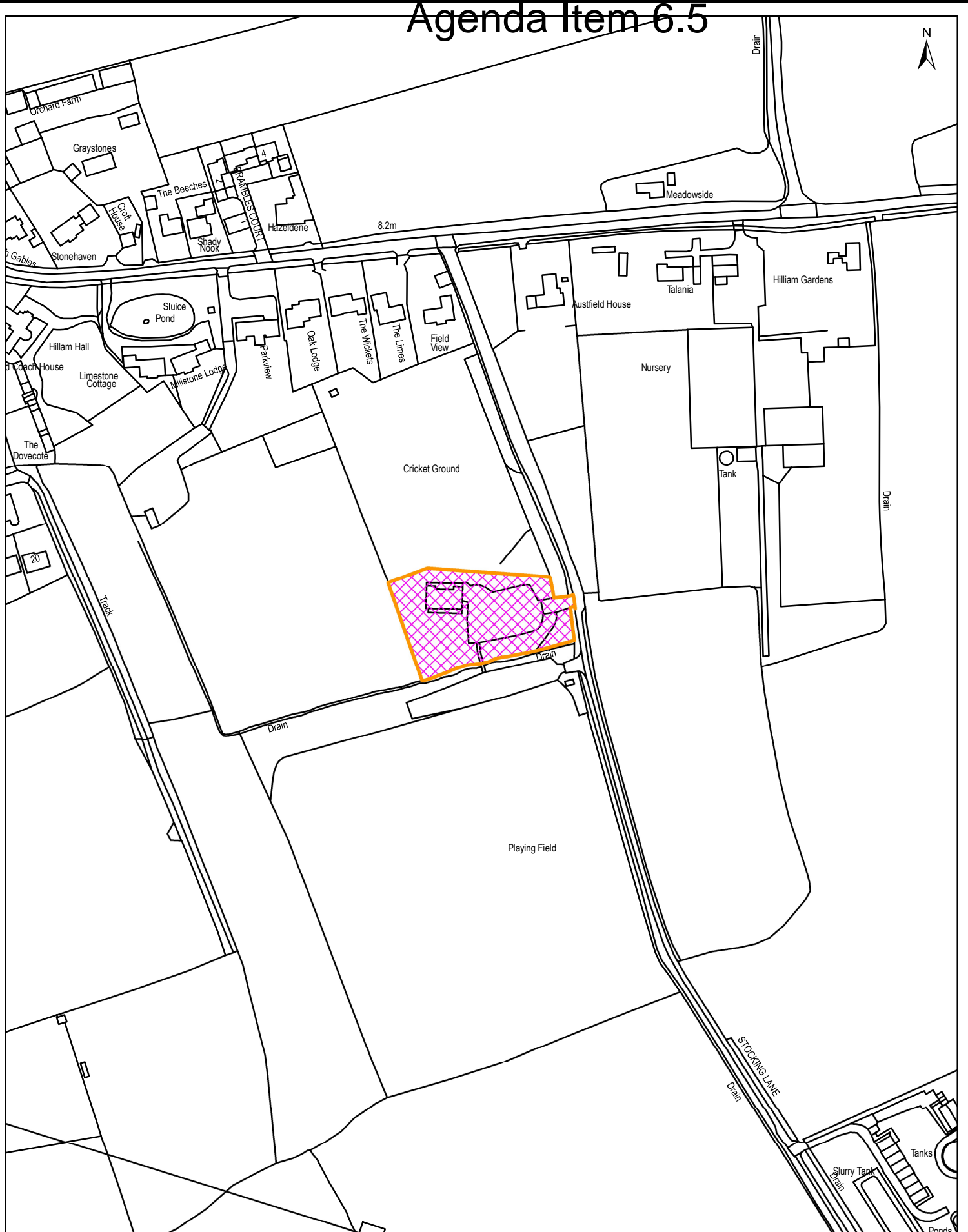
Background Documents

Planning Application file reference 2017/0118/FUL and associated documents.

Contact Officer: Mrs Fiona Ellwood, Principal Planning Officer
fellwood@selby.gov.uk
01757 292288

Appendices: None

This page is intentionally left blank

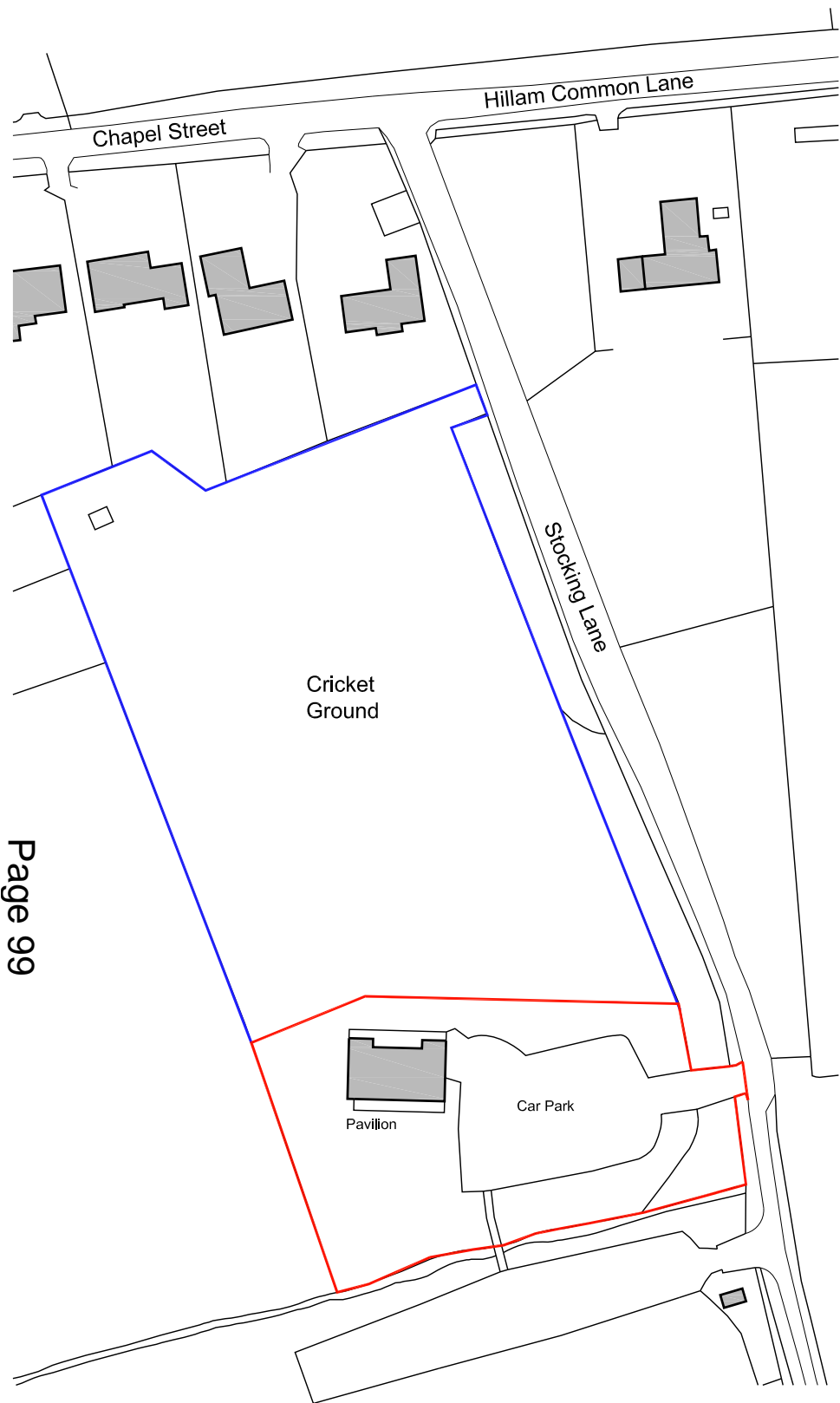


APPLICATION SITE

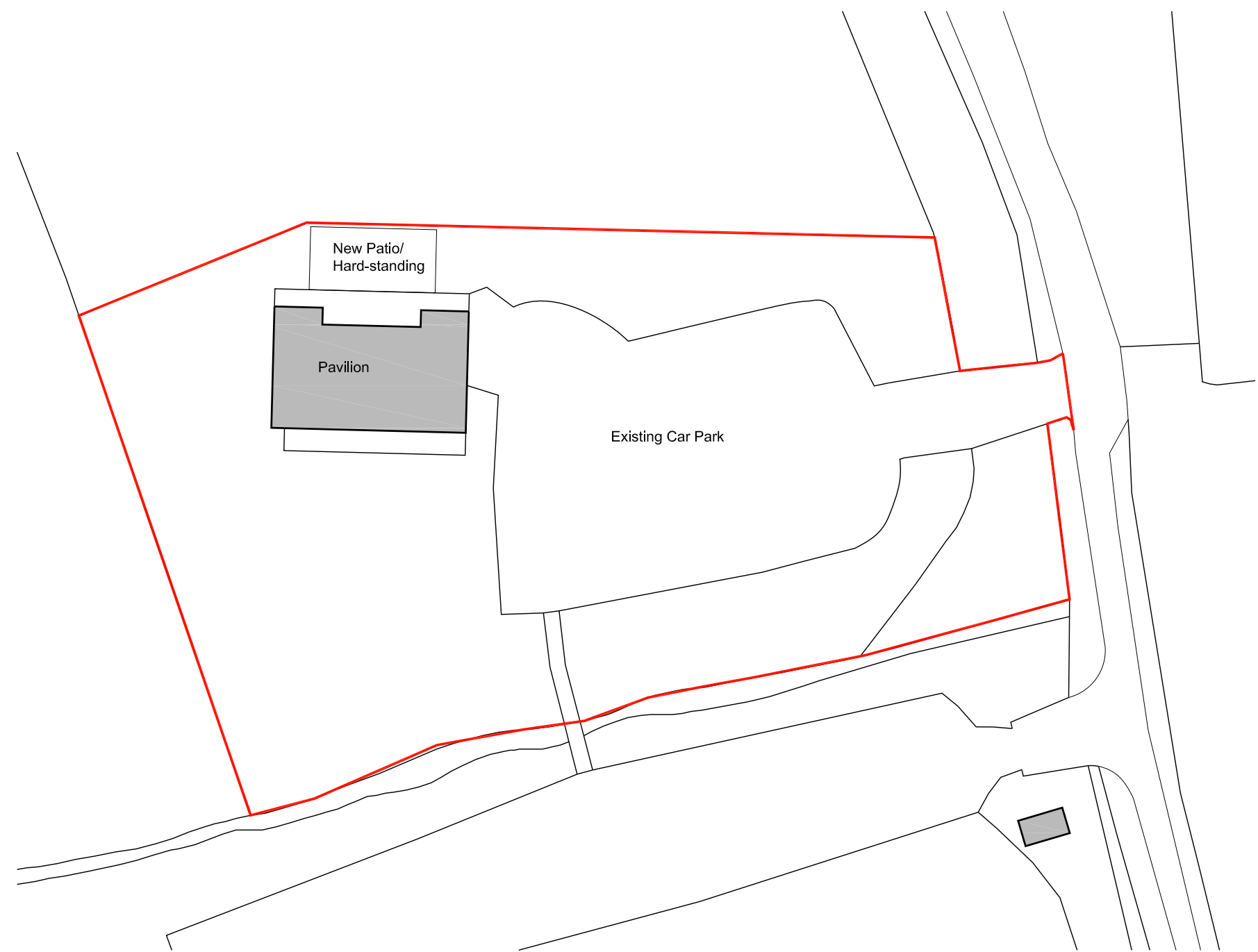
Hillam and Monk Fyston Cricket Club, Chapel Street, Hillam
2018/0281/COU

1:2,500

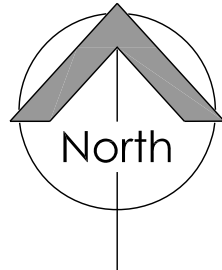
This page is intentionally left blank



Site Location Plan
Scale 1:1250



Proposed Site Plan
Scale 1:500



Page 99

Copyright Notice:
This drawing is the copyright of Steve Wells Associates Ltd.
and shall not be reproduced without permission. © 2018

Dwg. Purpose

No.	Revision / Issue	Date
A	Proposed site plan added	03/18

Project
**Pavilion Refurbishment At
Hillam & Monk Fryston Sports Association
Stocking Lane
Hillam, West Yorkshire**

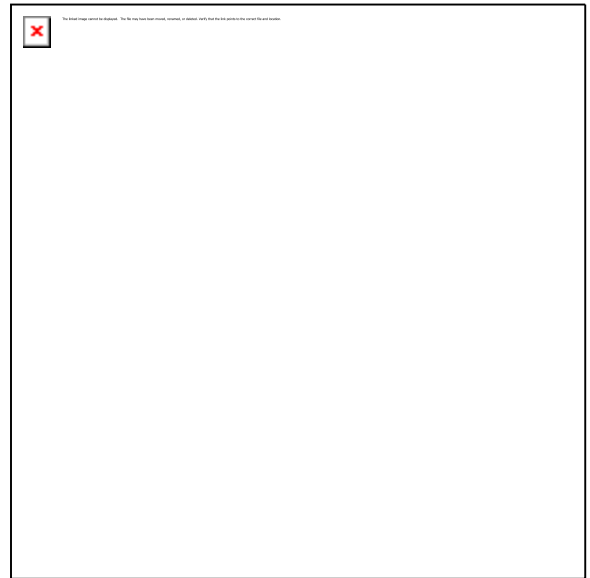
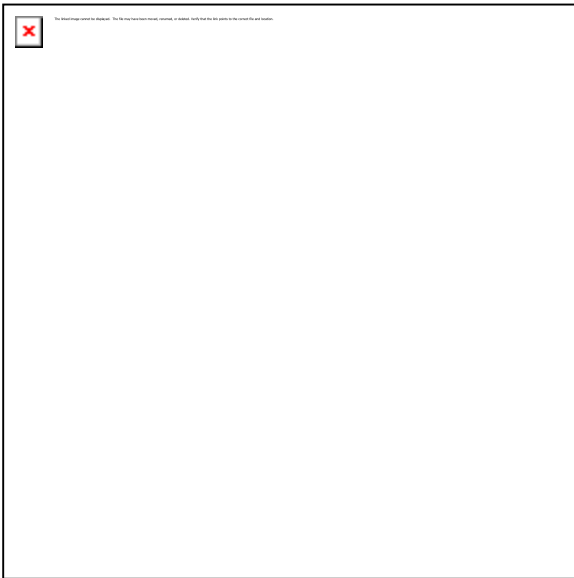
Client
Hillam & Monk Fryston Sports Association

Dwg. Title
**Site Location Plan
& Proposed Site Plan**

Churchill House, Mill Hill, Pontefract, West Yorkshire,
WF8 4HY t: 01977 797258 e: mail@stevewells-associates.com

Dwg. No.	Rev.
01	A
Scale 1:1250 & 1:500 @ A3	Date March 2018
Drawn by NG	Checked DKW

This page is intentionally left blank



Report Reference Number 2018/0281/COU

Agenda Item No: 6.5

To: Planning Committee
Date: 5 September 2018
Author: Sophie King (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2018/0281/COU	PARISH:	Hillam Parish Council
APPLICANT:	Hillam & Monk Fryston Cricket Club	VALID DATE: EXPIRY DATE:	6 April 2018 1 June 2018
PROPOSAL:	Change of use from D2 (assembly and leisure) to mixed use D1 (non-residential institution) and D2 (assembly and leisure) to provide a cricket pavilion and nursery.		
LOCATION:	Hillam & Monk Fryston Cricket Club, Chapel Street, Hillam, Leeds, West Yorkshire, LS25 5HP		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee since the application the development is not in accordance with the provisions of the Development Plan which brings it to Committee. It is considered that there are material considerations that would justify approving the application.

1. Introduction and Background

The Site

- 1.1 The application site is located outside the defined development limits and is located within the Green Belt. The site is bounded by mature hedgerows and trees and is situated predominantly within Flood Zone 1 - a low probability of flooding. A small portion of the site to the east of the pavilion building is located within Flood Zone 2.

The Proposal

- 1.2 The proposal is for a change of use from Class D2 (Assembly and Leisure) to a mixed Class D2 and Class D1 (non-residential institution) for a weekday children's nursery.
- 1.3 The conversion includes some changes to the internal layout for the functionality of the childcare nursery. There are no extensions proposed, the scheme includes the following external changes:
- Strip off external wall cladding, install new breather membrane and wall insulation then over-clad with new fibre cement plank cladding panels to match previous appearance.
 - Install externally mounted powder coated shutters with shutter guides and electric key switch operation.
 - On the south elevation removal of a door and one new window.
- 1.4 The scheme utilises the existing access from Stocking Lane, which is situated off Chapel Street, Hillam. The access joins onto an area of stone hardstanding situated to the east of the existing building. The stone hardstanding is to be used for car parking for the nursery.

Planning History

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

CO/1998/0009 (PER – 16.02.1998) Proposed erection of cricket pavilion at Hillam Cricket Club, Stocking Lane, Hillam.

2. Consultations and Publicity

- 2.1 The application has been advertised on site by means of a site notice. The application has received 21 representations, all of which are in support of the application and may be summarised as:
- The pavilion building has proven its worth and is in a great location to be able to deliver so much more to the community.
 - The upgrade (heating and insulation) for all year use by multiple community activities aligns with the recent village plan and consultation.
 - The proposal would provide essential income to support cricket and other sports activities at the site.
 - With the population growth in Monk Fryston and Hillam there is an ever growing need for a nursery.
 - The population of Monk Fryston are younger than North Yorkshire average with 19.9% of 30-44 year olds and 5.2% of 25-29 year olds – with most parents within these age brackets, thus there is a demand for a nursery.

- The area lacks a nursery that is near enough for convenience of parents who up until now have had to travel as far as Brotherton for the nearest nursery which is inconvenient.
- The residents of Monk Fryston and Hillam produced a Village Plan in 2008 and on the back of that the new pavilion was built; the community centre extended and lots of village initiatives were started. There is now a new Village Plan 2017 which credits past achievements and recognises what further developments are required. Part of that is for more youth activities, a play area and more multi-use sports and leisure facilities.

2.2 **Hillam Parish Council** - Supports the proposal to improve the pavilion and to provide a multi-use community space. It refers to the Village Plan and that this application will support the provision of complimentary activities. It does however have a concern over highways and access. The Parish Council says that it is a single track access and that the County Council could help alleviate any problems by reinstating and formalising the passing place that is gradually disappearing on Stocking Lane. It also requests that this Council should ensure the hedge on the boundary of this lane is reinstated after current building has ceased since it has been removed to facilitate a temporary access.

2.3 **NYCC Highways** - No objections.

2.4 **Yorkshire Water** – No comments were received within the statutory consultation period.

2.5 **Selby Area Internal Drainage Board** - The application should not increase the impermeable area to the site, therefore, no comments to make.

3. **Planning Policy and guidance**

3.1 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.

3.2 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.

Selby District Core Strategy Local Plan

3.3 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP3 - Green Belt
- SP13 - Scale and Distribution of Economic Growth
- SP15- Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency

SP18 – Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

3.4 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
EMP9 - Expansion to Employment Uses in the Countryside
CS3 - Children's Nurseries

3.5 There is a Monk Fryston Village Design Statement adopted in 2012 but it does not extend to Hillam.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.6 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012 and does not change the status of an up to date development plan.

3.7 The guidance in paragraphs 212 and 213 of the NPPF notes that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.8 The Framework continues that decisions should enable the sustainable growth of all types of business in rural areas both through conversion and well-designed new buildings; and the retention and development of accessible local services and community facilities (para 83).

4. Key Issues

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

1. The Principle of Development within the Green Belt
2. The Principle of the Development and Sustainability of the Development
3. Flood Risk and Drainage
4. Impact on Amenity
5. Impact on Highways
6. Land Contamination

Principle of Development within the Green Belt

4.2 The application site is located outside defined development limits and is located within the Green Belt. Thus national guidance contained within the NPPF and Policies SP2 and SP3 of the Core Strategy are relevant.

4.3 The decision making process when considering proposals for development in the Green Belt is in three stages, 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.

4.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.5 Paragraph 145 of the NPPF states that exceptions to inappropriate development include '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'. In addition, 'the re-use of buildings provided that the buildings are of permanent and substantial construction;' and provided it preserves openness and does not conflict with the purposes of including land within it are a further examples of appropriate development in the Green Belt (para 146).

4.6 The proposed scheme involves the re-use of an existing cricket pavilion building, without extension and which is of permanent and substantial construction. In this respect it accords with Green Belt policy subject to preserving openness since there is no actual extension to the pavilion. The existing gravel hardstanding in front of the building will be used but there are no proposals to provide any enclosure or to site any permanent, fixed play equipment. Thus there are no effects upon openness and there is no conflict with the five purposes of Green Belt; of relevance here, concerning sprawl of large built up areas, neighbouring towns merging into one another and not encroach into the countryside.

4.7 Thus the proposal is considered to be appropriate development within the Green Belt and, therefore, accords with Policy SP3 of the Core Strategy and the advice contained within the new Framework.

The Principle of the Development and Sustainability of the Development

4.8 Since the application site is located outside the defined development limits it is, for plan purposes in the open countryside. The scheme is for the proposed change of use of a cricket pavilion building to a mixed use comprising of a nursery (Class D1) and cricket pavilion (Class D2) with external alterations to windows and doors.

4.9 The submitted application states the building would remain as a cricket pavilion but also be used as a nursery during weekdays. No details have been provided in respect of how many children would attend the nursery, but it is proposed there would be a maximum of three part time staff. The proposal states that the hours of opening for the nursery would be:-

Monday to Friday: 08:00am – 10:00pm

Saturday: 09:00am – 10:00pm

Sunday and Bank Holidays: 09:00am – 10:00pm

- 4.10 Policy CS3 (1) of the Selby District Local Plan states that proposals for the development of or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within existing school or college sites:" The proposed scheme is not located within the development limits of the village, nor is it located on an existing school or college site and, therefore, fails to accord with Policy CS3 (1). The proposal would however accord with the other three subs of this Policy, relating to highway safety, amenity, adequate setting down or collection space, and adequate outdoor play space.
- 4.11 In addition, EMP9 would allow reasonable redevelopment of existing businesses outside development limits. As far as this is an expansion of the existing facilities at the pavilion, Policy EMP9 can apply and there are no effects upon amenity or highway safety.
- 4.12 There are no specific policies in relation to changes of use to day nurseries in the Core Strategy or the NPPF. Core Strategy Policy SP13(C) allows for sustainable economic growth through the re-use of existing buildings and infrastructure and the development of well-designed new buildings. Policy SP16 to do with Improving Resource Efficiency is met since the building is to be re-clad to improve insulation.
- 4.13 In addition to para 83 of the Framework (para 3.8 above), para 84 continues that decisions should recognise that sites to meet local business needs may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances development is to be sensitive to its surroundings, no unacceptable impact on local roads...sites that are well related to existing settlements should be encouraged.
- 4.14 There is thus a tension between part of SDLP Policy CS3 which would not support use as a children's nursery here and Policy SP13 and the NPPF which may support re-use of existing buildings.

Sustainability of the Development

- 4.15 In respect of sustainability, the application site lies outside but adjacent to the defined development limits of the village of Hillam which is a Designated Service Village, which shares some facilities with neighbouring village Monk Fryston.
- 4.16 Factors to take into account include:
- No footpath or street lighting linking the development to the village of Hillam
 - Limited bus service to the village, with a bus route situated approximately 20 minutes' walk away in Monk Fryston on Austfield Lane, and a Monday only service located in Hillam village at the Cross Keys bus stop which is available twice during the day.
 - There is no school, village hall, post office and general store, although nearby village Monk Fryston does have these facilities and Hillam is identified in the core strategy as having close links and shared facilities with Monk Fryston.
- 4.17 Paragraph 8 of the NPPF, refers to the three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows:

Economic

The proposal would create 3 new part time jobs and give a use to the building outside of cricket times.

Social

The proposal would provide nursery facilities to the village and surrounding villages. There is no footpath or street lighting linking the development to the village of Hillam; therefore a nursery would not be accessible by means other than vehicles.

Environmental

The re-use of an existing cricket pavilion building to become a mixed use of nursery (D1 use class) and cricket pavilion (D2 use class) is a more efficient use of land. Although maybe only accessible by a private motor car, given the proximity to the settlement it could save longer journeys further afield and there are no amenity or highway safety adverse effects.

Design and Impact on the Green Belt and Character of the Area

- 4.18 The site benefits from being surrounded with large mature trees around the east, west and south boundaries resulting in the site being largely screened. The proposed scheme is also situated in excess of 90 metres, across the cricket ground, from the rear boundaries of residential properties on Chapel Street to the north of the site. In addition these residential properties benefit from having mature trees and hedges along their rear boundaries.
- 4.19 Therefore, due to the size, scale, orientation, siting, location and screening by existing landscaping, the proposed scheme does not affect the openness of the Green Belt or the character of the area, principally since it is a change of use with little or no operational development. The proposed scheme proposes appropriate designs and materials and, therefore, accords with Policy ENV 1 of the Selby District Local Plan, Policies SP3, SP18 and SP19 of the Core Strategy and advice contained within the NPPF.

Flood Risk and Drainage

- 4.20 The proposed scheme would be predominantly on land situated within Flood Zone 1 and, therefore, is considered to be at low risk from flooding. A portion of the existing car park is located within Flood Zone 2. The Sequential and Exception Tests are not necessary on changes of use (NPPF paragraph 104) but should still be subject to site-specific flood risk assessments. Furthermore, the use is a More Vulnerable Use in the Vulnerability Classification and is deemed appropriate by the PPG.
- 4.21 The application form states the disposal of foul sewage will be by cess pit and surface water via soakaway, as existing. Yorkshire Water and the Internal Drainage Board state they had no comments to make as the proposal should not increase the impermeable area to the site. The proposal is in accordance with Policies SP15 and SP19 of the Core Strategy and advice contained within the NPPF.

Impact on Amenity

- 4.22 The application building is situated approximately 90 metres from the nearest residential properties on Chapel Street. The site is currently used as a cricket pavilion in which cricket is played on the field north of the building.
- 4.23 Taking account of the combination of the orientation of the site, location, size, scale and siting of the proposed scheme with the distance away from neighbouring properties and the existing use of the site, the proposal will not cause any significant adverse impacts upon the amenity of the adjacent residents since it is a use on an existing recreational field. The proposed scheme accords with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and advice contained within the NPPF.

Impact on Highways

- 4.24 The scheme utilises the existing access from Stocking Lane, which is situated off Chapel Street, Hillam. The access joins onto a large area of stone hardstanding situated to the east of the existing building. The stone hardstanding is to be used for car parking for the nursery.
- 4.25 Hillam Parish Council have raised a concern in respect of the single track access road of Stocking Lane which leads to the site from Chapel Street and have suggested that NYCC Highways could help alleviate any problems by reinstating and formalising the passing place that is gradually disappearing on Stocking Lane. This is not a consequence of this application and has been raised with the Highway Authority direct. The matter about the temporary site construction access is also not a consequence of this application and an agreed solution is in place following completion of that permission.
- 4.26 Having consulted the Highway Authority, it has stated that it has no objections to the proposed development and no conditions are recommended.

Land Contamination

- 4.27 The scheme proposes no disturbance to the existing ground. Given the intended use of the site and given the past use of the land as a cricket field – for in excess of 100 years and in which the cricket pavilion was a later addition, granted planning permission in 2003, it is considered that there is very limited potential for contamination to be present at the site.

5 Conclusion and Summary

- 5.1 Policy CS3(1) of the Selby District Local Plan states that proposals for the development of, or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within the existing school or college sites". The proposed scheme in this case is not located within the development limits of a village, is not within an existing education suite and is in Green Belt. It thus, in isolation, fails to accord with subs 1 of this Policy.
- 5.2 However, there are other Plan policies in favour of this application and the more up to date guidance in the new Framework. These include EMP9 and SP13 through sustainable economic growth through the re-use of existing buildings. The application also has support from the new Framework and although not accessible safely by means other than the private motor car, the Framework recognises this

(para 4.13 above) and on balance it is considered that this use in an existing facility can reduce vehicle journeys to other further-away centres.

- 5.3 The proposed scheme is appropriate development within the Green Belt and is, therefore, in accordance with the relevant Green Belt Policies of the Core Strategy and the advice contained within the NPPF. The proposed scheme would not result in a detrimental effect on the visual amenity or openness of the Green Belt, highway safety, flood risk, nature conservation, contaminated land, character and form of the area, or the residential amenity of the occupants of neighbouring properties. Taking policy and guidance overall, any conflict with CS3 is outweighed by the other benefits of the scheme set out above. The two recommended conditions below are standard and there is no need, given the distance from neighbours and the existing use of the site, to control the hours of operation.

6.0 Recommendation

- 6.1 This application is recommended to be APPROVED 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:

Steve Wells Dwg No 01 A Location and Proposed Site Plan
Steve Wells Dwg No 05 B Proposed Ground Floor Plan
Steve Wells Dwg No 06 A Proposed Elevations
Design Studio North Flood Risk Assessment dated March 2018

Reason: For the avoidance of doubt

7.0 Legal Issues

7.1 Planning Acts

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

7.2 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.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010.

8.0 Financial Issues

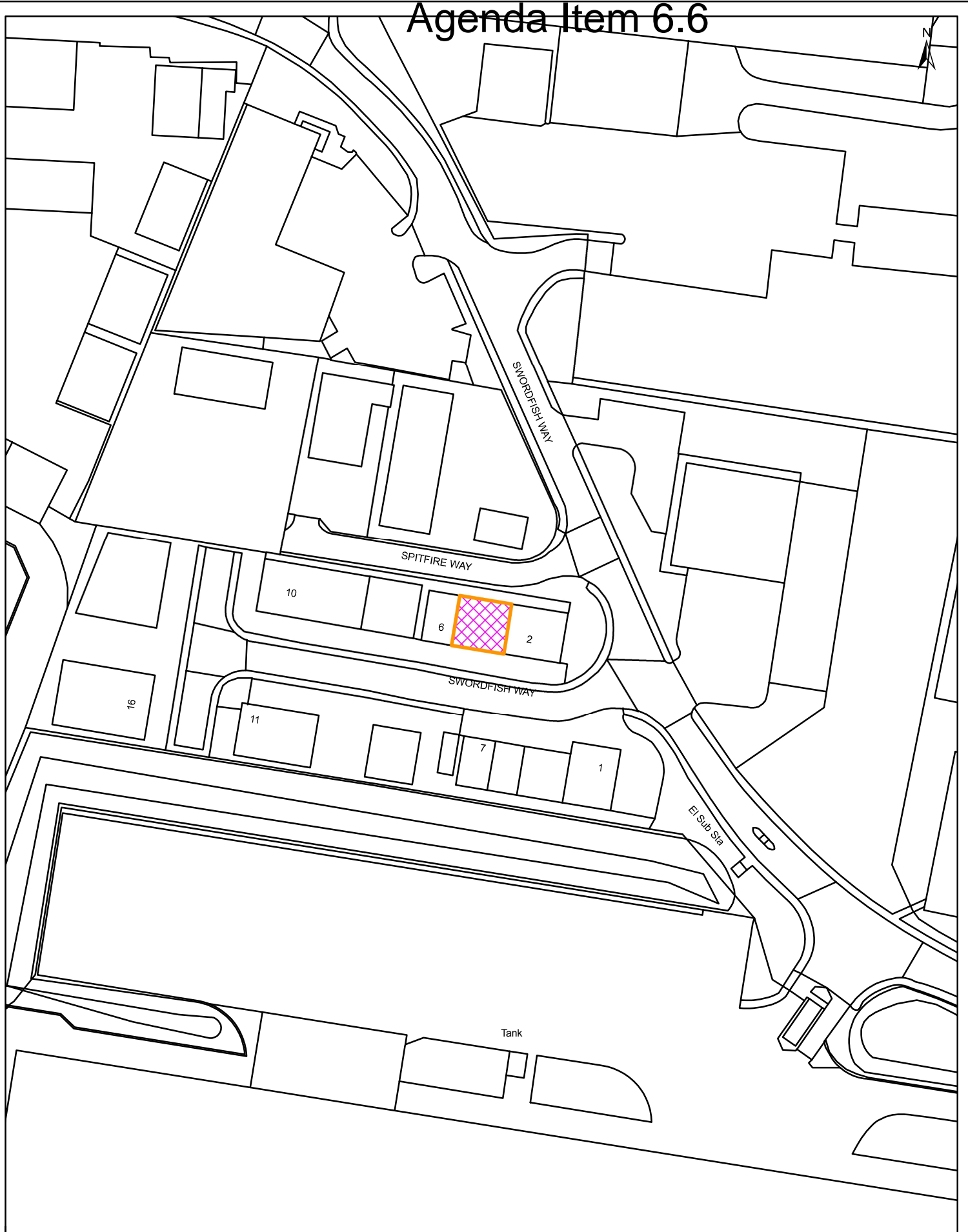
8.1 Financial issues are not material to the determination of this application.

Contact Officer: Sophie King, Planning Officer

sking@selby.gov.uk

01757 292030

Appendices: None



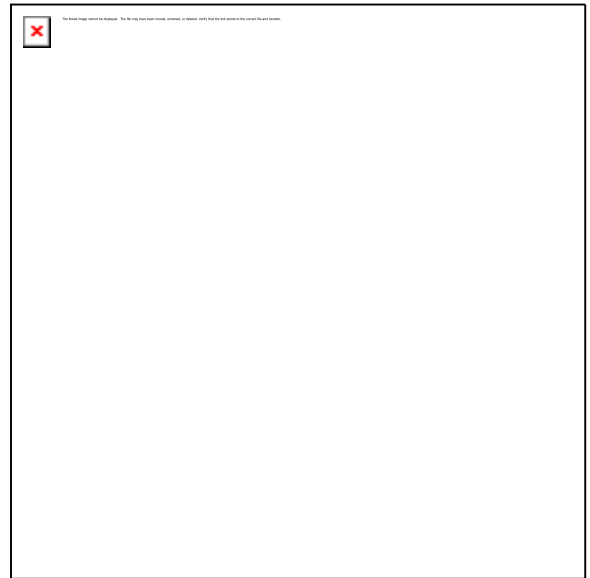
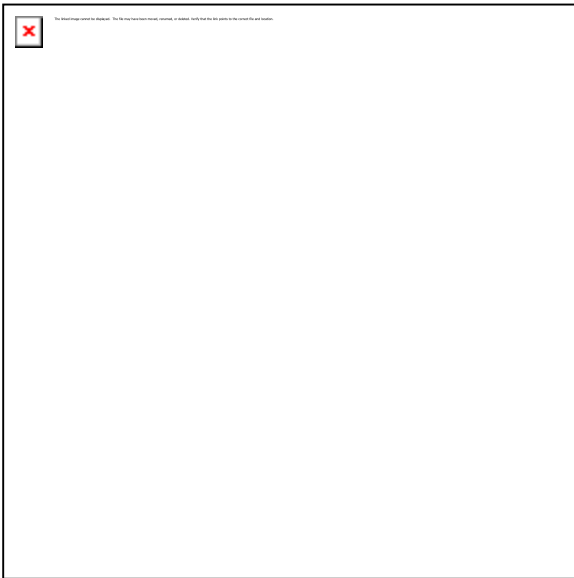
APPLICATION SITE

Unit 4, Swordfish Way, Sherburn in Elmet
2018/0541/COU

1:1,250



This page is intentionally left blank



Report Reference Number 2018/0541/COU

Agenda Item No: 6.6

To: Planning Committee
Date: 5 September 2018
Author: James Broadhead (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0541/COU	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Chuldow Martial Arts Sherburn	VALID DATE: EXPIRY DATE:	15th May 2018 10th July 2018
PROPOSAL:	Proposed change of use from B1 (light industrial) to D2 (leisure)		
LOCATION:	Unit 4, Swordfish Way, Sherburn In Elmet, North Yorkshire, LS25 6NG		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

The Site and Context

1.1 The application site is one of a terrace of existing industrial units in the centre of Sherburn in Elmet Industrial Estate, and is surrounded largely by light industrial units.

- 1.2 The existing unit is served from a cul-de-sac, Swordfish Way, which is off Aviation Road, which is itself at the southern exit of a roundabout off Bishopdyke Road.

The proposal

- 1.3 The proposal is for the change of use of the existing 457m² B1 (Light Industrial) unit to a Class D2 (Assembly and Leisure) use (i.e. a Fitness and Martial Arts Centre). There are no external alterations proposed as part of the application.
- 1.4 The applicants have advised that they intend to run classes between 5:30pm to 8:30 pm on Monday and Wednesday and 5:30pm to 7pm on Friday, with the application form noting operating hours of Monday - Friday, 4:45pm to 9pm.
- 1.5 As part of the application the Applicants have provided confirmation in the form of an email from the Managing Director of an adjacent unit to the west (D3 Office) that students visiting the Martial Arts Centre can use their 9 parking spaces from 5:30pm onwards on weekdays and anytime at weekends subject to no liability being taken for the parked vehicles and limitation on parking not effectively restricting access to their unit. As such this is intended to provide parking for those attending the classes however this is an informal arrangement and on land outside the application site.

Relevant Planning History

- 1.6 Permission for the application site was granted in November 1992 on the 03.11.1992 under Application reference CO/1992/1012 for the erection of seven industrial units and associated car parking at which is now known as "Swordfish Way". This consent includes a series of conditions related to the timescale on the consent, the landscaping of the site, the highways visibility, and the parking and turning provision. There are no restrictions on the hours of operation of the units.
- 1.7 There are no other applications specific to this Unit (Unit 4) or to any of the adjacent units since the initial consent was granted in 1992.

2. CONSULTATION AND PUBLICITY

2.1 Sherburn in Elmet Parish Council

The Parish Council object on the following grounds:

- its use for leisure purposes with children in close proximity to industrial units could lead to highway safety issues.
- very limited parking available in the area
- would also mean that it is no longer available as a starter industrial unit, which we understood to be the intention of these buildings.

2.2 North Yorkshire County Council Highways

No objection.

2.3 Selby Area Internal Drainage Board

No objection.

2.4 **Selby District Council Environmental Health**

Members will be advised of the position of the Council's Environmental Health Officers at the Committee.

2.5 **Selby District Council Planning Policy**

Confirmed that the application should be considered against both the saved policies in the adopted 2005 Selby District Local Plan (SDLP), the 2013 Selby District Core Strategy (CS) and the National Planning Policy Framework (NPPF), noting that the key issues which should be addressed are the relationship to the Spatial Development Strategy in the Core Strategy and the retention of established employment areas noting the key policies of SP2 of the Core Strategy, and EMP4 of the Selby District Local Plan.

They have noted that the application site is located on an industrial estate which is allocated as an "Established Employment Area" in the Selby District Local Plan. The proposal is to change the use of a building which was formerly used for B uses to a D use. Saved SDLP policy EMP4 relates to the retention of established employment areas and states that development proposals which would result in the loss of industrial / business floorspace in these defined areas will not be permitted unless:

1. Significant environmental, highway or community benefits would be achieved; or
2. The development would overcome or alleviate significant environmental or amenity problems; or
3. The supply of industrial / business land and premises is sufficient to meet the requirements over the plan period; or
4. Evidence can be provided that no suitable industrial / business occupiers can be found.

Further they noted the ~"The 2015-16 & 2016-17 Authority Monitoring Report shows that the amount of completed employment development and the existing supply of employment land in Sherburn is more than sufficient to meet the 5 to 10 hectare requirement for Sherburn in Elmet, as stated in Core Strategy policy SP13, it is not considered necessary. This weighs in favour of the proposal, however the applicant should still submit evidence that no suitable industrial / business occupiers can be found at this location, including the evidence of marketing activity".

2.6 **Neighbour Consultation**

All immediate neighbours have been informed by letter and a site notice has been erected. Five letters of objection were received from surrounding industrial unit occupants which are summarised below:

- Concerns surrounding parking which is already at maximum capacity and is an issue on the street. Delivery vehicles struggle to find space to load and unload at various premises. An increase in vehicles parking in the area will exacerbate this and also bring a potential risk to the safety of the children attending classes at the unit.
- General concerns that the proposal to run classes from the premise will affect how the surrounding units conduct their daily business.

3. SITE CONSTRAINTS AND POLICY CONTEXT

- 3.1 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".
- 3.2 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.
- 3.3 The site is within an existing Class B1 (and B2 and B8) Industrial Estate outside the development limits of the settlement of Sherburn in Elmet and is allocated as an 'Established Employment Area' (EEA) to which Selby District Local Plan as such Policy EMP4 of the Local Plan applies.
- 3.4 Policy EMP4 would presume against the loss of existing business floorspace within established areas unless significant environmental, highway or community benefits can be achieved; or the development would alleviate problems; or the supply of industrial floorspace is sufficient to meet plan period requirements or that no suitable business occupier can be found.

Selby District Core Strategy Local Plan

- 3.5 The principal Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP13 – Scale and distribution of Economic Growth

- 3.6 Policy SP1 is the presumption in favour of sustainable development from the NPPF and Policy SP2 (a) would support future employment....commercial and leisure growth.
- 3.7 SP13 and its commentary would support sustainable development which brings economic growth through developing and revitalising the local economy. The commentary states that, in Sherburn in Elmet, there has been significant employment growth in manufacturing and distribution sectors and that there are opportunities to modernise and upgrade existing employment floorspace through the renewal and refurbishment of older premises (para 6.23). Subs B 2 of Policy SP13 would safeguard EEAs unless there is no reasonable prospect of it being used as such. Subs D continues, 'In all cases development is to be appropriate in scale and type for its location, not harm character and seek a good standard of amenity'.

Selby District Local Plan

- 3.8 The relevant Selby District Local Plan (SDLP) policies are:

ENV1 - Control of Development
EMP 4 – Retention of Established Employment Areas

T1 - Development in Relation to the Highway Network
T2 - Access to Roads

- 3.9 EMP4 is a saved policy and there is an assumption that non industrial uses will be precluded from this allocated employment use and that the loss would be resisted unless amongst other things there are community benefits or evidence that no industrial occupier can be found.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.10 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

4. APPRAISAL

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

- Impact on the Supply of Employment Land
- Relationship to Existing Employment Operations
- Impact on Parking and Highway Safety

Impact on the Supply of Employment Land

- 4.2 Policy EMP4 of the Selby District Local Plan states that development proposals which would result in the loss of industrial/business floorspace within established employment areas will not be permitted unless

- 1) Significant environmental, highway or community benefits would be achieved; or
- 2) The development would overcome or alleviate significant environment or amenity problems; or
- 3) The supply of industrial/business land and premises is sufficient to meet the requirements over the plan period; or
- 4) Evidence can be provided that no suitable industrial/business occupier can be found

- 4.3 It is stated on the application form that the unit has remained vacant since Spring 2017 when it was last occupied for the storage of electrical goods. The unit is owned by Selby District Council and further evidence has been provided from Selby District Council officers regarding the advertisement of the site. Since the unit became vacant there has been limited interest in the site, with 5 enquiries being received for the unit, 3 of which were for retail use, 1 for industrial and 1 for leisure (the applicant). The applicant was the only one to follow their interest up and as such it is accepted that no industrial/business occupier can be found.

- 4.4 As stated above at Paragraph 2.4 within the noted Policy Section responses on the application, and as documented in the 2015-16 and 2016-17 Authority Monitoring Reports, there has been a significant amount of completed employment development within the District, and in particular within Sherburn in Elmet. As such the 5 to 10 hectare requirement for the settlement, as stated in Core Strategy Policy

SP13 has been exceeded and EMP4 (3) of the Selby District Local Plan would therefore support the acceptability of the proposed change of use.

- 4.5 In this context and given the Council's position on employment land supply within the functional economic area within which the site lies it is considered that the proposed change of use would be acceptable when taking account of the material considerations and thus accord with Policy EMP4 and ENV1 of the Selby District Local Plan, Policy SP13 of the Core Strategy and the advice contained within the NPPF.

Relationship to Existing Employment Operations

- 4.6 Objectors have raised concerns regarding the inappropriateness of having a leisure use in a predominantly industrial area noting concerns in terms on their operations and the safety of users. These objections have come from surrounding occupiers.
- 4.7 It is noted from a site visit that although the industrial estate primarily comprises B1, B2 and B8 uses there are also a number of other uses in the area including A3 (Restaurant and Café) uses. However, the application unit and the immediately adjoining units have no restrictions on hours of operation as noted in the Planning History above.
- 4.8 The unit could be used for a B1 / B2 or B8 use with no hour's controls at present, and on balance it is considered that the proposed use as D2 operation would with the noted hours restrictions would on balance have a lesser potential impact on adjoining occupiers than an unrestricted B1 / B2 or B8 operation.
- 4.9 In this context it is considered that based on the proposed hours of operation it is considered that the potential for disturbance of the surrounding employment uses is minimal.

Impact on Parking and Highway Safety

- 4.10 Objectors and the Parish Council have raised concerns that the proposed change of use from surrounding employment units regarding the parking issues that may arise from the proposed change of use.
- 4.11 The existing unit has one car parking space and another disability parking space both of which are located to the front of the unit.
- 4.12 The applicant has provided an email correspondence which details that a neighbouring employment unit would allow use of nine of their own parking spaces from 5:30pm onwards, subject to
- a) there being no parking in front of the loading bay doors
 - b) that those parking there do so at their own risk
 - c) that they accept no liability for any damage to anyone's property whilst on the land
 - d) All users are asked to park considerately and carefully to avoid any damage to the units / owners property
 - e) Parking on the gravel area is prohibited to avoid weight on underground pipes
 - f) Reserving the right to cancel the agreement to use the parking at anytime
- 4.13 This is an informal arrangement that may not remain in situ; however North Yorkshire Highways have been consulted on the proposal, unaware of this

agreement and have regardless offered no objections to the proposal on the grounds of highway safety or impact on parking. It is considered that limited weight should be given to this informal agreement and that the proposal should therefore be assessed on its existing merits.

- 4.14 As such having regard to the above it is therefore considered that there are unlikely to be any significant impacts on highway safety. The proposal is therefore in accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

5. Conclusion

- 5.1 The application seeks planning permission for the change of use of an existing B1 light industrial unit to a D2 leisure use in an established employment area. Although on the face of it, this proposal is contrary to Policy EMP4 of the Selby District Local Plan, overall it is considered that, due to a significantly increased supply of industrial/business land within the District and in particular within Sherburn in Elmet, the proposal would be in accordance with Policy EMP4. The proposed development would also not have a detrimental effect on the supply of employment land, or on parking and highway safety

6. Recommendation

- 6.1 The application is recommended to be APPROVED subject to the following conditions:

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

Reason:

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

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

• Drawing No. LOC01	Location Plan	Received 15/05/18
• Drawing No. LAY02	Layout Plan	Received 15/05/18
• Drawing No. 03	Existing Floor Plan	Received 10/05/18

Reason:

For the avoidance of doubt.

03. The use hereby permitted shall only take place between the hours of 16.45 and 21.00 on Monday to Friday. The facility should not be used on Weekends or Bank Holidays.

Reason:

In order to preserve the amenity of adjacent employment units having had regard to Policy ENV1 of the Selby District Local Plan

7. Legal Issues

- 7.1 Planning Acts

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

7.2 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.

7.3 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.

Financial Issues

- 7.4 There are no financial issues that are material to the determination of this application.

Background Documents

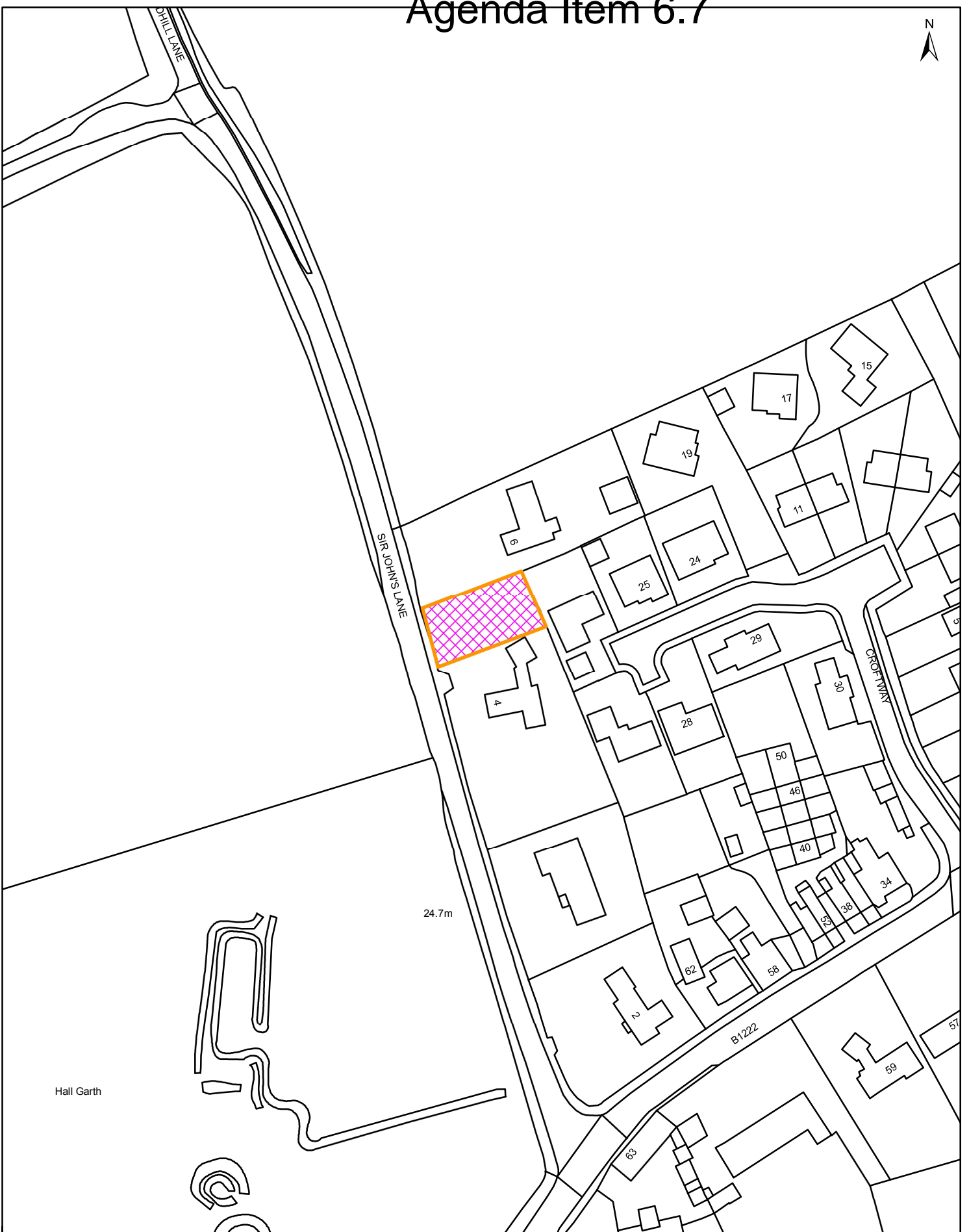
Planning Application file reference 2018/0541/COU

Contact Officer: James Broadhead, Planning Officer

jbroadhead@selby.gov.uk

01757 292 279

Appendices: None



APPLICATION SITE

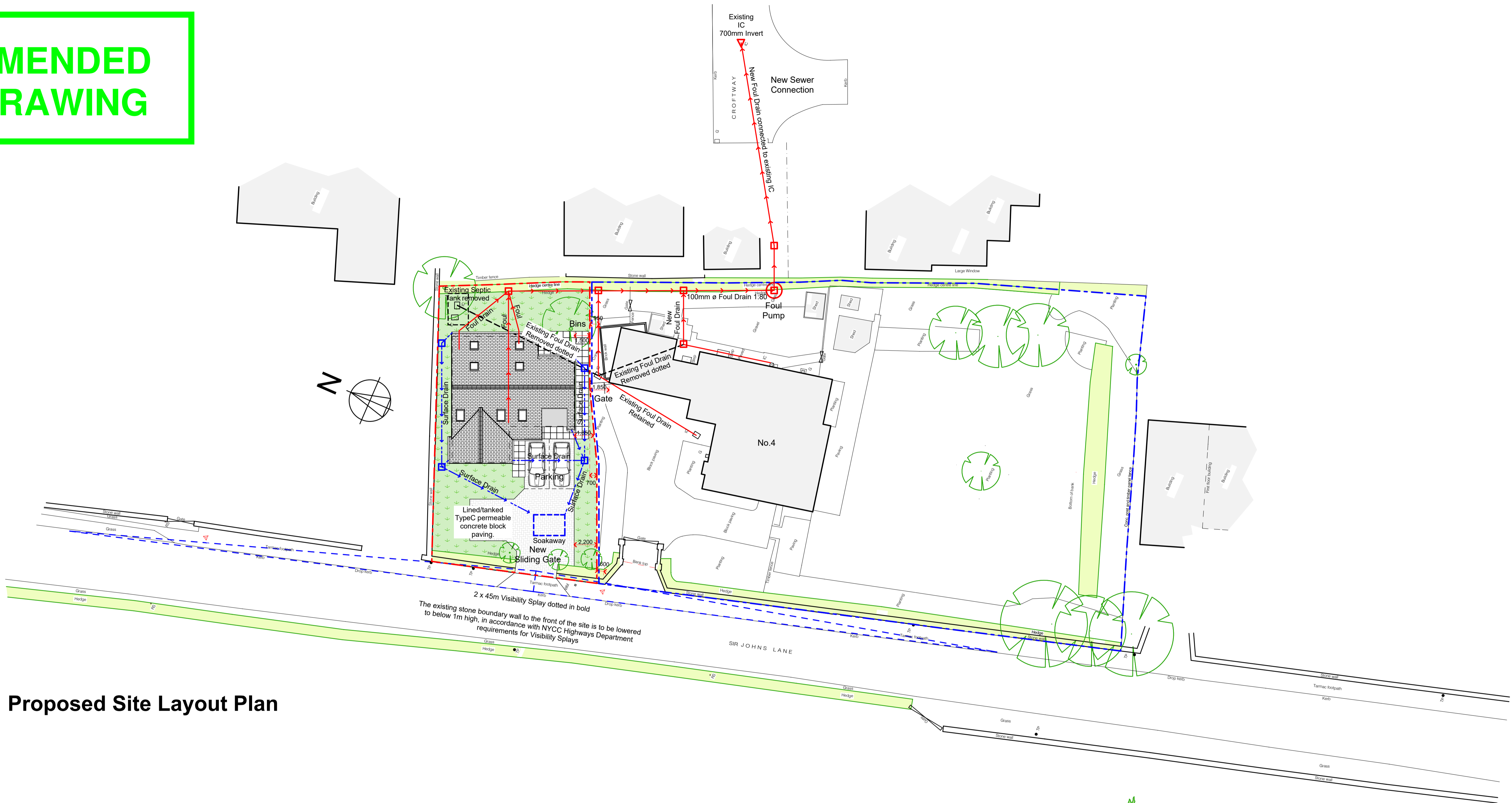
Land adj 4 Sir Johns Lane, Sherburn in Elmet
2018/0650/FUL

1:1,250

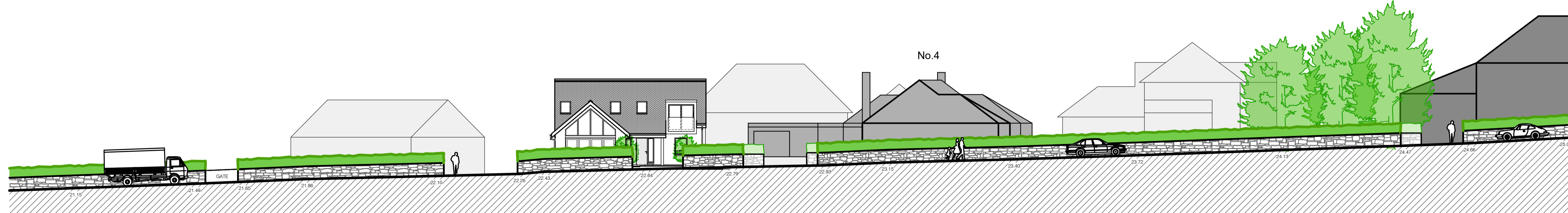


This page is intentionally left blank

**AMENDED
DRAWING**



Proposed Site Layout Plan



Proposed West Street Elevation along Sir Johns Lane

REV D (03/07/2018) ND: Note added regarding front boundary wall height
 REV C (04/06/2018) ND: Drainage layout updated
 REV B (31/05/2018) ND: Drainage layout updated
 REV A (09/05/2018) ND: Boundary adjusted. Drainage & site dimensions added to layout

Job	Proposed Dwelling		
Location	Sir Johns Lane, Sherburn in Elmet, LS25 6BJ		

mpa Michael Pretty Architects
 RIBA # Chartered Practice

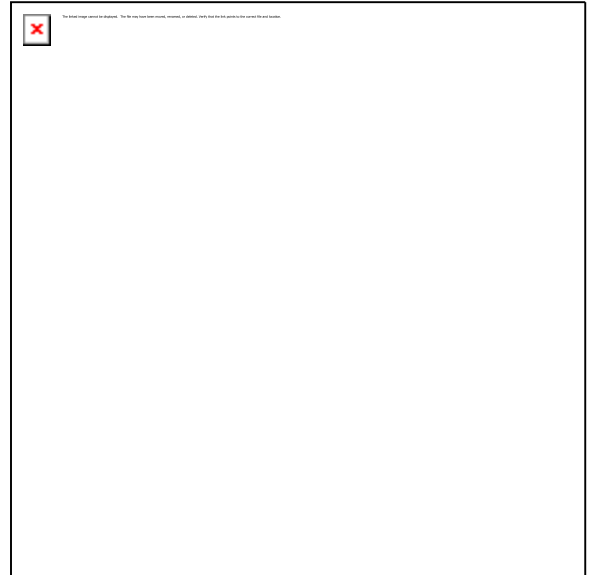
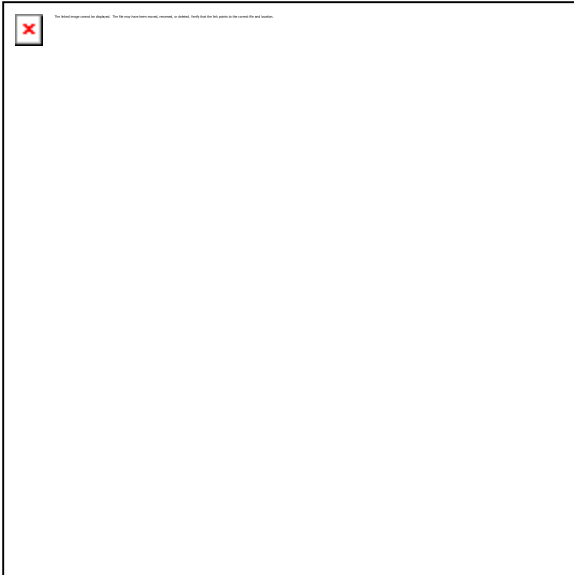
30A High Street, Tadcaster, North Yorkshire, LS24 9AT
 Telephone 01937 531745 Fax 01937 635119 E-mail studio@studio-mpa.com

Date	03/07/18	Scale	1:200	Drawn	ND
------	----------	-------	-------	-------	----

Drawing
 Proposed Site Layout & Street Elevation (A1)

Job No	574	Drawing No	03	Revision	D
--------	-----	------------	----	----------	---

This page is intentionally left blank



Report Reference Number: 2018/0650/FUL

Agenda Item No: 6.7

To: Planning Committee
Date: 5 September 2018
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0650/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mr Robert and Mrs Karen Packham	VALID DATE:	6 June 2018
		EXPIRY DATE:	1 August 2018
PROPOSAL:	Proposed erection of a two storey detached dwelling		
LOCATION:	Land Adjacent To Number 4 Sir Johns Lane Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	APPROVE		

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

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of Sherburn In Elmet, which is a Local Service Centre as identified in the Core Strategy.

- 1.2 The application site comprises an area of garden land associated with the residential property 4 Sir Johns Lane, Sherburn In Elmet. The proposed plot subject of this application is to the north of the dwelling known as 4 Sir Johns Lane.
- 1.3 To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond.
- 1.4 It is noted that there is an extant outline planning permission with all matters reserved for the erection of 1No. dwelling on garden land to the south of 4 Sir Johns Lane under planning permission reference 2017/1287/OUT.

The Proposal

- 1.4 The application seeks planning permission for the erection of a two storey detached dwelling. However, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.

Relevant Planning History

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

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected, an advert placed in the local press and statutory consultees notified)

- 2.1 **Parish Council** – No objections.
- 2.2 **NYCC Highways** – No objections, subject to three conditions relating to: (1) the construction requirements of private access/verge crossings; (2) visibility splays; and (3) a construction management plan.
- 2.3 **Selby Area Internal Drainage Board** – If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 2.4 **Yorkshire Water** – No comments.
- 2.5 **Conservation Officer** – The proposal would require the demolition of part of the long limestone wall that runs the length of Sir John's Lane. The development of a new property on the northern side of Sir Johns Lane and in this location increases the density of development in this area; the new development would be located very close to No.4 and would not follow the existing spacing between buildings. By increasing the density and proposing a full two storey property, this may have a harmful impact upon the setting of the Grade I listed Church to the south west.

- 2.6 **HER Officer** – No objections, subject to a condition requiring a scheme of archaeological mitigation recording to be undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that may be disturbed.
- 2.7 **Neighbour Summary** – All immediate neighbours have been informed by letter, a site notice has been erected and an advert placed in the local press. Two letters of representation have been received as a result of this advertisement, objecting to the application on the following grounds: (1) the impact of the proposal on the residential amenity of neighbouring properties in terms of oppression, overshadowing, overlooking and loss of privacy; (2) the proposal would result in overdevelopment of the site; (3) neighbours were advised the proposal would be a dormer bungalow, but a two storey dwelling is now being proposed; (4) the proposed dwelling not in-keeping with the character and appearance of the area; (5) assertion that Mr and Mrs Packham previously advised they did not want to develop the garden area, but now they are seeking to do just that; (6) right to light being compromised; (7) the impact of the proposals on the structural stability of the boundary wall; (8) request that conditions removing permitted development rights for additional windows and extensions be attached to any planning permission granted in the interests of the residential amenity of neighbouring properties.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined development limits of Sherburn In Elmet, which is a Local Service Centre as identified in the Core Strategy.
- 3.2 The application site is located within an archaeology consultation zone and within the setting of a scheduled ancient monument and listed building.
- 3.3 The application site is located within Flood Zone 1, which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.4 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

- 3.5 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

3.7 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV27 – Scheduled Monuments and Important Archaeological Sites
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

Other Policies and Guidance

3.9 Affordable Housing Supplementary Planning Document

4. APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Heritage Assets
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing

The Principle of the Development

4.2 The application site is located within the defined development limits of Sherburn in Elmet which is a Local Service Centre as identified within the Core Strategy.

- 4.3 Policy SP2A(a) of the Core Strategy states that “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”.
- 4.4 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits".
- 4.5 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)."
- 4.6 Policy SP4(d) of the Core Strategy states that “appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy”. The proposed dwelling is, by reason of its size, scale, siting and design, considered to result in an appropriate density, character and form in relation to the local area. Therefore, the proposal is considered to constitute appropriate scale development on greenfield land.
- 4.7 Having regard to the above, the proposal is considered to fall within one of the types of development identified within Policy SP4(a) of the Core strategy and therefore the proposal is considered to be acceptable in principle in accordance with Policies SP2 and SP4 of the Core Strategy.

Design and Impact on the Character and Appearance of the Area

- 4.7 The application site comprises an area of garden land associated with the residential property to the south, 4 Sir Johns Lane, Sherburn In Elmet. To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond. It is noted that there is an extant outline planning permission with all matters reserved for the erection of 1No. dwelling on garden land to the south of 4 Sir Johns Lane under planning permission reference 2017/1287/OUT.
- 4.8 The application seeks planning permission for the erection of a two storey detached dwelling. However, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.
- 4.9 The proposed one and a half storey dwelling would be sited a minimum of approximately 10 metres back from the highway and would measure a maximum of 11.8 metres in width by 2.2 metres in depth and would have a pitched roof with eaves to a maximum height of 2.5 metres above ground floor level and ridge to a

maximum height of 6.8 metres above ground floor level, with a subservient gable end to the north side of the front elevation with a ridge height of 5.1 metres above ground floor level. Accommodation in the roof space would be facilitated by roof lights and a dormer window incorporating a Juliet balcony to the south side of the front elevation. The proposed dwelling would be set in from the common boundaries with the neighbouring properties to the north and south by 1.5-2 metres and would be set in from the common boundary with the neighbouring property to the rear by approximately 4.6 metres. The proposed dwelling would benefit from a new vehicular access to the west onto Sir Johns Lane, with a parking and turning area to the front of the dwelling and an amenity area to the rear.

- 4.11 The submitted application form sets out that the materials to be used in the external construction of the proposed dwelling would be through coloured p. render for the external walls and concrete/clay tiles for the roof. The layout, scale and appearance of the proposed dwelling are considered to be acceptable having regard the surrounding area, subject to a condition requiring the specific materials to be used in the external construction of the proposed dwelling to be submitted to and approved by the Local Planning Authority prior to development above foundation level.
- 4.12 In terms of boundary treatments the submitted proposed site layout and street elevation plan (drawing no. 03 D) shows the retention of the stone wall (outside the applicants ownership) to the north of the application site, the retention of the hedge to the east of the application site and the lowering of the wall to the west of the site to one metre in height, with a hedge behind. The retention of these boundary treatments are considered acceptable having regard to the character and appearance of the area. No boundary treatment has been shown for the south of the application site, however, a condition could secure full details of boundary treatments to be retained and erected in the interests of the visual amenity of the area.
- 4.13 In terms of landscaping, the submitted proposed site layout and street elevation plan (drawing no. 03 D) shows the provision of grassed areas to the front and rear of the dwelling with an area of hardstanding to the front of the dwelling for car parking and turning. Hedges are shown to the front and rear boundaries of the site, while two trees are shown to the rear of the site and three to the front of the site. From a site visit, it appears that some small trees within the application site would be removed from the site as part of the proposals. A condition could be attached to any planning permission granted requiring a landscaping scheme to be submitted to an approved and by the Local Planning Authority and implemented as such prior to the occupation of the dwelling to ensure the proposals have an acceptable impact on the character and appearance of the area.
- 4.14 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.15 The application site comprises an area of garden land associated with the residential property 4 Sir Johns Lane, Sherburn In Elmet. To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond.
- 4.16 In terms of the impact of the proposed dwelling on the residential amenity of neighbouring properties, it is noted that the proposed dwelling would be bound on three sides by existing residential properties.
- 4.17 To the south of the application site is the existing residential property, with which the application site is associated, 4 Sir Johns Lane, which is a detached dormer bungalow with a subservient single storey projection incorporating a garage to the north side elevation. Given the relationship between the existing property at 4 Sir Johns Lane and the application site it is not considered that the proposal would result in any adverse impacts on of overshadowing, overlooking or oppression to this neighbouring property.
- 4.18 To the north of the application site is 6 Sir Johns Lane, which comprises a detached dormer bungalow set within a large spacious plot. The dwelling at this neighbouring property is set back within the plot, such that the front elevation of the neighbouring dwelling is roughly in line with the rear boundary of the application site. A wide driveway runs adjacent to the southern boundary of the neighbouring property, with a large front garden area beyond to the north. This neighbouring property also benefits from a rear garden area and parking and turning area to the rear.
- 4.19 The proposed dwelling would be sited forward of the front elevation of this neighbouring property to the south west - set in from the common boundary by approximately 1.4 metres. The proposed dwelling would result in some overshadowing of the neighbouring property to the north during the middle part of the day, however, this would mainly be over the wide driveway and part of the front garden area, which has a considerable width. As such, it is not considered that the extent of any resulting overshadowing would not have a significant adverse impact on the residential amenities of the occupiers of that property.
- 4.20 The neighbouring property have raised concerns with the potential for loss of light to their property, however, from a site visit it is noted that a number of windows serve the front living room closest to the proposed development and given the relationship between the proposed dwelling and the neighbouring property it is not considered that the proposal would result in an unacceptable loss of light to any habitable rooms.
- 4.21 In terms of overlooking, the proposed dwelling would benefit from a ground floor dining room window in the north elevation of the dwelling, facing the neighbouring property to the north, however, this would be overlooking the driveway and front garden area, which is already overlooked from the existing garden area of 4 Sir Johns Lane and Sir Johns Lane itself, being to the front of the dwelling. Having regard to the above, it is not considered that the proposal would introduce any significant adverse impacts in terms of overlooking or loss of privacy. Furthermore, given the relationship between the proposed dwelling and the neighbouring property and having regard to the size, siting and design of the proposed dwelling it is not considered that the proposal would have an oppressive appearance when viewed

from the neighbouring property to the north so as to have any significant adverse impact on the residential amenities of that neighbouring property.

- 4.22 To the east of the application site is 26 Croftway, which comprises a dwelling at the end of a cul-de-sac, located on a small plot, with a modest rear amenity area. The proposed dwelling would be sited a minimum of approximately 4.6 metres from the common boundary with this neighbouring property and would have low eaves to the rear, to a height of 2.5 metres, with the roof sloping away from the common boundary. Given the relationship between the proposed dwelling and the neighbouring property and having regard to the size, siting and design of the proposed dwelling, it is not considered that the proposal would have an oppressive appearance when viewed from the neighbouring property and although the proposal would result in some overshadowing to the neighbouring property in the later part of the day, it is not considered this would result in an unacceptable impact on the amenities of that neighbouring properties, such that a reason for refusal could be sustained.
- 4.23 In terms of overlooking, it is noted that there are two first floor roof lights in the east elevation facing the neighbouring property; however, these serve non-habitable rooms, namely a bathroom and a landing, and could be conditioned to be obscure glazed to avoid any overlooking. It would be considered reasonable and necessary to attach a condition removing permitted development rights for the insertion of any additional openings at first floor level or above in the east elevation of the proposed dwelling in the interests of the residential amenities of the neighbouring property.
- 4.24 In terms of the residential amenity of the proposed dwelling, it is noted that the proposed dwelling would be served by an amenity area to the rear (east) of the dwelling, which would provide an adequate amount of useable external amenity space. This would be separated from amenity space associated with the residential property to the east by an existing hedge, which is to be retained as part of the proposals and with the residential property to the north by a stone wall (outside the applicants ownership), which is to be retained as part of the proposals. No boundary treatment has been shown for the south of the application site, however, a condition could secure full details of boundary treatments to be retained and erected in the interests of the residential amenity of neighbouring properties.
- 4.25 Subject to the aforementioned conditions, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.26 The proposed dwelling would benefit from a vehicular access onto Sir Johns Lane to the west and would benefit from an area of hardstanding for parking and turning to the front of the dwelling. The proposed site layout and street elevation plan (drawing no. 03 D) shows the existing stone boundary wall to the front of the site would be lowered to one metre in height to allow adequate visibility splays from the proposed new vehicular access.
- 4.27 NYCC Highways have been consulted on the proposals and have not raised any objections subject to three conditions relating to the construction requirements of private access/verge crossings, visibility splays and a construction management

plan. Given the nature and scale of the proposal, for one dwelling, it is not considered reasonable or necessary to attach a condition requiring a construction management plan.

- 4.28 Subject to the aforementioned conditions relating to the construction requirements of private access/verge crossings and visibility splays, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Heritage Assets

- 4.29 The application has been advertised as affecting the setting of a Scheduled Ancient Monument, namely, the site of 'King Athelstan's Palace', which is immediately north of the Grade I listed Church of All Saints. A Heritage Statement has been submitted with the application, which assesses the heritage context of the application site.
- 4.30 The Councils Conservation Officer has been consulted on the proposals and has advised that the submitted heritage statement does not fully assess the setting of the heritage assets or the impact the proposals would have on the significance of the heritage assets. The Councils Conservation Officer has assessed the proposals and has undertaken an assessment of significance and an impact assessment.
- 4.31 In terms of an assessment of significance the Councils Conservation Officer notes that to “the south-west of the application site is a Scheduled Ancient Monument known as Hall Garth, which is the site of King Athelstan’s Palace. Remains are in the form of earthworks, ditches, terraces and building platform and are located on a north facing hillside. The building was high status and fell into disrepair by the 14th century. The stones were used to build the choir at York Minster. The boundary of the Scheduled Ancient Monument is located in close proximity to the application site and is separated by Sir Johns Lane. Beyond the scheduled monument to the south-west is a Grade I listed building, Church of All Saints. The church dates to the 12th century with later alterations. The church is elevated above the application site and is widely viewed within the area. Its setting encapsulates the application site”.
- 4.32 In terms of an impact assessment, the Councils Conservation Officer notes the proposal would require the demolition of part of the long limestone wall that runs the length of Sir John’s Lane. The development of a new property on the northern side of Sir Johns Lane in the location proposed would increase the density of development in this area; the new development would be located very close to No.4 and would not follow the existing spacing between buildings. On this basis the Councils Conservation Officer advises that by increasing the density and proposing a full two storey property, this may have a harmful impact upon the setting of the Grade I listed Church to the south west.
- 4.33 The comments of the Councils Conservation Officer are noted regarding the impact of the proposal of the setting of heritage assets, however, the proposal would only require the demolition of a small section of the limestone wall to the front of the application site to allow for the construction of the new vehicular access to the proposed dwelling and would increase the density of development in the area in a similar way to planning permission 2017/1287/OUT for the erection of one dwelling,

to which no objections were raised from a heritage perspective and approval was granted by committee in March 2018. Furthermore, as set out earlier in this report, while the description of development is for the erection of a two storey detached dwelling, the submitted floor plans and elevations show the proposed dwelling to be a bungalow, with accommodation in the roof space facilitated by roof light and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling. Having regard to the above, notwithstanding the comments of the Council's Conservation Officer, it is considered that the proposals would not have a harmful impact on the setting of the Scheduled Ancient Monument or Grade I listed church.

- 4.34 Having regard to the above, it is considered that the proposal would not cause any harm to the setting of the nearby Scheduled Ancient Monument or listed building in accordance with Policies SP18 and SP19 of the Core Strategy, Policy ENV27 of the Selby District Local Plan, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the advice contained within the NPPF.

Impact on Archaeology

- 4.35 The application site is located within an archaeological consultation zone. North Yorkshire County Council Heritage Services have been consulted on the application and note that the application has been supported by a Heritage Statement and Written Scheme of Investigation for archaeological monitoring.
- 4.36 The Heritage Statement sets out the archaeological potential of the site, which lies opposite the Scheduled Ancient Monument of Hall Garth, which has particular significance due to its reputed connections to King Athelstan. An archaeological watching brief during the construction of an extension to the existing house in 2012 had negative results and the assumption is that the development would not disturb significant archaeological remains. However, it is agreed that the proposed archaeological monitoring would be beneficial and a proportionate response to the scale of the development given its proximity to the Scheduled area. North Yorkshire County Council Heritage Services therefore recommend that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the proposed development. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation, in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. Conditions are recommended to be attached to this effect.
- 4.37 Subject to the aforementioned conditions, it is considered the proposal would not have any significant adverse effect on archaeology in accordance with the advice contained within the NPPF.

Flood Risk and Drainage

- 4.38 The application site is located within Flood Zone 1, which has a low probability of flooding.

- 4.39 In terms of drainage, the submitted application form sets out that surface water would be disposed of via sustainable drainage system and soakaway, while foul sewage would be disposed of via main sewer. Selby Area Internal Drainage Board and Yorkshire Water have been consulted on the proposals. Selby Area Internal Drainage Board raised no objections to the principle of the use of soakaways, but would advise that the ground conditions in this area may not be suitable for soakaway drainage. The Board therefore advise that it would be essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. No reference is made to the principle of surface water drainage by sustainable drainage system. Yorkshire Water have not raised any objections to the proposals. Having regard to the above, it would be considered reasonable and necessary to attach a condition requiring details of surface water drainage to be submitted to the Local Planning Authority and agreed prior to the commencement of development.
- 4.40 Subject to the aforementioned conditions, it is considered the proposals are acceptable in respect of flood risk and drainage.

Nature Conservation and Protected Species

- 4.41 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.42 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.
- 4.43 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 4.44 The application has been supported by a planning application form and a contaminated land screening assessment form. The planning application form sets out that the proposed use would not be particularly vulnerable to the presence of contamination, but as the proposed use of the site would be for residential, it is considered that the proposed use would be vulnerable to the presence of contamination.
- 4.45 The contaminated land screening assessment form sets out that the current use of the land is for domestic purposes and that the proposed use of the land is for domestic purposes. In terms of the past land use, the contaminated land screening assessment form sets out that the site has been used for domestic and agricultural purposes over the past 150 years, while adjacent land is currently used for domestic and agricultural purposes and has been used for these purposes over the past 150 years. This can be confirmed from a search of historic maps. The contaminated land screening assessment sets out that there have been no fuels or chemicals stored on the site, no waste disposal activities have been carried out on

the site and there is no evidence of demolition at the site. This can be confirmed from the site visit.

- 4.46 As such, it is considered that there is limited potential contamination to be present at the site. However, it would be considered reasonable and necessary to attach a condition relating to the discovery of unexpected contamination during development works to any planning permission granted.
- 4.47 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 4.48 Policy SP9 of the Core Strategy 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 4.49 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

5. CONCLUSION

- 5.1 The application seeks planning permission for the erection of a two storey detached dwelling. However, as set out earlier in this report, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.
- 5.2 The application is acceptable in principle in accordance with Policies SP2 and SP4 of the Core Strategy as the proposal would constitute appropriate scale development on greenfield land.
- 5.3 The proposed development would not have a detrimental effect on the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, heritage assets, flood risk and drainage, nature conservation and protected species, land contamination or affordable housing.

6. RECOMMENDATION

This application is recommended to be APPROVED 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:

574-01 – Location Plan

02 – Existing Topographical Survey and Street Elevation

03 D – Proposed Site Layout and Street Elevation

04 A – Proposed Floor Plans

05 A – Proposed Elevations

Reason:

For the avoidance of doubt.

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

Reason:

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

04. The dwelling hereby approved shall not be occupied until details of the boundary treatments to be retained and erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

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

05. The dwelling hereby approved shall not be occupied until a comprehensive scheme of soft and hard landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes and details for measures to protect existing trees has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

06. The dwelling hereby approved shall not be occupied until the first floor window(s) in the east elevation of the dwelling hereby approved have been fitted with obscured glazing. Once installed the windows shall be retained as such for the lifetime of the development.

Reason:

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

07. Notwithstanding the provisions of Class A, 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 and/or new openings shall be placed at first floor level in the east elevation of the dwelling hereby permitted 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, having had regard to Policy ENV1 of the Selby District Local Plan.

08. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b. Any gates or barriers shall not be able to swing over the existing or proposed highway.
- c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges

INFORMATIVE:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by NorthYorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with 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

09. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road (Sir Johns Lane) from a point measured 2 metres down the centre line of the access road. Any object height within the splay shall be no more than 1 metre and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

INFORMATIVE:

An explanation of the terms used above is available from the Highway Authority.

10. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation received by the Local Planning Authority on 6 June 2018.

Reason:

In accordance with the advice set out within the NPPF as the site is of archaeological significance.

11. The development hereby permitted shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation received by the Local Planning Authority on 6 June 2018 and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In accordance with the advice set out within the NPPF as the site is of archaeological significance.

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

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

13. 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.

7. Legal Issues

7.01 Planning Acts

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

7.02 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.

7.03 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.

8. Financial Issues

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

9. Background Documents

Planning Application file reference 2018/0650/FUL and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer

ityreman@selby.gov.uk

01757 292076

Appendices: None

Agenda Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

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

Curtilage:

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

Environmental Impact Assessment (EIA):

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

National Planning Policy Framework (NPPF):

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

Permitted Development (PD) Rights

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

Previously Developed Land (PDL)

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

Planning Practice Guidance (PPG)

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

Recreational Open Space (ROS)

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

Section 106 Agreement

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

Site of Importance for Nature Conservation

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

Site of Special Scientific Interest (SSI)

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

Scheduled Ancient Monument (SAM):

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

Supplementary Planning Document (SPD)

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

Tree Preservation Order (TPO):

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

Village Design Statements (VDS)

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



DISTRICT COUNCIL

Tel: 01757 705101

www.selby.gov.uk

Planning Committee 2017-18



John Cattanach (C)

Cawood and Wistow

01757 268968

jcattanach@selby.gov.uk



Dave Peart (C)

Camblesforth & Carlton

01977 666919

dpear@selby.gov.uk



Liz Casling (C)

Escrick

01904 728188

cldr.elizabeth@selby.gov.uk

casling@northyorks.gov.uk



Mike Jordan (C)

Camblesforth & Carlton

01977 683766

mjordan@selby.gov.uk



Richard Musgrave (C)

Appleton Roebuck & Church Fenton

07500 673610

rmusgrave@selby.gov.uk



Ian Chilvers (C)

Brayton

01757 705308

ichilvers@selby.gov.uk



James Deans (C)

Derwent

01757 248395

jdeans@selby.gov.uk



Robert Packham (L)

Sherburn in Elmet

01977 681954

rpackham@selby.gov.uk



Paul Welch (L)

Selby East

07904 832671

pwelch@selby.gov.uk

Substitute Councillors



Richard Sweeting (C)
Tadcaster
07842 164034
rsweeting@selby.gov.uk



Debbie White (C)
Whitley
01757 228268
dewhite@selby.gov.uk



Ian Reynolds (C)
Riccall
01904 728524
ireynolds@selby.gov.uk



Mel Hobson (C)
Sherburn in Elmet
07786416337
clrmhobson@selby.gov.uk



David Hutchinson (C)
South Milford
01977 681804
dhutchinson@selby.gov.uk



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



Brian Marshall (L)
Selby East
01757 707051
bmarshall@selby.gov.uk



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

(C) – Conservative (L) – Labour

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
2017/0124/HPA 8/63/6C/PA	Mr Ian Preston	The Hall Cottage North Milford Lane North Milford Tadcaster North Yorkshire LS24 9DQ	Proposed two storey rear extension, insertion of roof lights to the rear elevation, window to the front elevation, front porch extension, alterations to the exiting driveway, the erection of a double garage and the conversion of existing Dovecote to provide additional living accommodation	Permitted 10 Aug 2018	James Broadhead
2017/1158/DOC 8/37/349C/PA	Mr Stuart Sharpley	Land off High Eggborough Lane Eggborough Goole East Yorkshire	Discharge of conditions 16 (Surface Water Drainage), 18 (External Lighting), 21 (Ground Works) and 27 (Ground Works) of approval 2016/0875/FUL for Proposed erection of 54 units	Condition Decision 29 Jun 2018	Rebecca Leggott
2017/1196/HPA 8/32/21BU/LB	Mr Shaun Morrison	The Coach House Gateforth Hall Gateforth Selby North Yorkshire YO8 9LJ	Proposed single storey extension to existing outbuilding to create an annex following demolition of part of structure	Permitted 1 Aug 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2017/1200/FUL 8/56/174C/PA	Mrs Zoe Wright	Land at Stables Fryston Common Lane Monk Fryston Leeds West Yorkshire	Proposed construction of 8 No stables and retrospective use of the site to be used as equine livery business	Permitted 23 Jul 2018	Mr Simon Eades
2017/1251/FUL 8/53/30P/PA	Mr Andrew Papworth	Kellington Manor Hotel Whales Lane Kellington Goole East Yorkshire DN14 0SB	Proposed erection of a detached function room to replace marquee	Permitted 4 Jul 2018	Mr Simon Eades
2017/1336/DOC 8/29/233L/PA	BDW Trading Ltd	Station Road Carlton Goole East Yorkshire	Discharge of Condition 09 (highway improvements) of approval APPN2739/A/13/2210492 for outline application for erection of up to 75 No dwellings, associated infrastructure and open space provision	Condition Decision 13 Jul 2018	Mr Simon Eades
2017/1378/DOC 8/57/98AD/PA	Mrs Watson	Lumby Court Butts Lane Lumby Leeds West Yorkshire LS25 5JA	Discharge of condition 02 (Materials) of approval 2016/1493/FUL Section 73 application to vary condition 05 (access) and 06 (plans) of approval 2014/1338/FUL Erection of two detached dwellings following the demolition of the two existing semi-detached properties (Lumby Court 1 & 2)	Condition Decision 13 Jul 2018	Mr Simon Eades
2018/0057/FULM 8/25/48P/PA	Roche Healthcare	Mansion House 164 Main Road Drax Selby North Yorkshire YO8 8NJ	The proposed erection of an extension to a nursing home and the proposed erection of a detached building to the nursing home	Permitted 29 Jun 2018	Mr Simon Eades

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0194/DOC	Neil Batty Builder	Land at Selby Business Park Oakney Wood Road Brayton Selby North Yorkshire	Discharge of condition 07 (Drainage) of approval 2017/0503/FUL Proposed erection of 3 No. Industrial Units for B1, B2 and B8 Uses	Condition Decision 23 Jul 2018	Rebecca Leggott
2018/0215/DOC	Mack & Lawler Builders	21 - 23A Brook Street Selby	Discharge of conditions 01 (Time scale), 02 (Building details), 03 (window & door recess), 04 (Ecology Enhancement & Compensation Measures), 05 (Flood Risk Assessment), 06 (Surface Water Drainage), 07 (Foul & Surface Water Drainage), 09 (Relocation of lamp post & time plate), 10 (Relocation of lamp post & time plate), 11 (Vehicle parking, manoeuvring & turning), 16 (Contamination), 17 (waste & Recycling), 18 (waste & Recycling) & 19 (Plans/drawings) of approval 2016/0162/FUL Proposed demolition of existing semi-detached property with a single flat roof side extension and a range of lock buildings to the rear, and erection of a residential development (contained 9 residential units) with associated parking and landscaping, on land	Permitted 20 Jul 2018	Mr Ian Lunn
2018/0217/FUL	B P S Construction	Land at Wistow Road Selby YO8 3LZ	Proposed erection of 3no dwellings including 2no car parking spaces per unit and the creation of a new access	Refused 2 Aug 2018	Paul Edwards

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0241/HPA	Mr Craig Butterfield	Millfield House 27 Selby Road Riccall York North Yorkshire YO19 6QP	Proposed first floor play room extension over existing garage	Permitted 20 Jul 2018	Mr Ian Lunn
2018/0269/FUL	Enivonment Agency	Unit C1 A19 Business Park Selby Road Riccall York North Yorkshire YO19 6QR	Retrospective application for the installation of nine temporary shipping containers and the proposed installation of an additional temporary storage container to site alongside the existing containers	Permitted 29 Jun 2018	Jenny Tyreman
2018/0276/REM	Mr Michael Baines	Land adjacent to 3 Chapel Court Camblesforth Selby North Yorkshire	Application for: i. the approval of reserved matters (appearance, landscaping, layout and scale) for erection of 1 detached dwelling and garage following the grant of outline approval 2017/1068 on 4 December 2017 (revised plans received 25th April 2018) ii. Discharge of Condition 5 (details of access, parking and manoeuvring) on Outline approval 2017/1068	Permitted 8 Aug 2018	Paul Edwards
2018/0286/DOC	Persimmon Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 3 (materials), 4, (Construction Management Plan), 8 (Flood) , 11 (Surface Water), 12 (Foul Water Drainage), 14 (Archaeology), 15 (Highways) and 24 (Energy) of approval 2012/0399/EIA Outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Conditions Part Discharged 3 Aug 2018	Yvonne Naylor

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0299/DOC	Redrow Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 05 (flood risk assessment), 08 (flood compensatory storage), 09 (surface water), 10 (foul and surface water), 11 (outfall), 12 (foul water drainage) and 13 (occupation) of approval 2012/0399/EIA outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Condition Decision 3 Aug 2018	Yvonne Naylor
2018/0301/DOC	Redrow Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 15 (Highways), 16 (Carriageway & Footpath/Footway), 17 (Parking) & 19 (Road Layout) of approval 2012/0399/EIA Outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Condition Decision 3 Aug 2018	Yvonne Naylor
2018/0338/DOC	Mrs Janet Cornish	40 Steincroft Road South Milford Leeds West Yorkshire LS25 5AX	Discharge of conditions 02 (materials), 07 (site investigation), 08 (investigation and risk assessment), 09 (remediation scheme), 12 (foul and surface water drainage) and 15 (construction method statement)	Condition Decision 13 Jul 2018	Mr Simon Eades
2018/0351/DOC	Redrow Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of condition 14 (archaeology) of approval 2012/0399/EIA Outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Conditions Part Discharged 3 Aug 2018	Yvonne Naylor
2018/0359/FUL	Mr Simon Broadist	Foxhills Market Weighton Road Barlby Selby North Yorkshire YO8 5DA	Proposed erection of single storey building to form commercial boarding kennels	Permitted 24 Jul 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0377/DOC	Redrow Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 1 (timescale), 2 (Reserved Matters), 3 (Materials), 4 (Construction Management Plan), 6 (Flood Risk), 7 (flooding), 18 (garages), 20 (Reserved Matters), 21 (contaminated), 22 (Design & Access Statement), 23 (Noise), 25 (Reserved Matters) & 26 (plans) of approval 2012/0399/EIA Outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Condition Decision 3 Aug 2018	Yvonne Naylor
2018/0379/FUL	Mr John Dalby	Tudor House York Road Cliffe Selby North Yorkshire YO8 6NU	Section 73 for removal of condition 5 of approval 2007/0022/FUL Conversion of and extension to, including raising of roof height, barn to a dwelling	Permitted 6 Jul 2018	Mr Ian Lunn
2018/0381/HPA	Mr Dominic Osman	25 Woodlands View Barlby Selby North Yorkshire YO8 5XL	Proposed single storey side extension and single storey rear extension plus new window to replace garage door	Permitted 6 Jul 2018	James Broadhead
2018/0390/HPA	Mrs Susan Bradford	10 Heatherdene Tadcaster LS24 8EZ	Proposed first floor extension to side to create 2 bedrooms and bathroom	Permitted 2 Jul 2018	Mr Ian Lunn
2018/0399/DOC	Redrow Homes Yorkshire	Low Street and Moor Lane Sherburn In Elmet North Yorkshire	Discharge of condition 24 (energy) of approval 2012/0399/EIA Outline planning application (accompanied by an environmental statement) to include access for the construction of 100 no. dwellings on phase 2 land between	Condition Decision 3 Aug 2018	Yvonne Naylor

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0407/DOC	Mr Oliver Fielder	The Cottage at Jefferson Arms Main Street Thorganby York North Yorkshire YO19 6DB	Discharge of conditions 03 (materials - part), 07 (landscaping), 08 (boundary treatment), 12 (construction method statement) and (surface water drainage) of approval 2017/0695/FUL	Condition Decision 27 Jul 2018	Jenny Tyreman
2018/0421/HPA	Mr & Mrs Record Edwards	1 Portholme Villas Union Lane Selby YO8 4AX	Proposed erection of single storey and two storey side extension	Permitted 24 Jul 2018	Rebecca Leggott
2018/0426/COU	Miss Amanda Mouser	Rear Of 47 Micklegate Selby North Yorkshire YO8 4EA	Retrospective change of use of building from Retail (Use Class A1) to Childcare facility (Use Class D1) - no external alterations	Permitted 2 Aug 2018	Andrew Martin
2018/0429/HPA	Mr Ian Davies	Black Dog Cottage Selby Road Camblesforth Selby North Yorkshire YO8 8HX	Proposed two storey extension to east elevation	Permitted 29 Jun 2018	Mr Ian Lunn
2018/0432/FULM	Spawforths	Hollygarth 17 Holly Grove Thorpe Willoughby Selby North Yorkshire YO8 9LY	Section 73 application to vary conditions 02 (drawings) and 07 (landscape) of application 2017/0820/FULM for proposed demolition of existing care home and construction of 17 residential units and highway improvements to the existing access	Permitted 26 Jul 2018	Gemma Owston

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0435/HPA	Liz Bird	Hawthornes Moor Lane Sherburn In Elmet North Yorkshire LS25 6DX	Proposed detached double garage	Permitted 1 Aug 2018	James Broadhead
2018/0438/TPO	Mr Sidney Cripps	Tramaro 5 The Garth Hensall Goole East Yorkshire DN14 0RW	Application for consent to crown reduce 1No Bay tree by 2 metres and trim by 1 metre around tree covered by TPO 4/1981	Permitted 29 Jun 2018	James Broadhead
2018/0439/FUL	The Fieldside Nursery	Fieldside Nursery Main Street Great Heck Goole East Yorkshire DN14 0BQ	Section 73 application to vary conditions 2 (plans) and 9 (surface water drainage) of approval 2017/0475/FUL Revised layout to the approved new day nursery building to replace existing nursery on site with associated parking	Permitted 19 Jul 2018	Mr Simon Eades
2018/0441/FUL	Chuldow Martial Arts	Unit 4 Station Road Tadcaster LS24 9SG	Proposed change of use from a warehouse (Class B8) to a martial arts academy (Class D2)	Permitted 20 Jul 2018	Mr Ian Lunn
2018/0445/FUL	Al's Tyre Shop	Land to the east of Milford Road Sherburn In Elmet North Yorkshire	Change of use of existing general purpose building from agriculture to Class B2 General Industry (tyre fitting & sales)	Refused 30 Jul 2018	Paul Edwards
2018/0446/ADV	Al's Tyre Shop	Land to the east of Milford Road Sherburn In Elmet North Yorkshire	Advertising consent for 2no illuminated logo signs and 2no illuminated fascia signs	Refused 30 Jul 2018	Paul Edwards

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0448/HPA	Mr Gavin Greatrex	3 Foster Walk Sherburn In Elmet North Yorkshire LS25 6EU	Raise the existing roof and form two rooms in roof space	Permitted 29 Jun 2018	James Broadhead
2018/0451/HPA	Mrs Brownbridge	Stapleton House Bankwood Road Stapleton Pontefract West Yorkshire WF8 3DD	Proposed single storey side extension for a kitchen/dining room	Permitted 4 Jul 2018	Mr Andrew Watson
2018/0470/HPA	Mr Matthew Spencer	The Manor Main Street Saxton Tadcaster North Yorkshire LS24 9PY	Proposed single storey rear extension	Permitted 12 Jul 2018	Mr Ian Lunn
2018/0482/FUL	Mrs I M Gill	Margyl Cottage 40 Main Street Monk Fryston Leeds West Yorkshire LS25 5EG	Proposed erection of detached two storey dwelling house and garage	Permitted 18 Jul 2018	Mr Ian Lunn
2018/0486/LBC	Mr Shaun Morrison	The Coach House Gateforth Hall Gateforth Selby North Yorkshire YO8 9LJ	Proposed single storey extension to existing outbuilding to create an annexe following demolition of part of structure	Permitted 1 Aug 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0495/CPE	Green Planning Studio	Cliffe Country Lodges Cliffe Common Cliffe Selby North Yorkshire YO8 6PA	Lawful development certificate for the existing use of land for the stationing of mobile homes	Refused 4 Jul 2018	Jenny Tyreman
2018/0496/COU	Tadcaster Business Centre Ltd	1 Wharfe Bank Mews 4 - 6 Bridge Street Tadcaster LS24 9AL	Retrospective change of use from residential to commercial at	Permitted 31 Jul 2018	Jo Wright
2018/0497/HPA	Mr & Mrs Smith	67 Mount Park Riccall York North Yorkshire YO19 6QU	Proposed demolition of existing conservatory and erection of a two storey side extension	Permitted 25 Jun 2018	James Broadhead
2018/0500/HPA	Mr J Perry	Ellaborne House Garthends Lane Hemingbrough Selby North Yorkshire YO8 6QW	Proposed single storey extensions	Permitted 25 Jun 2018	Mr Ian Lunn
2018/0502/HPA	Mr Paul France	Millen Lodge 47 Wistow Road Selby YO8 3LY	Retrospective application for erection of new porch to front	Permitted 25 Jun 2018	James Broadhead
2018/0503/HPA	Mr Jordan Stead	83 Eversley Mount Sherburn In Elmet North Yorkshire LS25 6AR	Proposed two storey side extension	Permitted 3 Jul 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0504/HPA	Mr Ben Wheldon	34 Foxcliff Brotherton Knottingley West Yorkshire WF11 9EG	Proposed demolition of existing building and erection of single storey garage to the rear	Permitted 29 Jun 2018	Mr Ian Lunn
2018/0505/HPA	Mr Lee Moon	20 Green Acres Eggborough Goole East Yorkshire DN14 0TG	Proposed erection of single storey extensions to side and rear of dwelling	Permitted 18 Jul 2018	Mr Ian Lunn
2018/0508/ADV	Leero Ltd	6 New Lane Selby YO8 4QB	Advertising consent for 3no. non-illuminated fascia signs	Permitted 4 Jul 2018	Rebecca Leggott
2018/0514/FUL	Van Werven UK Ltd	Van Werven UK Ltd Selby Energy Park Cliffe Common Cliffe Selby North Yorkshire YO8 6EG	Proposed installation of a sorting line	Permitted 16 Jul 2018	Jenny Tyreman
2018/0516/HPA	Mr Richard Batten	9 Homestead Close Eggborough Goole East Yorkshire DN14 0JY	Proposed single storey side extension	Permitted 27 Jun 2018	Mr Ian Lunn
2018/0517/DOC	Rowan Croft Developments Ltd	Sunnyside Farm Fir Tree Lane Thorpe Willoughby Selby North Yorkshire YO8 9PG	Discharge of conditions 04 (noise), 09 (contamination), 10 (contamination) and 11 (contamination) of approval 2016/0033/ATD	Conditions Part Discharged 2 Jul 2018	Sophie King

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0524/DOC	Donald Parkin & Son	Manor Farm The Green Gateforth Selby North Yorkshire YO8 9LF	Discharge of condition 02 (Drainage) of approval 2015/1085/FUL Proposed erection of a portal framed agricultural building for the housing of cattle	Permitted 9 Jul 2018	Mr Ian Lunn
2018/0530/HPA	Mr Tony Godfrey	5 St Wilfrids Drive Brayton Selby North Yorkshire YO8 9GR	Proposed single storey rear extension to create additional living accommodation	Permitted 11 Jul 2018	James Broadhead
2018/0536/LBC	Mrs Julia Millhouse	36A New Lane Selby YO8 4QB	Listed building consent for replacement / enhancement of 4 windows at the front and rear	Refused 13 Jul 2018	Rebecca Leggott
2018/0540/TCA	Little Smeaton Parish Council	Land between Hodge Lane and River Went Little Smeaton Pontefract West Yorkshire	Application for consent to remove 1no Laurel and 1no Hawthorne tree within the conservation area	Permitted 29 Jun 2018	James Broadhead
2018/0543/FUL	Mr Walsh	Land adjacent to Little Common Farm Biggin Lane Biggin Leeds West Yorkshire	Section 73 application to vary condition 02 (plans) of approval 2017/0733/FUL for proposed erection of new 5 bedroom detached house with double garage and car port	Permitted 4 Jul 2018	Mr Ian Lunn
2018/0547/TCA	Mr Peter Burrans	Red House 41 Main Street Riccall York YO19 6PZ	Application for consent to remove dead wood over 25mm, lateral reduce canopy spread by 30% and height by 20% and to crown thin by 10% to 1no Blue Atlas Cedar within the conservation area	Permitted 3 Jul 2018	James Broadhead

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0553/DOC	Brierley Homes (former North Yorkshire County Council)	Hollygarth 17 Holly Grove Thorpe Willoughby Selby North Yorkshire YO8 9LY	Discharge of conditions 03 (materials), 08 (highways), 11 (highways), 13 (surface water), 14 (foul and surface water drainage) & 15 (surface water) of approval 2017/0820/FULM Proposed demolition of former care home and construction of 17 residential units and highway improvements to the existing access	Condition Decision 29 Jun 2018	Sophie King
2018/0557/FUL	Mr Nigel Spofforth	1 Youngs Court Monk Fryston Selby North Yorkshire LS25 5EG	Retrospective application for erection of garden wall	Refused 30 Jul 2018	James Broadhead
2018/0560/HPA	Mr Chistopher West	9 Marlborough Drive Tadcaster LS24 9JU	Proposed two storey extension to side elevation on footprint of existing single storey garage	Permitted 17 Jul 2018	James Broadhead
2018/0564/FUL	Mrs Elena Clerici	Cutters Church Fenton Lane Ulleskelf Tadcaster LS24 9DS	Proposed 20m x 42m resurfacing of an existing 22m x 62m ménage/equestrian arena with the remaining area to be grassed	Permitted 17 Jul 2018	Jenny Tyreman
2018/0567/HPA	Mr Randall	White House Main Street Bilbrough York YO23 3PH	Proposed flat-roof dormer to rear elevation	Permitted 10 Jul 2018	James Broadhead
2018/0570/HPA	Mr L Pearson	31 Moss Green Lane Brayton Selby North Yorkshire YO8 9EN	Propose single storey rear extension	Permitted 11 Jul 2018	James Broadhead

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0571/HPA	Mr Stephen Greenwood	Hill Farm Hull Road Cliffe Selby North Yorkshire YO8 6PF	Proposed demolition of existing conservatory and erection of a two storey extension and one storey side infill extension	Permitted 13 Jul 2018	Jenny Tyreman
2018/0572/TPO	Mr Graham Hunter	The Owl House Green Lane Stutton Tadcaster North Yorkshire LS24 9BW	Application for consent to clean out crown removing any dead or defective crossing or rubbing branches and thin crown by approximately 25 - 30% to 1no Horse Chestnut covered by TPO 13/2006	Permitted 11 Jul 2018	James Broadhead
2018/0574/HPA	Mr Roger Everson	Brunton Cottage 3 Prospect Close Hillam Leeds West Yorkshire LS25 5HF	Proposed demolition of existing conservatory and erection of a two storey extension with external decking area to the rear	Permitted 17 Jul 2018	James Broadhead
2018/0576/HPA	Mr Dale Boyeson	6 Wheatley Croft Appleton Roebuck York North Yorkshire YO23 7BX	Proposed installation of anthracite bifold doors to dining room, conversion of garage to living room with new upvc doors/windows to replace garage doors, and 'make good' former garage window and door openings in western facing elevation	Permitted 9 Jul 2018	Mr Ian Lunn
2018/0578/HPA	Mr M Tolhurst	2 Papyrus Villas Newton Kyme Tadcaster North Yorkshire LS24 9LX	Proposed two storey side extension and single storey rear extension	Permitted 12 Jul 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0585/HPA	Mr Hazell	52 Brunswick Crescent Sherburn In Elmet Leeds North Yorkshire LS25 6GD	Proposed removal of existing fence panels of part brick, part fence wall and to infill with brick and increase the height to 2.2m	Permitted 31 Jul 2018	James Broadhead
2018/0587/HPA	Ms Tracy Taylor	30 Heatherdene Tadcaster LS24 8EZ	Proposed single storey rear extension	Permitted 13 Jul 2018	James Broadhead
2018/0589/FUL	Ripon Farm Services Ltd	Ripon Farm York Road Tadcaster LS24 8EB	Proposed erection of storage building	Permitted 24 Jul 2018	Jenny Tyreman
2018/0591/TPO	Mr Martin Hurrell	Bramble House Weedling Gate Stutton Tadcaster LS24 9BQ	Application for consent to fell and remove 1no Silver Birch tree covered by TPO 1/2007	Permitted 19 Jul 2018	James Broadhead
2018/0592/HPA	Mrs Joanne Barker	54 Mayfield Drive Brayton Selby North Yorkshire YO8 9JZ	Proposed erection of single storey extension to the side and rear	Permitted 19 Jul 2018	James Broadhead
2018/0593/HPA	Mrs Harper	7 The Close Towton Tadcaster North Yorkshire LS24 9PD	Proposed erection of single and two storey rear extension, formation of new first floor bathroom window, and removal of existing garage	Permitted 20 Jul 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0597/HPA	Mr Consentine Doherty	4 Bryony Court Brayton Selby YO8 9AH	Proposed rear extension for lounge and bedroom	Permitted 19 Jul 2018	Rebecca Leggott
2018/0600/FUL	Mr R Parkin	Hagg Bush Farm Common Lane Hambleton Selby North Yorkshire	Proposed agricultural machinery store and workshop	Permitted 20 Jul 2018	Andrew Martin
2018/0605/HPA	Mr & Mrs Coupland	Pamandus West Lane Burn Selby North Yorkshire YO8 8LR	Proposed erection of two storey pitched roof extension, with dormer windows to form new kitchen and first floor bedroom	Permitted 25 Jul 2018	James Broadhead
2018/0610/HPA	Mr & Mrs Wood	52 Leeds Road Selby YO8 4JQ	Proposed erection of single storey side extension	Permitted 31 Jul 2018	Rebecca Leggott
2018/0619/TCA	Mrs Melanie Campbell	10 Rectory Court Kirk Smeaton Pontefract West Yorkshire WF8 3SP	Proposed felling of 1 No White Pine tree in the conservation area	Permitted 30 Jul 2018	James Broadhead
2018/0620/TCA	Rebecca Rawson	Watermill House Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JY	Proposed felling of 1 No Sycamore tree (T1) in the conservation area	Permitted 16 Jul 2018	Mr Ian Lunn

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0622/TCA	Mrs Rebecca Rawson	Watermill Farm Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JY	Proposed felling of 1 No Cedar Diadora (T2) tree in the conservation area	Permitted 17 Jul 2018	Mr Ian Lunn
2018/0627/DOC	Mr Michael Winsor	Brotherton Garage MOT Centre Old Great North Road Brotherton Knottingley West Yorkshire WF11 9EP	Discharge of conditions 4, 5, 6, 7 & 8 (contamination) of approval 2016/1352/FUL Proposed extension to existing premises to form staff living accommodation (1 No flat)	Condition Decision 1 Aug 2018	Rebecca Leggott
2018/0629/TPO	Mr Mark Bramley	Fircroft Wighill Lane Tadcaster LS24 8HE	Application of consent to fell a group of approximately 30 young trees of mixed species (G1), fell 6No Ash trees (T2, T4, T5, T7, T9 & T13), crown lift by 3m, prune by 1m and remove deadwood from 1No Norway Maple tree (T3), fell 1No Sycamore tree (T6), remove deadwood from 1No. Common Oak (T8), fell 1No Common Oak tree (T16), fell 2No Elm trees (T10 & T19), reduce height and lateral spread to points 1.5 metres above cavity/habitat openings of 1No Ash tree (T11), fell 2No Horse Chestnut trees (T12 & T15), fell 1No Beech tree (T17), fell 1No Turkey Oak (T18), remove major deadwood from 1No Common Lime tree (T20), remove major deadwood from 1No Common Oak tree (T21), fell a group of small juvenile trees of mixed species (G22) & fell a group of small juvenile trees of mixed species (G23) Covered by TPO 2/1991	Permitted 20 Jul 2018	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0630/HPA	Mr & Mrs Love	66 Sherburn Street Cawood Selby North Yorkshire YO8 3SS	Proposed erection of conservatory to rear	Permitted 24 Jul 2018	Jac Cruickshank
2018/0636/DOC	Prof Chris Thomas	New House Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RR	Discharge of conditions 1 (time scale), 2 (materials), 3 (flood) & 4 (plans) of approval 2016/0475/HPA Single Storey Rear Extension, Two Storey Side Extension (Winter Garden) and Re-cladding of Garage	Permitted 20 Jul 2018	Mr Ian Lunn
2018/0637/HPA	Mr A Ellis	Applegarth 17 Back Lane Hambleton Selby North Yorkshire YO8 9JB	Proposed roof enlargement and alterations to create additional living accommodation	Permitted 25 Jul 2018	James Broadhead
2018/0640/COU	Mr John Hawkins	The Gables Doncaster Road Whitley Goole East Yorkshire DN14 0JW	Change of use of an existing detached one bedroom annex into a holiday let	Permitted 2 Aug 2018	Andrew Martin
2018/0641/HPA	Mr & Mrs Chris & Jess Wood	41 Springfield Crescent Kirk Smeaton Pontefract West Yorkshire WF8 3LE	Proposed single storey rear extension and dormer to roof of existing detached bungalow	Permitted 30 Jul 2018	James Broadhead

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0644/ADV	Community Partners Ltd	South Milford to Sherburn In Elmet North Yorkshire	Advertisement consent for display of 4 No non illuminated signs at roundabout	Permitted 3 Aug 2018	Irma Sinkeviciene
2018/0648/HPA	Miss Joanne Crosier	Jesmond Dene Sand Lane Osgodby Selby North Yorkshire YO8 5HN	Part retrospective rear extension and removal of existing garage and outbuilding	Permitted 3 Aug 2018	Rebecca Leggott
2018/0649/SCN	Makin Enterprises Ltd	Church Fenton Airfield Church Fenton North Yorkshire	EIA screening opinion request for : (1) full planning permission for the erection of a building for creative digital and media use and associated works, including parking, servicing and access; and permanent change of use of existing buildings to commercial TV and film studios and associated services and activities; and (2) outline consent with means of access to be considered for the development of a creative, digital and media industries employment park and film studios (including A1, A3, D1 and C1 use class buildings) open space, landscaping, car parking and ancillary works	EIA Not required 28 Jun 2018	Andrew Martin
2018/0652/DOC	P3P Partners LLP	P3P Brigg Lane Ltd English Village Salads Brigg Lane Camblesforth Selby North Yorkshire	Discharge of conditions 3 (Surface Water Drainage), 4 (Access, Parking, Manoeuvring & Turning) and 5 (CEMP) of approval 2018/0104/FUL Proposed construction of a new heat store tank to service an energy centre	Condition Decision 29 Jun 2018	Paul Edwards

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0654/HPA	Mr Clifford Gowlett	10 Fir Tree Lane Thorpe Willoughby Selby North Yorkshire YO8 9PG	Proposed erection of a side extension	Permitted 7 Aug 2018	Jac Cruickshank
2018/0656/TCA	Mr Karl Horsfield	Little Holme Main Street Bilbrough York YO23 3PH	Application for consent to raise lower branches to a height of 2.5m, remove deadwood throughout canopy, reduce crown height by approx 3m and reduce crown spread by approx 2m to 1no Horse Chestnut tree within the conservation area	Permitted 19 Jul 2018	James Broadhead
2018/0658/TPO	Mr Chris Key	21 Lakeside Approach Barkston Ash Tadcaster North Yorkshire LS24 9PH	Application for consent to minor crown lift of 5.2m to 2no Horse Chestnut (T1 & T2) and minor crown lift of 4m to 1no Sycamore (T3) covered by TPO 4/1985	Permitted 13 Aug 2018	Irma Sinkeviciene
2018/0663/DOC	D & J Poulter Building Contractors	60 Garden Lane Sherburn In Elmet North Yorkshire LS25 6AU	Discharge of condition 14 (contamination) of approval 2015/0582/FUL for erection of 2 No. detached dwellings on land adjacent to the north	Condition Decision 26 Jun 2018	Yvonne Naylor
2018/0665/TCA	Escrick Parish Council	War Memorial Corner Of Carr Lane And Main Street Escrick York	Proposed thin by 20% to 4 No Himalayan Birch Trees in the conservation area	Permitted 30 Jul 2018	Laura Holden
2018/0672/HPA	Mr & Mrs Pemberton	2 Beech Grove Selby YO8 4AS	Proposed erection of single storey rear extension to semi-detached townhouse	Permitted 8 Aug 2018	Laura Holden

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0680/TPO	Mr Raymond Henry	Fairfield Tadcaster Road Sherburn In Elmet North Yorkshire LS25 6EL	Application for consent to lift crown to 4m and clean out crown to 1no Sycamore tree (T1), lift crown to 4m, reduce crown by 10-20% and clean out crown to 1no Horse Chestnut (T2), crown lift to 4m and clean out crown to 1no Sycamore tree (T3), crown lift to 4m, clean out crown and reduce crown by 10-20% to 1no Variegated Sycamore tree (T4)	Permitted 8 Aug 2018	Irma Sinkeviciene
2018/0686/HPA	Mr Oyston & Ms Charleston	37 Mill Close Monk Fryston Leeds West Yorkshire LS25 5ED	Proposed erection of single storey front porch	Permitted 13 Aug 2018	James Broadhead
2018/0699/TCA	Mr Barry Paterson	The Cottage 53 Main Street Monk Fryston Leeds West Yorkshire LS25 5DU	Proposed removal of overhanging branches by 3.5 m to 4 No Birch trees and crown reduction by 35%, crown thinning of 10% to 2no Beech (T1&T3) and to cut back branches by 4m to 2no Beech (T1 & T3) in the conservation area	Permitted 6 Aug 2018	James Broadhead
2018/0720/TCA	Mrs Cheryl Gledhill	18 Armoury Road Selby YO8 4AY	Proposed crown reduction by 40% to 1 No Eucalyptus in the conservation area	Permitted 6 Aug 2018	Laura Holden
2018/0728/DOC	Drax Group Plc	Drax Power Station New Road Drax Selby North Yorkshire YO8 8PQ	Discharge of condition 04 (construction method statement) of approval 2018/0154/FULM Proposed site reconfiguration works comprising the demolition and relocation of the existing contractor's welfare compound with new access road and associated works and the construction of a new turbine outage office block, new mitigant ash delivery facility and new distribution pump house	Confirmation of Conditions Discharged 19 Jul 2018	Paul Edwards

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2018/0740/TCA	Mr Stuart Evison	Church Of Saint Martin Park Lane Womersley Doncaster South Yorkshire DN6 9BJ	Application for consent to crown lift by 3metres above roofline, first lower limb remove to stem, 2nd limb from rear remove low growth down to 2" DIA growing point to 1no Lime Tree (Tree 1), First lower limb remove 2 lowest spurs back to change in direction to 1no Lime tree (Tree 2) and to remove 2no lower hanging small branches down to 2" DIA growing point to 1No Lime tree (Tree 3) within the conservation area	Permitted 7 Aug 2018	Jac Cruickshank
2018/0835/DOC	Environment Agency	Main Road Temple Hirst Selby North Yorkshire	Discharge of conditions 06 (remedial statement) and 08 (contamination) of approval 2017/0261/FULM Proposed engineering operation comprising the construction of flood alleviation embankment, land engineering works, alteration and partial removal of existing flood embankment and creation of temporary construction access at land north of Temple Hirst flood defences	Condition Decision 8 Aug 2018	Yvonne Naylor