



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 24 APRIL 2019**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillors J Cattanach (Chair), D Peart (Vice-Chair), L Casling, I Chilvers, J Deans, R Musgrave, R Packham, P Welch and D White**

## Agenda

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

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

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

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

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

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

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 6)**

To confirm as a correct record the minutes of the Planning Committee meetings held on 20 March 2019 and 3 April 2019.

The minutes of the meeting held on 20 March 2019 will be circulated

separately to the main agenda.

**5. Planning Applications Received (Pages 7 - 8)**

- 5.1. 2018/1346/FULM - Land At The Paddocks, York Road, North Duffield, Selby (Pages 9 - 34)
- 5.2. 2018/1345/FUL - Land At The Paddocks, York Road, North Duffield, Selby (Pages 35 - 56)
- 5.3. 2018/1347/OUT - Land At The Paddocks, York Road, North Duffield, Selby (Pages 57 - 78)
- 5.4. 2018/1344/OUTM - Land At The Paddocks, York Road, North Duffield, Selby (Pages 79 - 104)
- 5.5. 2018/1074/DOV - Request for a Deed of Variation to Section 106 agreement dated 27th September 2016 seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough (Pages 105 - 112)
- 5.6. 2018/1220/FUL - Hazel Grove Farm, Weeland Road, Hensall, Selby (Pages 113 - 126)

*Janet Waggott*

**Janet Waggott, Chief Executive**

<b>Dates of next meetings (2.00pm)</b> Wednesday, 5 June 2019
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk).

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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.

# Agenda Item 4



## Minutes

### Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 3 April 2019
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair  Councillors I Chilvers, J Deans, R Musgrave, R Packham, P Welch and D White
Officers Present:	Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Sarah Morton - Senior Solicitor, Jenny Tyreman – Senior Planning Officer, Gary Bell – Principal Planning Officer, Emily Mellalieu - Transport and Development (North Yorkshire County Council), Frances Maxwell - Solicitor, Victoria Foreman - Democratic Services Officer
Press:	1
Public:	12

#### **56 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors L Casling and D Peart. Councillor C Pearson was in attendance as a substitute for Councillor L Casling.

#### **57 DISCLOSURES OF INTEREST**

Councillors J Cattanach, J Deans and I Chilvers all declared a non-pecuniary interest in agenda item 6.3 – 2018/0673/OUTM – Leeds East Airport, as that they had all received representations in relation to the application but had expressed no opinions on the scheme and would consider it with an open mind.

Councillor R Musgrave also declared a non-pecuniary interest in agenda item 6.3 – 2018/0673/OUTM – Leeds East Airport, as the application was within his

ward. Councillor Musgrave explained that he had attended Parish Council meetings on the matter and had received representations regarding the scheme, but that he would be keeping an open mind on the application.

Councillor P Welch declared a non-pecuniary interest in agenda item 6.1 – 2018/1122/REMM – Morello Garth, Park Lane, Barlow, Selby as he had received representations in relation to the application but had expressed no opinion on the scheme and would consider it with an open mind.

## **58 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair informed the Committee that an officer update note had been circulated.

Members noted that application 6.2 – 2018/0673/OUTM – Gale Common Moto Park had been withdrawn by the applicant and therefore from the agenda and would not be considered at the meeting today.

The Committee noted that the rest of the business of the meeting would be as set out in the agenda.

## **59 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.**

## **60 MINUTES**

The Committee noted that the minutes of the meeting held on 20 March 2019 were not yet finalised and therefore had not been circulated; as such, they would be considered at the next meeting of the Committee.

## **61 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following applications:

### **61.1 2018/1122/REMM - MORELLO GARTH, PARK LANE, BARLOW, SELBY**

**Application:** 2018/1122/REMM

**Location:** Morello Garth, Park Lane, Barlow, Selby

**Proposal:** Reserved matters application including appearance, landscaping, layout and scale of approval 2015/0775/OUT Outline planning permission for residential development including access (all other

matters reserved for future consideration)

The Senior Planning Officer presented the application which had been brought to Planning Committee as at least 10 letters of representation had been received which raised material planning considerations and Officers would otherwise determine the application contrary to these representations.

The Committee noted that it was a reserved matters application including appearance, landscaping, layout and scale of approval 2015/0775/OUT Outline planning permission for residential development including access (all other matters reserved for future consideration).

Members queried a number of matters with the Senior Planning Officer, including access arrangements agreed at the outline application stage, association between Alfa Homes Ltd and Barclay-De Vere Homes, the resolution of discrepancies of boundary lines on plans originally submitted with the application, concerns around highways matters such as vehicle movements in the village, especially past the school and down narrow lanes, and the agreement of a design and maintenance plan of the landscaping before the commencement of development.

Councillor Tim Thrall, Chair of Barlow Parish Council, spoke in objection to the application.

Tessa Fletcher, agent, spoke in support of the application.

Members considered the application in full and agreed that the development was in a sustainable location and that the principle of development on the site had been established in 2015 following approval of the original outline application.

It was proposed and seconded that the application be approved.

**RESOLVED:**

**To GRANT the application subject to the conditions set out at paragraph 6 of the report.**

**61.2 2018/0673/OUTM - LEEDS EAST AIRPORT, BUSK LANE, CHURCH FENTON**

**Application:** 2018/0673/OUTM

**Location:** Leeds East Airport, Busk Lane, Church Fenton

**Proposal:** Hybrid application 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 planning permission, 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

The Principal Planning Officer presented the application which had been brought to Planning Committee as it was a departure from the Development Plan and there were material considerations which would support the recommendation for approval.

The Committee noted that it was a hybrid application 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 planning permission, 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.

In relation to the officer update note, the Committee acknowledged that since the agenda had been published, additional information relating to Church Fenton Yorkshire Studios' existing use and operation, the potential for the future and specific Inward Investment opportunities and learning and skills development had been received from the applicant.

Additional letters of support had also been received from the Vice Chancellor of York St John University, the Principal and Chief Executive of Selby College, the Principal and Chief Executive of York College and business who worked in the creative industries sector and who had moved to the site from smaller premises in Tadcaster and Sherburn in Elmet.

Ulleskelf Parish Council had confirmed their support for

the development but reiterated concerns relating to the lack of footpaths between the village and application site. Concerns regarding the capacity of the local road network had been considered by the Highway Authority which had concluded that the impact of the development on the highway network could be mitigated where necessary.

Paragraph 4.47 of the report considered the impact of the development on the Scheduled Ancient Monument located within the site not to be significant. Officers considered that the benefits arising from the heritage asset being sensitively handled and better understood and appreciated outweighs the less than substantial harm to the significance of the designated asset. The requirements of paragraph 196 of the NPPF had therefore been satisfied.

Lastly, formatting errors in the report means that paragraphs 4.30 to 4.34 should be preceded by the heading 'Landscape, design and visual impact' and paragraphs 4.40 to 4.42 preceded by the heading 'Impact on residential amenity'.

Members asked a number of questions on various aspects of the application, including clarification around which parts of the site were for full or outline permission, any effects on the continuing use of the rest of the airport site as an aerodrome, the assessment of the site as previously developed land, and the number of local jobs it was anticipated would be created by the development.

Chris Calvert agent, spoke in support of the application.

Members expressed support for the application which represented the development of a major brownfield site in the district. The scheme would deliver highly skilled and well paid jobs for local people.

Members expressed some concern around the provision of local infrastructure in the area and the effect the development would have on the capacity of local roads and the need for housing, and emphasised the importance of revising the Council's Local Plan. However, it was agreed that overall this was a positive scheme for Selby District and should be approved.

It was proposed and seconded that the application be approved.

**RESOLVED:**

- i. The Committee were MINDED TO APPROVE the application subject to the terms of the planning obligation described at paragraphs 4.23 – 4.29 of the report and the conditions set out at paragraph 6 of the report.**
- ii. To authorise officers to refer the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 with the Committee’s resolution to support it.**
- iii. To delegate to the Planning Development Manager, in the event that the application was not called in by the Secretary of State, to approve the application upon conclusion of the planning obligation under Section 106 of the Act in line with the terms set out in paragraphs 4.23 - 4.29 above, and subject to the imposition of the schedule of conditions set out at paragraph 6 of the report. The delegation would include the alteration, addition or removal of conditions from the schedule if amendment became necessary as a result of continuing negotiations and advice, and provided such condition(s) met the six tests for the imposition of conditions and satisfactorily reflected the wishes of Committee.**
- iv. To note that in the event that the application was called in for the Secretary of State’s own determination, a further report would come to Committee.**

The meeting closed at 3.16 pm.



# Agenda Item 5

## -Items for Planning Committee

24 April 2019

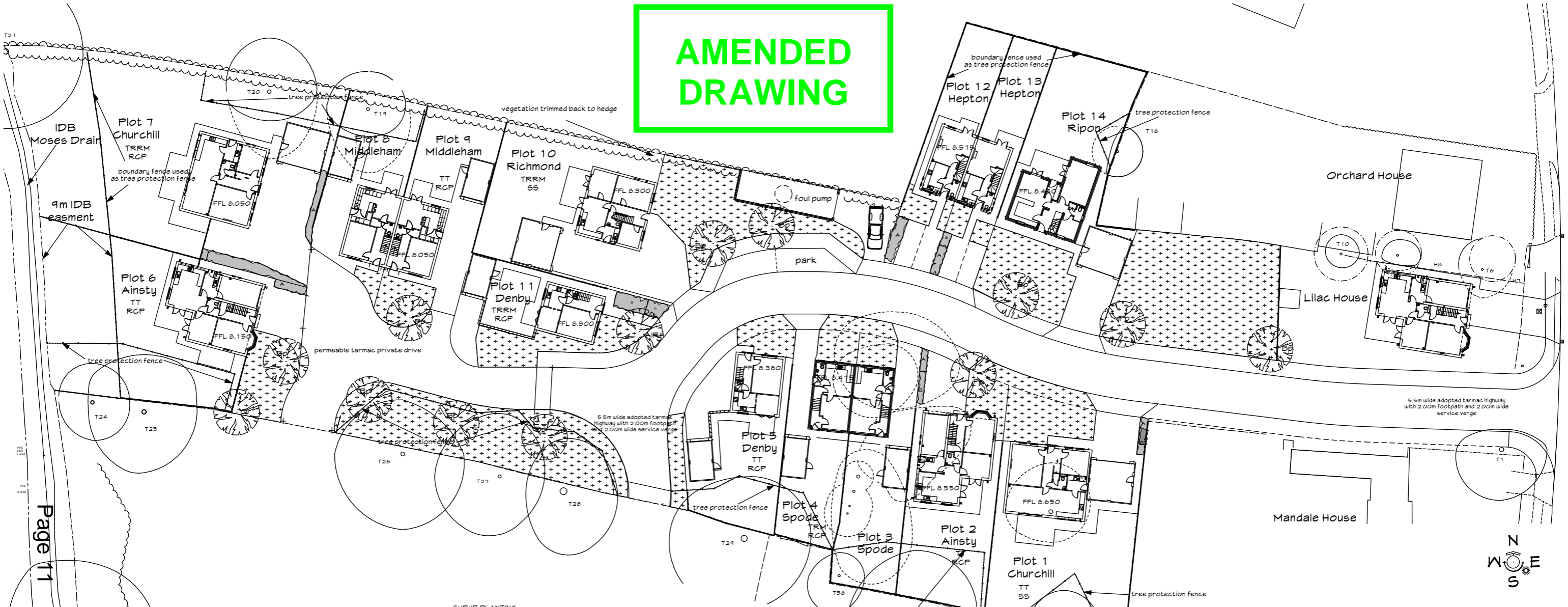
Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2018/1346/FULM	Land At The Paddocks York Road North Duffield Selby	Proposed erection of 14 dwellings and creation of new access	GABE	9 - 34
5.2	2018/1345/FUL	Land At The Paddocks York Road North Duffield Selby	Proposed erection of self-build dwelling and construction of access road	GABE	35 - 56
5.3	2018/1347/OUT	Land At The Paddocks York Road North Duffield Selby	Erection of up to 2 single storey custom-build dwellings and construction of access from York Road	GABE	57 - 78
5.4	2018/1344/OUTM	Land At The Paddocks York Road North Duffield Selby	Outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road	GABE	79 - 104
5.5	2018/1074/DOV	Weeland Road, Eggborough	Request for a Deed of Variation to Section 106 agreement dated 27 <sup>th</sup> September 2016 seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough	JETY	105 - 112
5.6	2018/1220/FUL	Hazel Grove Farm Weeland Road Hensall Selby	Proposed construction of pitched roof and conversion of former showroom to create a dormer bungalow	SIEA	113 - 126

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# AMENDED DRAWING



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### SHRUB PLANTING

- Hebe albicans
- Hypericum calycinum
- Rosa max graef
- Cotoneaster dameri
- Cotoneaster salicifolia repens
- Mahonia aquifolium
- Rosa rugosa
- Ceanothus burkwoodii
- Viburnum carlesii
- Potentilla fruticosa
- Lonicera pileata
- Prunus laurocerasus Otto Lutken
- Hebe great orme or autumn glory

### GROUND COVER

3 species per bed planted at 450mm crs in groups of five to fifteen

All shrub beds to be well mulched with wood / bark chippings after planting. 15-15 particle size and 75mm settled depth. Soil to be dished around plants to prevent spillage onto paths and adoptable surfaces.

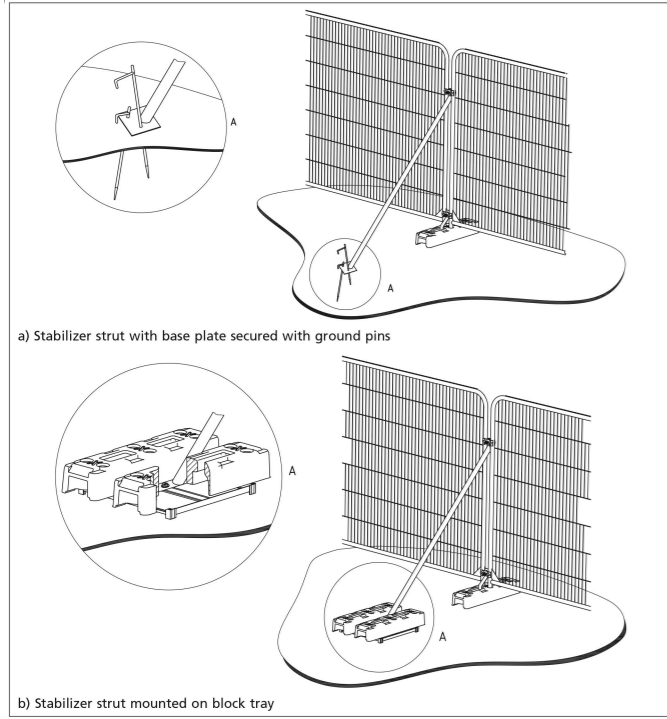
three species per bed planted at 900mm centres in groups of three - six

### Materials

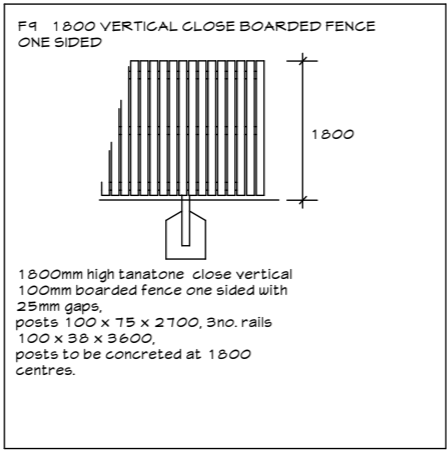
General to all plots	Tiles	Bricks
White PVC windows	SS Spanish slate	TT Terca Topaz
Black PVC rainwater goods	RCP Red concrete	TRRM Terca Reno
Brick lintols	pantiles	Red Multi
Artstone cill		

### Tree Planting

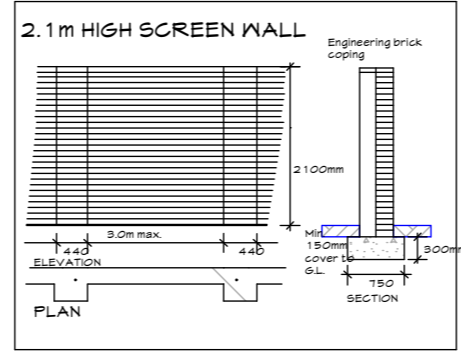
- AIRH Amelanchia Landmarkii Robin Hill
- Bp Betula pendula
- Fs Fagus sylvatica
- Pp Prunus padus w
- Psy Pinus sylvestris
- QR Quercus robar



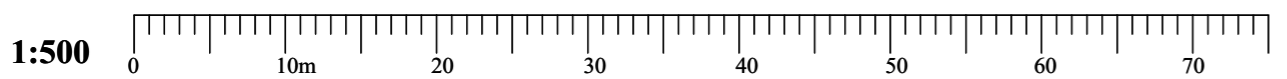
Tree protection fence



1:100



1:100



#### Amendments

- Sept' 18 on St parking removed
- Sept' 18 on St parking relocated
- Sept' 18 Sub station removed
- Sept' 18 6 AND 7 moved
- Oct' 18 2 possible plots on a jacent land shown
- Nov' 18 2 3 12 113 changed
- Nov' 18 Tree canopies revised
- Jan' 19 foul pump position revised
- Jan' 19 various planning amendments
- Feb' 19 pump moved, road realigned P10 handed P1 handed

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Client  
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Project  
 Proposed development behind Lilac House  
 York Road, North Duffield.

Drawing  
**Siteplan 500 for 14 plots**

Date	Aug 18	Drawing No.	175 14 plots site 500/k
Scale	1:500	Sheet size	A3

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**Report Reference Number:** 2018/1346/FULM

**To:** Planning Committee  
**Date:** 24th April 2019  
**Author:** Gary Bell (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1346/FULM	PARISH:	North Duffield
APPLICANT:	Daniel Gath Homes	VALID DATE: EXPIRY DATE:	3rd December 2018 4th March 2019
PROPOSAL:	Proposed erection of 14 dwellings and creation of new access		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO COMPLETION OF S106		

The application is one of four related applications that have been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appear on this agenda. This application has been brought before Planning Committee as the application is contrary to the requirements of the Development Plan. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of North Duffield extending to the west behind properties known as Orchard House, Lilac House and Mandale House. The site is broadly rectangular and amounts to 0.8 hectares of overgrown garden and unused paddock which, according to the submitted Planning Statement, has been the subject of low level vandalism. The access from York Road, which is also proposed to serve the remainder of land

known as The Paddocks and the subject of other current applications referred to above, is shown between Mandale House and Lilac House.

- 1.2 The land is generally flat but drains naturally towards Moses Drain which forms its western boundary across which is open agricultural land. To the north, the site boundary is defined by a hedge with some trees beyond which is the village playing fields including a clubhouse and play area. Land to the south of the application site, marked by a line of mature trees and a timber fence, comprises further areas of paddock land in different ownership, apparently little used and the subject of the current applications referred to above.
- 1.3 There are no physical features of note within the main body of the site but a number of mature broad-leaved trees exist on the boundaries many of which are to remain with some being of poorer quality and to be managed and/or replaced. To the east, beyond those properties immediately neighbouring the site and across York Road, there are more mainly detached houses before the main body of the village which lies to the south.

### **The Proposal**

- 1.4 The application seeks planning permission for 14 detached and semi-detached houses comprising 2, 3 and 4 bedroomed homes. The Planning Statement accompanying the application describes the proposal as a key element of Phase 1 which will enable the whole area of The Paddocks to be delivered. The Statement contends that it has not been possible to deliver an earlier outline planning permission and that the current proposals for a phased and disaggregated approach will see development proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders.
- 1.5 The application is accompanied by the following documents:
  - Application form, Certificate B and Agricultural Holdings Certificate
  - Drawing No: 1751 Application Site Plan and Location Plan
  - 13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)
  - Drawings showing individual plot plans and elevations
  - Drawings showing highway details
  - Drainage Strategy
  - Phase 1 Heritage Assessment (April 2015)
  - Report on Trees (December 2014) with update (November 2018)
  - Phase 1 Contaminated Land Investigation (June 2015)
  - Extended Phase 1 Habitat Survey (September 2018)
  - Viability Assessment (held as confidential)

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An outline application (reference: 2015/0517/OUT) to include access and layout for residential and associated development (35 dwellings) on land to the west of York Road (The Paddocks) was approved on 3 December 2015.



- 1.8 An outline application (reference: 2018/1344/OUTM) including access (all other matters reserved) for erection of dwellings and construction of access is pending consideration and on this agenda.
- 1.9 A full application (reference: 2018/1345/FUL) for the proposed erection of self-build dwelling and construction of access road is pending consideration and on this agenda.
- 1.10 An outline application (reference: 2018/1347/OUT) to include access (all other matters reserved) for erection of 2 dwellings and construction of access is pending consideration and on this agenda.

## 2. CONSULTATION AND PUBLICITY

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** – The initial response stated as follows; The Parish Council has no objections to this development of 14 properties. We would like to see how the provision of affordable houses is addressed throughout the 4 now separate Paddocks applications.

A subsequent response stated; The Parish Council have no comment on the application.

The most recent response, following re-consultation, states; North Duffield Parish Council supports this application.

- 2.2 **NYCC Highways** – no objections and recommends conditions requiring detailed plans of road and footway layouts, the submission and approval of both a Construction Management Statement and a Travel Plan, the provision of visibility splays and a site construction access and details of surface water discharge arrangements.
- 2.3 **Yorkshire Water** – Raises no objection and requests conditions be attached to any approval requiring separate systems for foul and surface water drainage with surface water arrangements being other than existing public sewerage.
- 2.4 **Ouse & Derwent IDB** – Has no objection and recommends conditions in relation to surface water drainage and maintenance clearance adjacent to the watercourse together with details of various consents required of the Board.
- 2.5 **NYCC Lead Local Flood Authority** – Raises no objection and recommends conditions requiring submission of a detailed scheme for foul and surface water drainage.
- 2.6 **SDC Environmental Health** – Recommend a condition requiring a scheme to minimise the impact of construction on neighbouring properties.
- 2.7 **Natural England** - Considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

- 2.8 **North Yorkshire Bat Group** – No comments received.
- 2.9 **North Yorkshire Police** – Provide advice/recommendations with regard to designing out crime.
- 2.10 **NY Fire & Rescue Service** – Has no objection/observation at this outline stage and indicates comments will be made at the statutory Building Regulations stage.
- 2.11 **Vale of York CCG** – No comments received.
- 2.12 **NYCC Public Rights Of Way** – No comments received.
- 2.13 **NYCC Education** - No comments to make as the density of the site falls below the threshold for seeking developer contributions in rural areas (15).
- 2.14 **NYCC Archaeology** – Seek the submission of archaeological evaluation reports firstly by way of a geophysical survey. (Members should note that, at the time of the previous application this issue was dealt with by way of a condition).
- 2.15 **SDC Waste & Recycling** – Refers the developer to published guidance.
- 2.16 **SDC Planning Policy** – Confirms that the Council has a 5 year housing land supply but acknowledges that the existence of such cannot be a reason in itself for refusing a planning application and that an approval on this site would provide additional dwellings to the housing supply. Core Strategy Policies SP2 and SP4 seek to focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. North Duffield is defined in the Core Strategy as a Designated Service Village, which has some scope for additional residential and small scale employment to support rural sustainability. Most of the area of this proposal for 14 dwellings is on land that is adjacent to, but outside of, the defined Development Limits of North Duffield as marked on the Policies Map of the Local Plan. Hence the proposal is contrary to Policy SP2 in the Core Strategy.
- 2.17 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Twenty letters of representation have been received from members of the public raising the following issues in support of the application:

- Small scale new development will support local services and maintain viability.
- The development is sympathetic and will blend in with the village.
- The mix and variety of housing proposed.
- Limited impact on neighbouring properties.
- Support for local school, businesses and sports teams.
- Outline planning permission has been previously granted.
- The site is self-contained and development will not impact on the layout of the village.
- The development provides opportunity for smaller local builders.
- Moses Drain considered to be a natural boundary.

- The development would help balance the village layout with most recent new housing being adjoining the A163.
- The development would contribute to the Council's 5 year housing land supply within a Designated Service Village.

One letter of representation have been received from neighbouring local residents objecting to the application on the following grounds;

- Loss of open views.
- Impact on flooding and sewerage, already considered to be a problem.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the south east of the site is mixed but largely residential in nature. The western boundary of the application site is marked by Moses Drain with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

#### **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
  - SP5 – The Scale and Distribution of Housing
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP12 - Access to Services
  - 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 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

3.5 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

#### **Other Policies/Guidance**

3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document, 2007
- North Duffield Village Design Statement, 2012

## **4. APPRAISAL**

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

- The Principle of Development
- Highway Impact
- Landscape, Design and Visual Impact
- Flood Risk and Drainage
- Impact on Residential Amenity
- Biodiversity and Ecology
- Impact on Heritage Assets
- Ground Conditions
- Affordable Housing
- Recreational Open Space
- Other Issues

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

4.2 On 10 August 2018, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 6.5 years, as set out in the 2018-2023 - Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a

positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide additional dwellings to the housing supply.

- 4.3 It is noted that this site was previously included as part of the 5 year supply under outline permission 2015/0517/OUT for 35 dwellings, however its loss from the supply would not have a significant effect on the 6.5 year supply, which represents a surplus of 768 (without the 35 dwellings) as of 1 April 2018.
- 4.4 Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision-making, adding that where a planning application conflicts with the up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.5 The previous outline permission (2015/0517/OUT), covering a larger site that included the land in this application, was granted when the Council could not demonstrate a deliverable 5 year supply of housing land and was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. However the outline permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 4.6 CS Policies SP2 and SP4 focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. Other than the accesses which run between existing houses fronting York Road, this proposal is on land that is immediately adjacent to but outside of the defined Development Limits of North Duffield as shown in the Local Plan. Hence the proposal is contrary to CS Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise.
- 4.7 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs as a whole which, the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether North Duffield has exceeded its dwelling target.
- 4.8 As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 25 dwellings (25 net), giving a gross total of 37 dwellings (35 net). This is at the upper end of what the DSV growth options study assessed

as being a sustainable amount of growth over the plan period. The proposed development would increase the number of dwellings beyond this.

- 4.9 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land at The Paddocks are currently under consideration and appear elsewhere on this agenda.
- 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.
- 4.11 North Duffield contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also benefits from a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location. A number of those making representations have stressed the need for new housing to support and maintain the viability of the existing services and facilities.
- 4.12 In granting the previous outline consent, and notwithstanding the policy context existing at the time, the Council considered that the development of the land known as The Paddocks, of which this application forms part, was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 4.13 The NPPF, at Paragraph 38, encourages decision-makers to seek to approve applications for sustainable development where possible and, at Paragraph 59, to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The Framework goes on to state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The applicants have indicated that an early start on site would be possible should permission be granted such that new homes would be delivered earlier than with some extant permissions elsewhere in the District. As recognised above in the Planning Policy response, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply – a position repeated by numerous appeal Inspectors.

4.14 Given the nature and scale of the proposal, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. The site has been previously assessed as being an appropriate location for housing and been included in the Council's supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development but minimum dwelling targets have not been set. Those representations received from third parties in support of the application, together with those of the agent, suggest that North Duffield has seen a relatively small amount of new development in recent years and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that viability of numerous services and facilities would be enhanced. It is still necessary, however, to consider whether those other matters of acknowledged interest still weigh in favour of the development or not.

### **Impact on Highway Safety**

4.15 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1(2), T1 and T2 and CS Policy SP15. NYYC Highways have stated that there has been pre-application discussions regarding this site and there were no objections at that stage and it was agreed that the access road would be put forward for adoption (Section 38 Agreement) and a plan was submitted to NYYC Highways Officers which was considered agreeable in terms of road adoption and access onto York Road. Consequently the Local Highway Authority has recommended that conditions are attached to any permission granted. These conditions relate to:

- Detailed plans of road and footway layout
- Construction of roads and footways prior occupation of dwellings
- Discharge of surface water
- Site construction access
- Visibility splays
- Travel plans
- Construction Management Statement

4.16 Given the Highway Authority's comments, it is not considered that the scheme will result in any adverse impact on the highway network or compromise highway safety such that it is acceptable in highway terms and accords with relevant Local Plan policies.

### **Landscape, Design and Visual Impact**

4.17 The site is located outside of the Development Limits for North Duffield, in the countryside, and CS Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. It is therefore important to determine the impact the proposed scheme has on its surroundings. The PLAN Selby evidence document "Settlement Setting Landscape Assessment" (October 2015) finds that the overall landscape assessment for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development.

- 4.18 As mentioned above, development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the development proposed in the current applications for The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.
- 4.19 There are a number of significant broad-leaved trees which occur on the field boundaries around the site and these are to remain. There are other trees and intermittent hedgerows which are of poor quality which would be managed or replaced. The boundary between the application site and the playing fields to the north is formed by a substantial hedge which will provide an effective screen to the northern edge of the development which would not therefore intrude into views approaching the village from the north. The submitted plans indicate that new tree planting will take place to either replace those to be lost in the middle of the site or to supplement those to be retained. The applicant has submitted a Tree Survey which states that the majority of trees are located on the perimeter of the site, are of moderate to low quality but offer screening and a good level of amenity. The report also recognises that trees on site would benefit from remedial tree work (pruning and removal of deadwood and ivy) which would benefit their general health and vigour and that some trees would also benefit from being crown lifted to ensure useable space is available under the trees for general amenity as part of the overall development.
- 4.20 The submitted layout plan is considered acceptable. The immediate area is characterised by a wide range of house types, development forms and materials. Residential development adjoining the site to the east is all 2-storey, predominantly detached, mostly relatively modern housing and generally constructed from red/brown brickwork with pantile or slate roofs. The submitted plans show that the proposed houses would be built using similar materials to those found locally and would provide a mix of 8 different house types. It is not considered that the proposed houses would be prominent in views from any of the approaches to the village and the proposed form and setting within retained trees would maintain the current visual character of the village edge. The approach taken by the applicant conforms with the North Duffield Village Design Statement which looks to ensure that new development fits in with the context of the village and identifies “core themes of detached houses and brick construction materials”.

### **Flood Risk and Drainage**

- 4.21 The application site is located in Flood Zone 1 (low probability of flooding). The application confirms that with respect to surface water run-off drainage this would be directed to sustainable drainage systems utilising soakaways. A new pumping station is proposed towards the middle of the northern boundary to take foul water to the existing sewer in York Road. Yorkshire Water, the relevant Internal Drainage Board and NYCC as Lead Local Flood Authority have all been consulted. Notwithstanding the letter of objection suggesting existing problems with flooding and sewerage, no concerns or objections have been raised subject to the inclusion in any permission of conditions requiring further detailed schemes for both foul and surface water.



## **Impact on Residential Amenity**

- 4.22 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 200 of the NPPF. The initial layout has been the subject of revision following concerns regarding the original location of the proposed pumping station and the relationship with existing properties on York Road. Some revisions have also addressed potential overlooking between proposed dwellings. The layout is now considered to be acceptable with separation distances between existing and proposed dwellings exceeding normally acceptable minimum standards and acceptable separation distances being achieved between proposed houses. It is considered that appropriate relationships have therefore been achieved to ensure that no significant detrimental impact would arise.
- 4.23 The access into the application site is proposed to run between Lilac House and Mandale House. It is considered that there is an adequate separation distance between the two existing dwellings and the proposed access road and that there would not be a significant detrimental impact on the residential amenity on these two existing dwellings as a result of the proposed access road.
- 4.24 Having taken into account the matters discussed above it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.

## **Biodiversity and Ecology**

- 4.25 The application site is not protected, formally or informally, as a site for nature conservation. The applicant has submitted an ecological survey prepared by Wold Ecology which concludes that the proposed development is unlikely to impact upon any protected species or associate habitats. The consultation response from Natural England concurs with this view. The report from the ecological consultants makes recommendations for the installation of bird and bat boxes which the applicants have indicated would be acceptable and could be the subject of a planning condition. The proposal is considered to be acceptable in terms of its impacts on nature conservation interests.

## **Impact on Heritage Assets**

- 4.26 The applicant has submitted a Heritage Assessment which states that there are no Designated Heritage Assets (Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Battlefields or Historic Gardens) within or bordering the proposed application site. It goes on to refer to what could be considered to be non-designated Heritage Assets within the proposed application site, namely the historic landscape characterisation as an area of Post-medieval Parliamentary Enclosure and evidence of Ridge and Furrow cultivation. The report does, however, conclude that there are no cultural heritage or archaeological reasons to prevent development.
- 4.27 The County Archaeologist has made representations suggesting that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the

development proposal upon their significance. It is also suggested that this work should be undertaken prior to a decision being taken on the application. However, when the earlier outline application was considered and approved, the Council considered that the information provided within the desk based study provided sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development. The NPPF requires that a balanced judgement be made regarding the possible effect of an application on the significance of a non-designated asset having regard to the scale of any harm and the significance of the asset. Given the nature of the assets concerned it is again considered that, on balance, any harm to the non-designated asset would be outweighed by the benefits of the proposal and an appropriately worded planning condition is recommended.

### **Ground Conditions**

- 4.28 The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by The YES Consultancy @ The City of York Council (who now act as the Council's consultant on such matters). This report states that there has been no past industrial activity on the site and no evidence of land contamination has been observed. Whilst this report dates from 2015, the submitted Planning Statement confirms that there has been no activity on the site that could have changed the conditions of the land. A closed landfill site is located approximately 200m to the north east of the site, however it can be concluded that the application site poses a low contaminant risk and the proposals are therefore acceptable with respect to contamination.

### **Affordable Housing**

- 4.29 CS Policy SP9 states that the Council will seek to achieve 40% affordable housing within overall housing delivery and, in pursuit of this aim, will negotiate for on-site provision of affordable housing on those market housing sites at or above the threshold of 10 dwellings consistent with the provisions of the NPPF. The actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application having regard to economic viability.
- 4.30 The applicant has submitted a Viability Assessment which concludes that the scheme cannot deliver any affordable homes. The Council has engaged an independent valuer to consider and report on the Assessment but, at the time of writing this report, the final report is awaited and Members will be updated at the meeting. Irrespective of the outcome of the independent valuation, the applicant has confirmed that they are prepared to offer 4 of the proposed dwellings as affordable homes, amounting to 28%, to be secured via a Section 106 agreement. This offer follows agreement being reached between the landowners and the applicant and is on the basis that 2 of the dwellings would be discounted market sale dwellings and 2 would be available for rent. This approach has recently been accepted by the Council elsewhere in the District. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and subject to the satisfactory completion of a Section 106 Agreement.

### **Recreational open space**

- 4.31 Policy in respect of the provision of recreational open space is provided by SDLP Policy RT2, CS policies SP12 and SP19 together with the Developer Contributions

Supplementary Planning Document. The submitted layout plan does not incorporate any on-site recreational open space as part of the development. The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for 60sqm per dwelling to be provided on site which, in this case, would equate to 840sqm. Policy RT2 (b) states that the following options would be available subject to negotiation and the existing level of provision in the locality;

- provide open space within the site;
- provide open space within the locality;
- provide open space elsewhere;
- where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.

4.32 The applicant has agreed to transfer land, considered to be in excess of that required for the development planned for the whole of the land known as The Paddocks, to the Parish Council for use as allotments. The agent has confirmed that the land in question has already been provided with a new access, car park and water supply and will be transferred on the granting of planning permission for what is described as Phase 1 of the development of The Paddocks (this application together with 2018/1345/FUL and 2018/1347/OUT which also appear on this agenda). This scheme is considered acceptable in compliance with policy RT2 and will be secured through a Section 106 Agreement.

### **Other Issues**

4.33 SDLP Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. North Yorkshire County Council Education have confirmed that no contribution is required towards education provision as the application falls below the relevant threshold for seeking contributions. With respect to healthcare, no response has been received from the Vale of York CCG and no contribution is being requested. With respect to Waste and Recycling a contribution of £65 per dwelling would be required and this would therefore be secured in a Section 106 Agreement.

4.34 CS Policies SP15 and SP16 seek to promote development that is sustainable, addresses climate change and improves resource efficiency. An appropriately worded condition is included in the recommendation to ensure compliance with these policies

## **5. CONCLUSION**

5.1 The proposed scheme is for 14 dwellings and is on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to CS Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.

5.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of

sustainable development and which seeks to boost the supply of housing. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local businesses and facilities.

- 5.3 The proposals achieve a social role in that they would deliver levels of both open market and affordable housing in North Duffield, promoting sustainable and balanced communities and would assist the Council in maintaining a 5 year supply of housing land. The applicant is also proposing that land be transferred to the Parish Council for use as allotments which are believed to be a welcome provision locally.
- 5.4 The proposals take into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to the presence of local services within North Duffield and access to public transport, the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, acknowledged that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 5.5 Notwithstanding the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that the viability of numerous services and facilities would be enhanced.
- 5.6 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Thus, subject to the recommended conditions and the conclusion of the planning obligation as outlined, the material considerations as set out in this report outweigh the conflict with the Development Plan such that planning permission should be granted.

## **6. RECOMMENDATION**

This application is recommended to be GRANTED subject to the completion of a S106 Agreement and the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

- 1751 Application Site Plan and Location Plan/a
- 1751 Site Plan 500/k
- 1751 Topographical survey
- 1751 Plot 1 plans/a
- 1751 Plot 1 elevations/a
- 1751 Plot 2 and Plot 6 plans
- 1751 Plot 2 and Plot 6 elevations
- 1751 Plot 3 and Plot 4 plans
- 1751 Plot 3 and Plot 4 elevations
- 1751 Plot 5 and Plot 11 plans
- 1751 Plot 7 plans
- 1751 Plot 7 elevations
- 1751 Plot 8 and Plot 9 plans
- 1751 Plot 8 and Plot 9 elevations
- 1751 Plot 10 plans/a
- 1751 Plot 10 elevations/a
- 1751 Plot 12 and Plot 13 plans
- 1751 Plot 12 and Plot 13 elevations
- 1751 Plot 14 plans/b
- 1751 Plot 14 elevations/c
- 1751 Single Garage Plan and elevations
- 1751 Double Garage Plan and elevations
- 1751 Site 200 sheet 1 200/k - Highway details and finished floor levels
- 1751 Site 200 sheet 2 200/k- Highway details – junction with York Road
- 1751 Road Long section
- 1751 Highway Cross sections

C-50 Drainage Strategy (Detailed drainage proposals)

Phase 1 Heritage Assessment (April 2015)  
Report on Trees (December 2014) with addendum report (November 2018)  
Phase 1 Contaminated Land Investigation (June 2015)  
Extended Phase 1 Habitat Survey (September 2018)  
Viability Assessment & Appendices (November 2018)

Reason: For the avoidance of doubt.

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a). the parking of vehicles of site operatives and visitors;
- b). hours of construction working
- c). loading and unloading of plant and materials;
- d). storage of plant and materials used in constructing the development;
- e). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f). wheel washing facilities;
- g). measures to control the emission of noise, vibration, dust and dirt during construction;
- h). a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i). delivery, demolition and construction working hours.

Reason: This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, ENV2, T1 and T2.

04. No demolition, building, engineering or other operations shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition, building, engineering or other operations shall take place other than in accordance with the approved Written Scheme of Investigation

Reason: This condition is necessary in accordance with Section 12 of the NPPF

(paragraph 141) and Plan Policy ENV28 as the site is of archaeological significance.

05. No development shall commence above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate materials are used in the interests of the visual amenity of the area in accordance with Plan Policies ENV1 and SP19.

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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

07. The development shall be carried out in accordance with the landscaping details shown on approved Drawing 1751 14 plots site 500/k and the recommendations set out in the submitted Tree Survey (2014) and Arboricultural Report – Addendum (2018).

Reason: In the interests of amenity having regard to Plan Policy ENV1.

08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity having regard to Plan Policy ENV1.

09. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed. [In this condition “retained tree” means an existing

tree which is to be retained in accordance with the approved plans and particulars.]

Reason: In the interests of amenity having regard to Plan Policy ENV1.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works.
- The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to



avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: In accordance with Plan Policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Plan Policy ENV1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason: In accordance with Plan Policy ENV1 and in the interests of highway safety.

13. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In accordance with Plan Policy ENV1 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.

14. 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 (York Road) from a point measured 2.4 metres down the centre line of the access road. 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 Plan Policy T2 and in the interests of road safety.

15. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
  - b. a partnership approach to influence travel behaviour
  - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
  - d. provision of up-to-date details of public transport services
  - e. continual appraisal of travel patterns and measures provided through the travel plan
  - f. improved safety for vulnerable road users
  - g. a reduction in all vehicle trips and mileage
  - h. a programme for the implementation of such measures and any proposed physical works
  - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
- The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with Plan Policy SP15 and to establish measures to encourage more sustainable non-car modes of transport.

16. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. No part of the development shall be brought into use until the approved drainage works have been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

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

Reason: To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network.

18. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with

the Local Planning Authority. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

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

19. No above ground works of the development shall be commenced until either it has been demonstrated that at least 10% of the energy requirements supply of the development for that phase has been secured from decentralised and renewable or low-carbon energy sources; or an alternative to reduce energy consumption, such as a 'fabric first' approach, has been agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and timetable and retained, maintained and retained thereafter.

Reason: In the interest of sustainability, to minimise the impact of development in accordance with Plan Policy SP16.

20. No development shall commence above slab level until a scheme for the provision of bird and bat boxes as recommended in the submitted Extended Phase 1 Habitat Survey (2018) has been submitted and approved by the local planning authority. The approved scheme shall be implemented prior to the occupation of any dwelling.

Reason: In the interests of nature conservation and in order to comply with Plan Policies ENV1 and SP18.

#### INFORMATIVES:

Under the terms of the Land Drainage Act.1991 and the Ouse & Derwent Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

## **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**

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

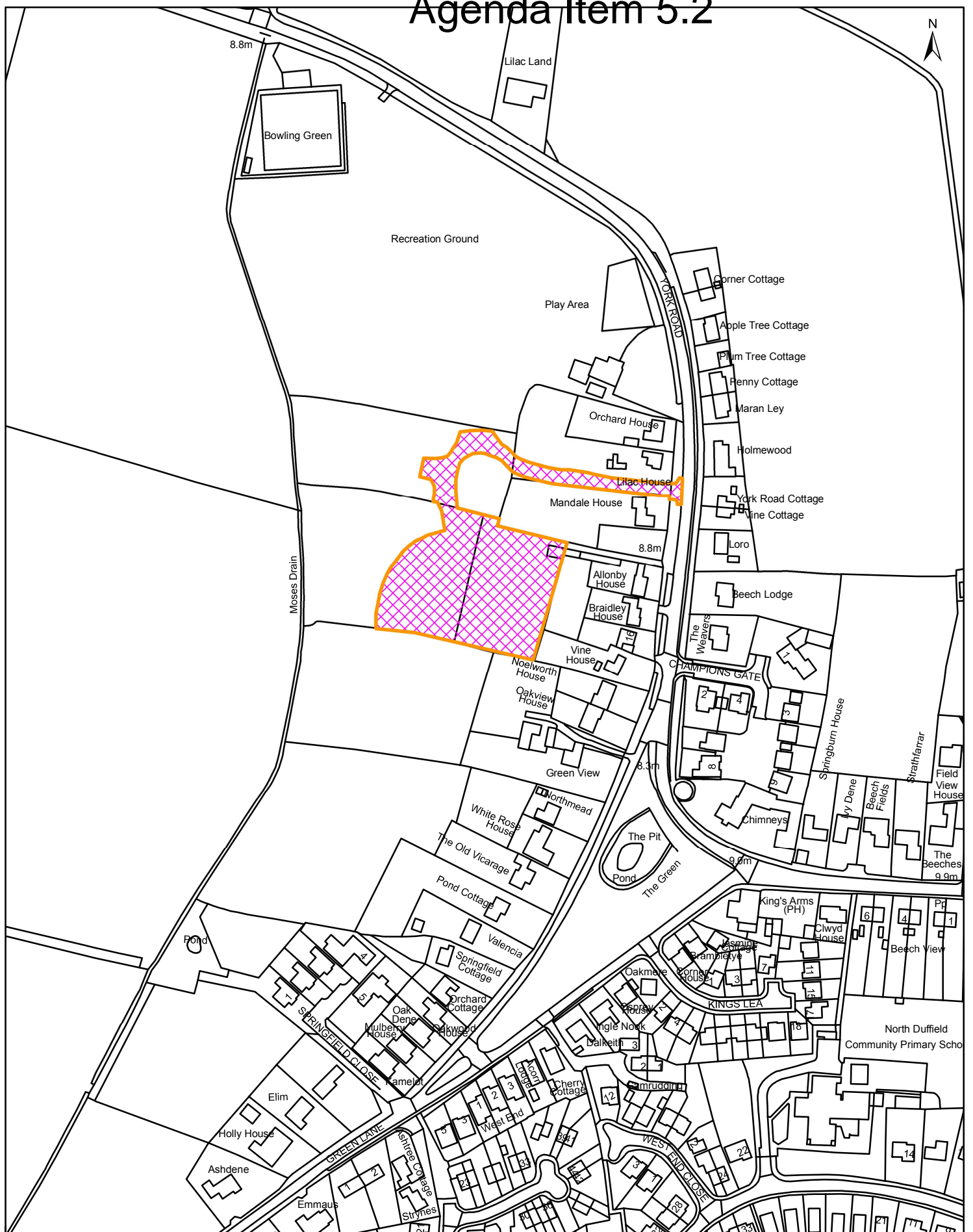
**9. Background Documents**

Planning Application file reference 2018/1346/FULM and associated documents.

**Contact Officer:** Gary Bell, Principal, Planning Officer

**Appendices:** None

# Agenda Item 5.2



## APPLICATION SITE

2018/1345/FUL

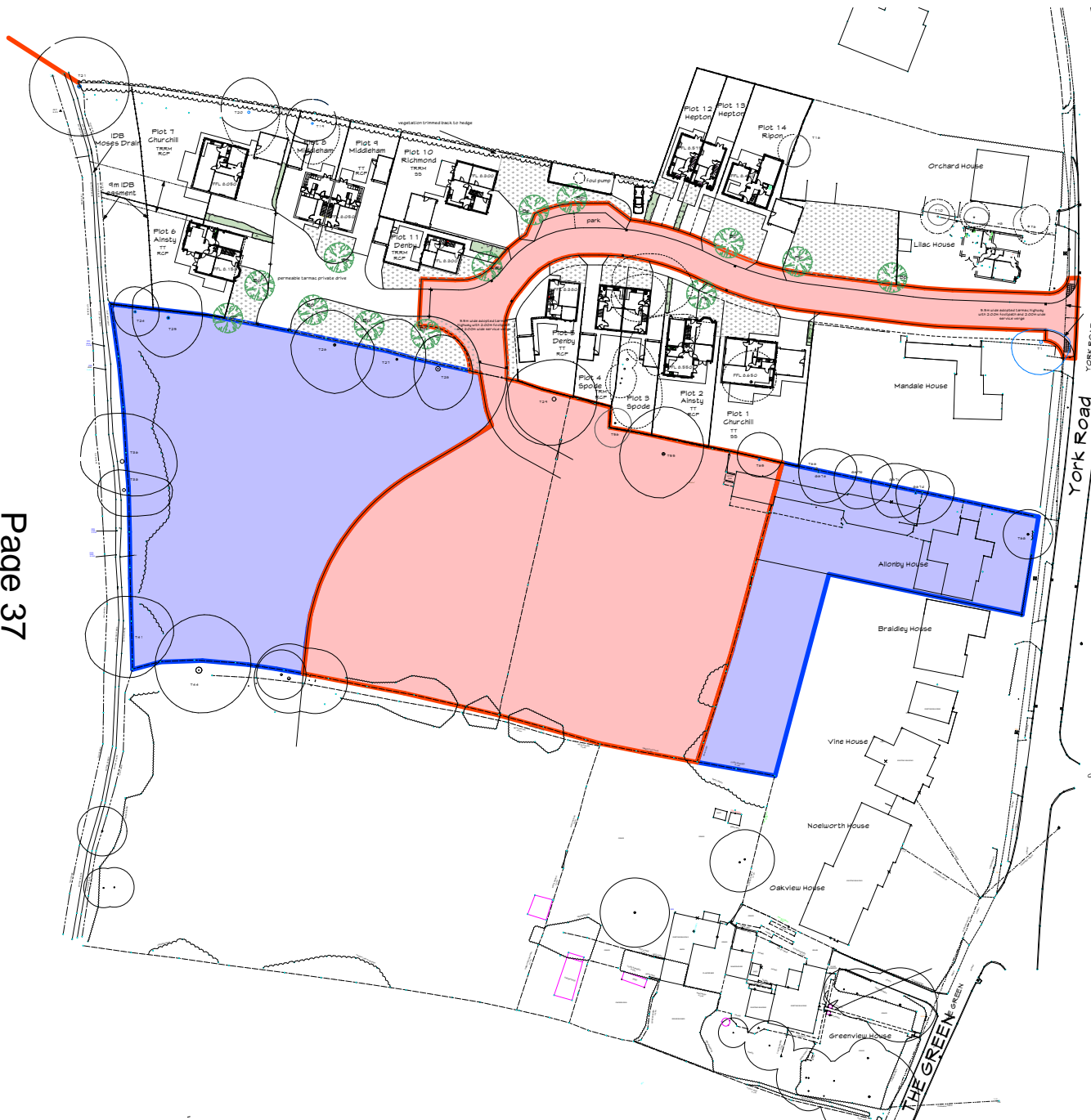
Land at The Paddocks, York Road, North Duffield

Page 35

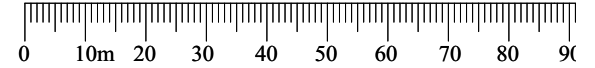
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**AMENDED  
DRAWING**



Amendments	
a)	Feb'19 house position revised site layout revised
b)	March'19 house footprint removed
<b>BRIAN SCOTT DESIGNS LLP</b> Blacksmiths Cottage, Station Rd., Wistow, Selby, North Yorkshire.YO8 3UZ Tel: ( email: info@brianscottedesigns.co.uk	
Client <b>Mrs. J. Hubbard</b>	
Project Proposed self build dwelling behind Allonby House York Road, North Duffield.	
Drawing Application siteplan and location plan	
Date	Nov'18
Scale	1:1250
Drawing No.	1863 single plot behind Allonby House /b
Sheet size	A4

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**Report Reference Number:** 2018/1345/FUL

**To:** Planning Committee  
**Date:** 24th April 2019  
**Author:** Gary Bell (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1345/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	28th November 2018 23rd January 2019
PROPOSAL:	Proposed erection of self-build dwelling and construction of access road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT		

The application is one of four related applications that have been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appear on this agenda. This application has been brought before Planning Committee as the application is contrary to the requirements of the Development Plan. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site, which is broadly square in shape and amounts to 0.61 hectares of unused paddock/grazing land, is located outside the defined development limits of North Duffield. The site lies to the rear of Allonby House (owned by the applicant) and the neighbouring 3 York Road properties to the south albeit those properties are separated from the application site by a 15 metre deep area of land associated with Allonby House. Access is shown as running through

land to the north, which is the subject of application number 2018/1346/FULM (found elsewhere on this agenda), and emerging onto York Road between Mandale House and Lilac House.

- 1.2 The land is generally flat but drains naturally towards Moses Drain. The western boundary is mid-way through a paddock with the remainder of the paddock, Moses Drain and agricultural land beyond. To the north, the site boundary is marked by a number of trees beyond which is a similarly disused paddock and land to the south of the application site consists of more paddock/grassland. All of this paddock land is subject to other current applications for residential development (found elsewhere on this agenda).
- 1.3 Other than the mature trees to the northern boundary, there are no natural features of note within the main body of the site. The site does contain a recently constructed building, described as a wildlife tower providing nesting, roosting and hibernating boxes for a wide range of birds, hedgehogs and bats, which is to be retained and set within a “meadow” area and which has informed the siting of the proposed dwelling within the site.

### **The Proposal**

- 1.4 The application seeks full planning permission for a single dwelling described as a self-build project to deliver a sustainable home of contemporary design. The Planning Statement accompanying the application describes the proposal as part of Phase 1 of the development of The Paddocks with land to the south likely to follow as Phase 2. The Statement contends that it has not been possible to deliver an earlier outline planning permission, covering the whole of the land referred to as The Paddocks, and that the current proposals for a phased and disaggregated approach will see development proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders.
- 1.5 The application is accompanied by the following documents:
  - Application form, Certificate B and Agricultural Holdings Certificate
  - Drawing No: 1863 Application Site Plan and Location Plan
  - Drawing No:1347\_AR50\_01 Scheme Proposals
  - 13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)
  - Heritage Assessment (April 2015)
  - Tree Survey (December 2014) with Arboricultural Report - Addendum (November 2018)
  - Phase 1 Contaminated Land Investigation (June 2015)
  - Extended Phase 1 Habitat Survey (September 2018)

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An outline application (reference: 2015/0517/OUT) to include access and layout for residential and associated development (35 dwellings) on land to the west of York Road (The Paddocks) was approved on 3 December 2015.

- 1.8 An outline application (reference: 2018/1344/OUTM) including access (all other matters reserved) for erection of dwellings and construction of access is pending consideration and on this agenda.
- 1.9 A full application (reference: 2018/1346/FULM) for the proposed erection of 14 dwellings and creation of new access is pending consideration and on this agenda.
- 1.10 An outline application (reference: 2018/1347/OUTM) to include access (all other matters reserved) for erection of 2 dwellings and construction of access is pending consideration and on this agenda.

## 2. CONSULTATION AND PUBLICITY

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** – The initial response raised concerns regarding the location of the proposed dwelling in relation to neighbouring property and the visual impact of the modern design. A subsequent response stated “North Duffield Parish Council supports this application.
- 2.2 **NYCC Highways** – No objections and recommends conditions requiring detailed plans of road and footway layouts, the submission and approval of both a Construction Management Statement and a Travel Plan, the provision of visibility splays and a site construction access and details of surface water discharge arrangements.
- 2.3 **Yorkshire Water** – No comments received.
- 2.4 **Ouse & Derwent IDB** – No objection and recommends conditions in relation to surface water drainage and maintenance clearance adjacent to the watercourse together with details of various consents required of the Board.
- 2.5 **NYCC Archaeology** – seek the submission of archaeological evaluation reports firstly by way of a geophysical survey. (Members should note that, at the time of the previously approved application this issue was dealt with by way of a condition).
- 2.6 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Twenty letters of representation have been received from members of the public raising the following issues in support of the application:

- Small scale new development will support local services and maintain viability.
- The development is sympathetic and will blend in with the village.
- The mix and variety of housing proposed at The Paddocks.
- Limited impact on neighbouring properties.
- Support for local school, businesses and sports teams.
- Outline planning permission has been previously granted.
- The site is self-contained and development will not impact on the layout of the village.
- The development provides opportunity for smaller local builders.
- Moses Drain considered to be a natural boundary.

- The development would help balance the village layout with most recent new housing being adjoining the A163.
- The development would contribute to the Council's 5 year housing land supply within a Designated Service Village.
- Support for an eco-house given the associated environmental benefits.
- Open space and the wildlife tower are to be retained on the site.

One letter of representation have been received from neighbouring local residents objecting to the application on the following grounds;

- Loss of open views.
- Impact on flooding and sewerage, already considered to be a problem.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the south east of the site is mixed but largely residential in nature. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

#### **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
  - SP5 – The Scale and Distribution of Housing
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP12 - Access to Services
  - 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 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

3.5 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

#### **Other Policies/Guidance**

3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document, 2007
- North Duffield Village Design Statement, 2012

## **4. APPRAISAL**

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

- The Principle of Development
- Highway Impact
- Landscape, Design and Visual Impact
- Flood Risk and Drainage
- Impact on Residential Amenity
- Biodiversity and Ecology
- Impact on Heritage Assets
- Ground Conditions
- Affordable Housing
- Recreational Open Space

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

4.2 On 10 August 2018, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 6.5 years, as set out in the 2018-2023 - Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The

NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide additional dwellings to the housing supply.

- 4.3 It is noted that this site was previously included as part of the 5 year supply under outline permission 2015/0517/OUT for 35 dwellings, however its loss from the supply would not have a significant effect on the 6.5 year supply, which represents a surplus of 768 (without these 35 dwellings) as of the 1 April 2018.
- 4.4 Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.5 The previous outline permission (2015/0517/OUT), covering a larger site that included the land in this application, was granted when the Council could not demonstrate a deliverable 5 year supply of housing land and was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. However the outline permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 4.6 CS Policies SP2 and SP4 focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. Other than the accesses which run between existing houses fronting York Road, this outline proposal is on land that is immediately adjacent to but outside of the defined Development Limits of North Duffield as shown in the Local Plan. Hence the proposal is contrary to CS Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise.
- 4.7 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs as a whole which, the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether North Duffield has exceeded its dwelling target.
- 4.8 As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 25 dwellings (25 net), giving a gross total of 37 dwellings (35 net). This is at the upper end of what the DSV growth options study assessed as being a sustainable amount of growth over the plan period. The proposed development would increase the number of dwellings beyond this.

- 4.9 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land at The Paddocks are currently under consideration and appear elsewhere on this agenda.
- 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.
- 4.11 North Duffield contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also benefits from a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location. A number of those making representations have stressed the need for new housing to support and maintain the viability of the existing services and facilities.
- 4.12 In granting the previous outline consent, and notwithstanding the policy context existing at the time, the Council considered that the development of the land known as The Paddocks, of which this application forms part, was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 4.13 The NPPF, at Paragraph 38, encourages decision-makers to seek to approve applications for sustainable development where possible and, at Paragraph 59, to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The Framework goes on to state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The applicants have indicated that an early start on site would be possible should permission be granted such that new homes would be delivered earlier than with some extant permissions elsewhere in the District. As recognised above in the Planning Policy response, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply – a position repeated by numerous appeal Inspectors.
- 4.14 Given the nature and scale of the proposal, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of

housing. The site has been previously assessed as being an appropriate location for housing and been included in the Council's supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development but minimum dwelling targets have not been set. Those representations received from third parties in support of the application, together with those of the agent, suggest that North Duffield has seen a relatively small amount of new development in recent years and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that viability of numerous services and facilities would be enhanced. It is still necessary, however, to consider whether those other matters of acknowledged interest still weigh in favour of the development or not.

### **Highway Impact**

4.15 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1(2), T1 and T2 and CS Policy SP15. NYYC Highways have stated that there has been pre-application discussions regarding this site and there were no objections at that stage and it was agreed that the access road would be put forward for adoption (Section 38 Agreement) and a plan was submitted to NYYC Highways Officers which was considered agreeable in terms of road adoption and access onto York Road. Consequently the Local Highway Authority has recommended that conditions are attached to any permission granted. These conditions relate to:

- Detailed plans of road and footway layout
- Construction of roads and footways prior occupation of dwellings
- Discharge of surface water
- Site construction access
- Visibility splays
- Travel plans
- Construction Management Statement

4.16 Given the Highway Authority's comments, it is not considered that the scheme will result in any adverse impact on the highway network or compromise highway safety such that it is acceptable in highway terms and accords with relevant Local Plan policies.

### **Landscape, Design and Visual Impact**

4.17 The site is located outside of the Development Limits for North Duffield, in the countryside, and CS Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. It is therefore important to determine the impact the proposed scheme has on its surroundings. The PLAN Selby evidence document "Settlement Setting Landscape Assessment" (October 2015) finds that the overall landscape assessment for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development.

4.18 As mentioned above, development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the



development proposed in the current applications for The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.

- 4.19 There are a number of significant broad-leaved trees which occur on the field boundaries around the site and these are to remain. Due to screening from trees and hedgerows to the north and existing properties fronting York Road, it is not considered that the proposed house will intrude into views approaching the village from the north. A Landscape Masterplan has been submitted which indicates that significant new tree planting and landscaping works will take place to form both a garden for the proposed house and enhancements to the habitat potential of the land surrounding the existing wildlife tower. Such works will both supplement those trees existing on the northern boundary of the site which are to be retained and provide some screening and softening of views from existing neighbouring houses. The applicant has submitted a Tree Survey which states that the majority of trees are located on the perimeter of the site, are of moderate to low quality but offer screening and a good level of amenity. The report also recognises that trees on site would benefit from remedial tree work (pruning and removal of deadwood and ivy) which would benefit their general health and vigour and that some trees would also benefit from being crown lifted to ensure useable space is available under the trees for general amenity as part of the overall development.
- 4.20 The immediate area is characterised by a wide range of house types, development forms and materials. Residential development adjoining the site to the east is all 2-storey, predominantly detached, mostly relatively modern housing and generally constructed from red/brown brickwork with pantile or slate roofs. The submitted plans show that the proposed house would be contemporary in design. The house is designed to achieve high levels of sustainability with features such as a flat, part-green roof (sedum), a roof mounted PV array, an underground tank for rainwater recycling and a ground source heat pump. The external materials chosen reflect the innovative and modern design with specialist brickwork interspersed with copper and zinc metal cladding features. It is acknowledged that the proposed house differs in character from those surrounding properties. However, the house will not be widely visible beyond the immediate neighbours and, should permission for The Paddocks land be granted, those new houses that will surround the application site. It is not considered that the proposed house would be prominent in views from any of the approaches to the village and the proposed form and setting within a landscaped setting would maintain the current visual character of the village edge. The NPPF is strongly supportive of innovative and sustainable design and states that a suitable degree of variety should be allowed taking account of the form and layout of the surroundings. The proposal, being a detached house in a reasonably sized plot reflects the nature of this part of North Duffield.

### **Flood Risk and Drainage**

- 4.21 The application site is located in Flood Zone 1 (low probability of flooding). The application confirms that with respect to surface water run-off drainage this would be directed to sustainable drainage systems utilising an underground tank and soakaways. A private system will pump foul drainage to the public sewer in York Road. No comments have been received from Yorkshire Water and the relevant Internal Drainage Board has not objected to the drainage proposals subject to the

inclusion in any permission of conditions requiring further detailed schemes for both foul and surface water.

### **Impact on Residential Amenity**

- 4.22 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 200 of the NPPF. The initial layout has been the subject of revision by the applicant following concerns regarding the original location of the proposed house expressed by a neighbour. The layout is now considered to be acceptable with separation distances between existing and proposed dwellings exceeding normally acceptable minimum standards. The proposed house will be sited to the rear of Allonby House (owned by the applicant) and neighbouring Braidley House but at a distance of some 40 metres being set 10.5 metres into the application site. Consequently, it is not considered that there will be any detrimental impact on the amenity of existing properties.
- 4.23 The access into the application site is proposed to run through the land to the north (utilising the same road that is proposed under application number 2018/1346/FULM). The access is taken off York Road between Lilac House and Mandale House. It is considered that there is an adequate separation distance between the two existing dwellings and the proposed access road and that there would not be a significant detrimental impact on the residential amenity on these two existing dwellings as a result of the proposed access road.
- 4.24 Having taken into account the matters discussed above it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.

### **Biodiversity and Ecology**

- 4.25 The application site is not protected, formally or informally, as a site for nature conservation. The applicant has submitted an ecological survey prepared by Wold Ecology which considers the whole of the land known as The Paddocks and which concludes that the proposed development is unlikely to impact upon any protected species or associate habitats. The report from the ecological consultants makes recommendations for the installation of bird and bat boxes however, as mentioned above, the application site contains an existing wildlife tower which more than adequately makes provision for wildlife and habitat creation. The proposal is considered to be beneficial in terms of its impacts on nature conservation interests.

### **Impact on Heritage Assets**

- 4.26 The applicant has submitted a Heritage Assessment which states that there are no Designated Heritage Assets (Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Battlefields or Historic Gardens) within or bordering the proposed application site. It goes on to refer to what could be considered to be non-designated Heritage Assets within the proposed application site, namely the historic landscape characterisation as an area of Post-medieval Parliamentary Enclosure and evidence of Ridge and Furrow cultivation. The report does, however, conclude that there are no cultural heritage or archaeological reasons to prevent development.

- 4.27 The County Archaeologist has made representations suggesting that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. It is also suggested that this work should be undertaken prior to a decision being taken on the application. However, when the earlier outline application was considered and approved, the Council considered that the information provided within the desk based study provided sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development. The NPPF requires that a balanced judgement be made regarding the possible effect of an application on the significance of a non-designated asset having regard to the scale of any harm and the significance of the asset. Given the nature of the assets concerned it is again considered that, on balance, any harm to the non-designated asset would be outweighed by the benefits of the proposal and an appropriately worded planning condition is recommended.

### **Ground Conditions**

- 4.28 The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by The YES Consultancy @ The City of York Council (who now act as the Council's consultant on such matters). This report states that there has been no past industrial activity on the site and no evidence of land contamination has been observed. Whilst this report dates from 2015, the submitted Planning Statement confirms that there has been no activity on the site that could have changed the conditions of the land. A closed landfill site is located approximately 200m to the north east of the site, however it can be concluded that the application site poses a low contaminant risk and the proposals are therefore acceptable with respect to contamination.

### **Affordable Housing**

- 4.29 CS Policy SP9 states that the Council will seek to achieve 40% affordable housing within overall housing delivery and, in pursuit of this aim, will negotiate for on-site provision of affordable housing on those market housing sites at or above the threshold of 10 dwellings consistent with the provisions of the NPPF. However, certain proposals below this threshold are subject to the payment of a commuted sum. The applicant has sought to comply with the advice contained in the Council's Supplementary Planning Document and has offered an acceptable commuted sum that will be the subject of a Section 106 Agreement.

### **Recreational Open Space**

- 4.30 Policy in respect of the provision of recreational open space is provided by SDLP Policy RT2, CS policies SP12 and SP19 together with the Developer Contributions Supplementary Planning Document. The applicant has, however, agreed a transfer of land, considered to be in excess of that required for the development planned for the whole of the land known as The Paddocks, to the Parish Council for use as allotments. The agent has confirmed that the land in question has already been provided with a new access, car park and water supply and will be transferred on the granting of planning permission for what is described as Phase 1 of the

development of The Paddocks (this application together with 2018/1345/FUL and 2018/1347/OUT which also appear on this agenda). This scheme is considered acceptable in compliance with policy RT2 and will be secured through a Section 106 Agreement.

## **5. CONCLUSION**

- 5.1 The proposed scheme is for a single self-build dwelling of contemporary design and is on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to CS Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 5.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring some limited economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposal would also see the applicant's current house become available to bring additional residents to the area who in turn would contribute to the local economy through supporting local businesses and facilities.
- 5.3 The proposal achieves a more limited social role in that the applicant is proposing that land be transferred to the Parish Council for use as allotments which are believed to be a welcome provision locally.
- 5.4 The proposal takes into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to the presence of local services within North Duffield and access to public transport, the need to travel by car can be reduced. The proposal is also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, acknowledged that the development would bring some limited economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 5.5 Notwithstanding the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application for a single dwelling would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that the viability of numerous services and facilities would be enhanced.

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

## 6. RECOMMENDATION

This application is recommended to be GRANTED subject to the completion of a S106 Agreement and the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

1347\_AR50\_01C Scheme Proposals

1863/b Application Site Plan & Location Plan

13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)

Masterplan Landscape

Phase 1 Heritage Assessment (April 2015)

Report on Trees (December 2014) with update (November 2018)

Phase 1 Contaminated Land Investigation (June 2015)

Extended Phase 1 Habitat Survey (September 2018)

Reason: For the avoidance of doubt.

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a). the parking of vehicles of site operatives and visitors;
- b). hours of construction working
- c). loading and unloading of plant and materials;
- d). storage of plant and materials used in constructing the development;
- e). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f). wheel washing facilities;
- g). measures to control the emission of noise, vibration, dust and dirt during construction;
- h). a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i). delivery, demolition and construction working hours.

Reason: This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, ENV2, T1 and T2.

04. No demolition, building, engineering or other operations shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition, building, engineering or other operations shall take place other than in accordance with the approved Written Scheme of Investigation

Reason: This condition is necessary in accordance with Section 12 of the NPPF (paragraph 141) and Plan Policy ENV28 as the site is of archaeological significance.

05. No development shall commence above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate materials are used in the interests of the visual amenity of the area in accordance with Plan Policies ENV1 and SP19.

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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

07. The development shall be carried out in accordance with the landscaping details shown on approved Drawing Masterplan Landscapek and the recommendations set out in the submitted Tree Survey (2014) and Arboricultural Report – Addendum (2018).

Reason: In the interests of amenity having regard to Plan Policy ENV1.

08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity having regard to Plan Policy ENV1.

09. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed. [In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Reason: In the interests of amenity having regard to Plan Policy ENV1.

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

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

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

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

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

- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - kerb and edging construction details
  - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.
- The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### INFORMATIVE

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

Reason: In accordance with Plan Policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. The dwelling to which this planning permission relates shall not be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the dwelling is occupied.

Reason: In accordance with Plan Policy ENV1 and to ensure safe and appropriate access and egress to the dwelling, in the interests of highway safety and the convenience of prospective residents.

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



Reason: In accordance with Plan Policy ENV1 and in the interests of highway safety.

13. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In accordance with Plan Policy ENV1 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.

14. 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 (York Road) from a point measured 2.4 metres down the centre line of the access road. 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 Plan Policy T2 and in the interests of road safety.

15. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. No part of the development shall be brought into use until the approved drainage works have been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

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

Reason: To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network.

INFORMATIVES:

Under the terms of the Land Drainage Act.1991 and the Ouse & Derwent Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

## **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**

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

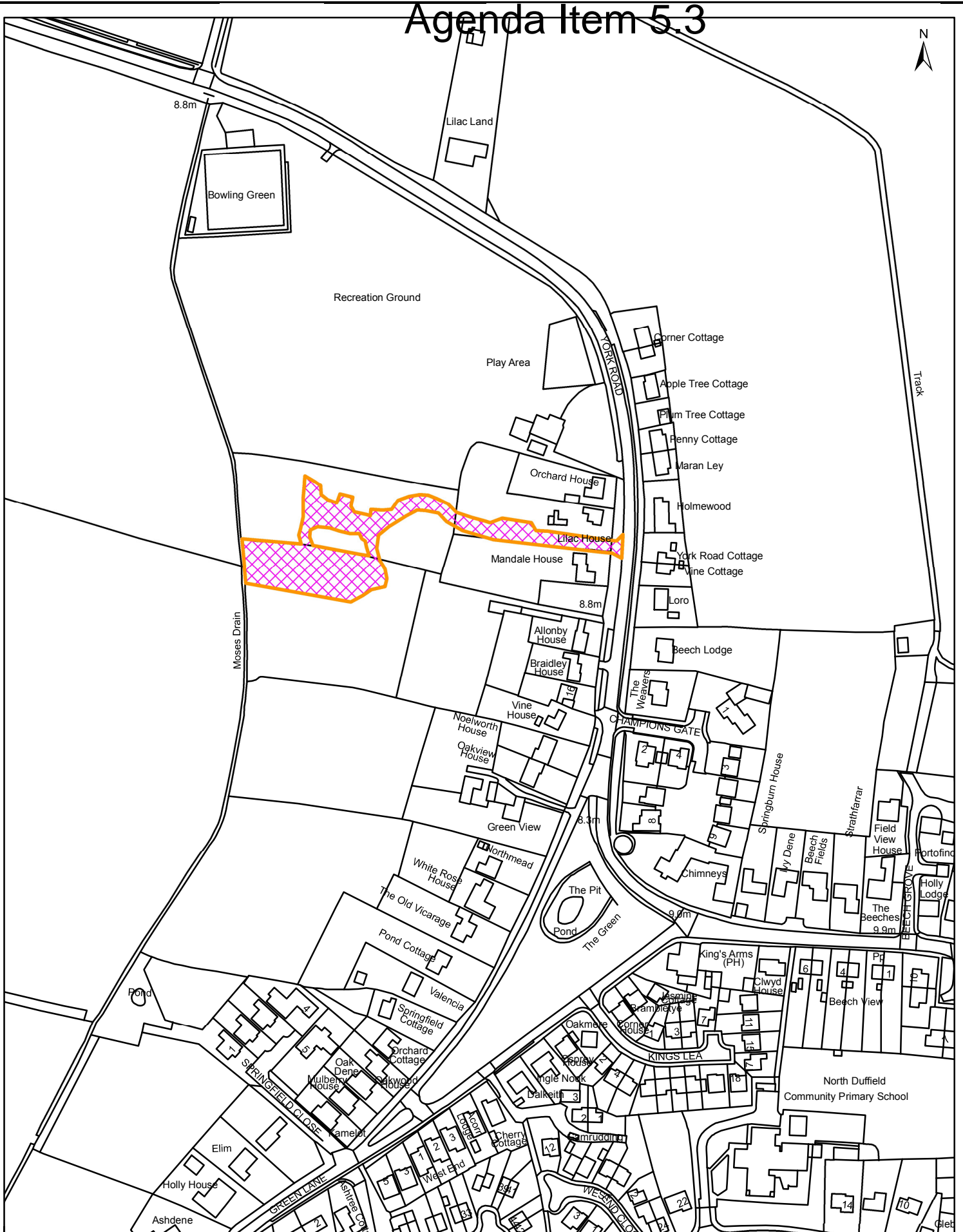
## **9. Background Documents**

Planning Application file reference 2018/1345/FUL and associated documents.

**Contact Officer:** Gary Bell, Principal Planning Officer

**Appendices:** None

# Agenda Item 5.3



## APPLICATION SITE

2018/1347/OUT

Land at The Paddocks, York Road, North Duffield

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**Report Reference Number:** 2018/1347/OUT

**To:** Planning Committee  
**Date:** 24th April 2019  
**Author:** Gary Bell (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1347/OUT	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	26th November 2018 21st January 2019
PROPOSAL:	Erection of up to 2 single storey custom-build dwellings and construction of access from York Road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT		

The application is one of four related applications that have been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appear on this agenda. This application has been brought before Planning Committee as the application is contrary to the requirements of the Development Plan. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to 0.34 hectares of unused paddock/grazing land, is located outside the defined development limits of North Duffield. The site lies to the rear of Allonby House albeit at a distance in excess of 100 metres from the rear elevation of the existing dwelling. Access is shown as running through land to the north, which is the

subject of application number 2018/1346/FULM (found elsewhere on this agenda), and emerging onto York Road between Mandale House and Lilac House.

- 1.2 The land is generally flat but drains naturally towards Moses Drain which forms its western boundary across which is open agricultural land. To the north, the site boundary is marked by a number of trees beyond which is a similarly disused paddock and land to the south and east of the application site consists of more paddock/grassland. All of this paddock land is subject to other current applications for residential development (found elsewhere on this agenda).
- 1.3 Other than the mature trees to the northern boundary, there are no physical features of note within the main body of the site.

### **The Proposal**

- 1.4 The application seeks outline planning permission for residential development of up to 2 dwellings with all matters except access reserved for future consideration. The Planning Statement accompanying the application describes the proposal as part of Phase 1 of the development of The Paddocks with land to the south likely to follow as Phase 2. The Statement contends that it has not been possible to deliver an earlier outline planning permission, covering the whole of the land referred to as The Paddocks, and that the current proposals for a phased and disaggregated approach will see development proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders. The application is described as providing an opportunity for custom-build bungalow development.
- 1.5 The application is accompanied by the following documents:
  - Application form, Certificate B and Agricultural Holdings Certificate
  - Drawing No: 1859 Application Site Plan and Location Plan
  - 13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)
  - Heritage Assessment (April 2015)
  - Tree Survey (December 2014) with Arboricultural Report - Addendum (November 2018)
  - Phase 1 Contaminated Land Investigation (June 2015)
  - Extended Phase 1 Habitat Survey (September 2018)

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An outline application (reference: 2015/0517/OUT) to include access and layout for residential and associated development (35 dwellings) on land to the west of York Road (The Paddocks) was approved on 3 December 2015.
- 1.8 An outline application (reference: 2018/1344/OUTM) including access (all other matters reserved) for erection of dwellings and construction of access is pending consideration and on this agenda.



1.9 A full application (reference: 2018/1345/FUL) for the proposed erection of self-build dwelling and construction of access road is pending consideration and on this agenda.

1.10 A full application (reference: 2018/1346/FULM) for the proposed erection of 14 dwellings and creation of new access is pending consideration and on this agenda.

## 2. CONSULTATION AND PUBLICITY

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

2.1 **Parish Council** – Responded with no comments to make.

2.2 **NYCC Highways** – No objections and recommends conditions requiring detailed plans of road and footway layouts, the submission and approval of both a Construction Management Statement and a Travel Plan, the provision of visibility splays and a site construction access and details of surface water discharge arrangements.

2.3 **Yorkshire Water** – no comments received.

2.4 **Ouse & Derwent IDB** – Has no objection and recommends conditions in relation to surface water drainage and maintenance clearance adjacent to the watercourse together with details of various consents required of the Board.

2.5 **NYCC Archaeology** – Seek the submission of archaeological evaluation reports firstly by way of a geophysical survey. (Members should note that, at the time of the previously approved application this issue was dealt with by way of a condition).

2.6 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Twenty letters of representation have been received from members of the public raising the following issues in support of the application:

- Small scale new development will support local services and maintain viability.
- The development is sympathetic and will blend in with the village.
- The mix and variety of housing proposed at The Paddocks.
- Limited impact on neighbouring properties.
- Support for local school, businesses and sports teams.
- Outline planning permission has been previously granted.
- The site is self-contained and development will not impact on the layout of the village.
- The development provides opportunity for smaller local builders.
- Moses Drain considered to be a natural boundary.
- The development would help balance the village layout with most recent new housing being adjoining the A163.
- The development would contribute to the Council's 5 year housing land supply within a Designated Service Village.
- Support for an eco-house given the associated environmental benefits.
- Open space and the wildlife tower are to be retained on the site.

One letter of representation have been received from neighbouring local residents objecting to the application on the following grounds;

- Loss of open views.
- Impact on flooding and sewerage, already considered to be a problem.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the south east of the site is mixed but largely residential in nature. The western boundary of the application site is marked by Moses Drain with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

#### **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
  - SP5 – The Scale and Distribution of Housing
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP12 - Access to Services
  - 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 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the*

*closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

3.5 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

#### **Other Policies/Guidance**

3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document, 2007
- North Duffield Village Design Statement, 2012

## **4. APPRAISAL**

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

- The Principle of Development
- Highway Impact
- Landscape, Design and Visual Impact
- Flood Risk and Drainage
- Impact on Residential Amenity
- Biodiversity and Ecology
- Impact on Heritage Assets
- Ground Conditions
- Affordable Housing
- Other Issues

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

4.2 On the 10th August 2018, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 6.5 years, as set out in the 2018-2023 - Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide additional dwellings to the housing supply.

- 4.3 It is noted that this site was previously included as part of the 5 year supply under outline permission 2015/0517/OUT for 35 dwellings, however it is important to note that its loss from the supply has a negligible effect on the 6.5 year supply, which represents a surplus of 768 (without the previously approved 35 dwellings) as of the 1st of April 2018.
- 4.4 Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.5 The previous outline permission (2015/0517/OUT), covering a larger site that included the land in this application, was granted when the Council could not demonstrate a deliverable 5 year supply of housing land and was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. However the outline permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 4.6 CS Policies SP2 and SP4 focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. North Duffield is defined in the Core Strategy as a Designated Service Village, such villages having some scope for additional residential and small scale employment to support rural sustainability. Other than the accesses which run between existing houses fronting York Road, this outline proposal is on land that is adjacent to but outside of the defined Development Limits of North Duffield as shown in the Local Plan. Hence the proposal is contrary to CS Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise.
- 4.7 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs as a whole which, the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether North Duffield has exceeded its dwelling target.
- 4.8 As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 25 dwellings (25 net), giving a gross total of 37 dwellings (35 net). This is at the upper end of what the DSV growth options study assessed as being a sustainable amount of growth over the plan period. The proposed development would increase the number of dwellings beyond this.

- 4.9 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal for up to 2 dwellings is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land at The Paddocks are currently under consideration and appear elsewhere on this agenda.
- 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.
- 4.11 North Duffield contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also benefits from a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location. A number of those making representations have stressed the need for new housing to support and maintain the viability of the existing services and facilities.
- 4.12 In granting the previous outline consent, and notwithstanding the policy context existing at the time, the Council considered that the development of the land known as The Paddocks, of which this application forms part, was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 4.13 The NPPF, at Paragraph 38, encourages decision-makers to seek to approve applications for sustainable development where possible and, at Paragraph 59, to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The Framework goes on to state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The applicants have indicated that an early start on site would be possible should permission be granted such that new homes would be delivered earlier than with some extant permissions elsewhere in the District. As recognised above in the Planning Policy response, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply – a position repeated by numerous appeal Inspectors.
- 4.14 Given the nature and scale of the proposal, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of

housing. The site has been previously assessed as being an appropriate location for housing and been included in the Council's supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development but minimum dwelling targets have not been set. Those representations received from third parties in support of the application, together with those of the agent, suggest that North Duffield has seen a relatively small amount of new development in recent years and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that viability of numerous services and facilities would be enhanced. It is still necessary, however, to consider whether those other matters of acknowledged interest still weigh in favour of the development or not.

### **Highway Impact**

4.11 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP15 of the Core Strategy. NYCC Highways have stated that there has previously been pre-application discussions regarding The Paddocks land and there were no objections at that stage and it was agreed that the access road would be put forward for adoption (Section 38 Agreement) and a plan was submitted to NYCC Highways Officers which was considered agreeable in terms of road adoption and access onto York Road. Consequently the Local Highway Authority has recommended that conditions are attached to any permission granted. These conditions relate to:

- Detailed plans of road and footway layout
- Construction of roads and footways prior occupation of dwellings
- Discharge of surface water
- Site construction access
- Visibility splays
- Travel plans
- Construction Management Statement

4.12 Taking the Highway Authority's comments into account, it is considered that the scheme will not result in any adverse impact on the highway network or compromise highway safety such that it is acceptable in highway terms and accords with relevant Local Plan policies.

### **Landscape, Design and Visual Impact**

4.13 The site is located outside of the village Development Limits, in the countryside, and CS Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. It is therefore important to determine the impact the proposed scheme has on its surroundings. The PLAN Selby evidence document "Settlement Setting Landscape Assessment" (October 2015) finds that that the overall landscape assessment for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development.

4.14 As mentioned above, development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the

development proposed in the current applications for The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.

- 4.15 Those trees on the periphery of the site identified as having value in the submitted Tree Report will remain subject, in some cases, to remedial/management works to benefit their general health and vigour and ensure useable space is available under the trees for general amenity as part of the overall development. Landscaping would be a reserved matter for future consideration but, notwithstanding the small scale of the site and the proposals, there is no reason why a suitable scheme could not come forward that would complement and safeguard the existing trees whilst ensuring satisfactory amenity for residents of both the proposed dwellings.
- 4.16 The submitted site plan shows, for illustrative purposes only, a possible siting for two dwellings. The layout, scale and appearance of any dwellings constructed would be matters for future consideration as reserved matters however the submitted plan indicates that two dwellings could be constructed that would respect the existing trees on the site together with any development brought forward on the surrounding land. The visual impact of developing the site would be seen in the context of those houses proposed under application number 2018/1346/FULM on land to the north and would not result in undue intrusion when viewed from the approach to the village or from York Road. It is considered highly unlikely that the application site would be brought forward for development without that development to the north given the costs involved in providing the access.

### **Flood Risk and Drainage**

- 4.17 The application site is located in Flood Zone 1 (low probability of flooding). The application confirms that foul water will be connected to the public sewer in York Road and it is anticipated that this will be via the new system proposed for the development on land to the north (application number 2018/1346/FULM found elsewhere on this agenda). With respect to surface water run-off drainage this would be directed to sustainable drainage systems utilising soakaways. Notwithstanding the letter of objection suggesting existing problems with flooding and sewerage, no concerns or objections have been raised by consultees subject to the inclusion in any permission of conditions requiring further detailed schemes for both foul and surface water.

### **Impact on Residential Amenity**

- 4.18 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 200 of the NPPF. As the application is in outline form, layout and the consequent impact on neighbouring properties will be a matter for future consideration. However, the closest relationship will be with houses proposed for land immediately to the north and there is no reason to think that an acceptable layout cannot be achieved on the site.
- 4.19 The access into the application site is proposed to run through the land to the north with the same arrangement as proposed for the application that relates to that land. The connection to the highway network is between Lilac House and Mandale House onto York Road. It is considered that there is an adequate separation distance

between the two existing dwellings and the proposed access road and that there would not be a significant detrimental impact on the residential amenity on these two existing dwellings as a result of the proposed access road.

- 4.20 Having taken into account the matters discussed above it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.

### **Biodiversity and Ecology**

- 4.21 The application site is not protected, formally or informally, as a site for nature conservation. The applicant has submitted an ecological survey prepared by Wold Ecology which concludes that the proposed development is unlikely to impact upon any protected species or associate habitats. The consultation response from Natural England concurs with this view. The report from the ecological consultants makes recommendations for the installation of bird and bat boxes which the applicants have indicated would be acceptable and could be the subject of a planning condition.

### **Impact on Heritage Assets**

- 4.22 The applicant has submitted a Heritage Assessment which states that there are no Designated Heritage Assets (Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Battlefields or Historic Gardens) within or bordering the proposed application site. It goes on to refer to what could be considered to be non-designated Heritage Assets within the proposed application site, namely the historic landscape characterisation as an area of Post-medieval Parliamentary Enclosure and evidence of Ridge and Furrow cultivation. The report does, however, conclude that there are no cultural heritage or archaeological reasons to prevent development.
- 4.23 The County Archaeologist has made representations suggesting that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. It is also suggested that this work should be undertaken prior to a decision being taken on the application. However, when the earlier outline application was considered and approved, the Council considered that the information provided within the desk based study provided sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development. The NPPF requires that a balanced judgement be made regarding the possible effect of an application on the significance of a non-designated asset having regard to the scale of any harm and the significance of the asset. Given the nature of the assets concerned it is again considered that, on balance, any harm to the non-designated asset would be outweighed by the benefits of the proposal and an appropriately worded planning condition is recommended.

### **Ground Conditions**

- 4.24 The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by The YES Consultancy @ The City of York Council (who now act as the



Council's consultant on such matters). This report states that there has been no past industrial activity on the site and no evidence of land contamination has been observed. Whilst this report dates from 2015, the submitted Planning Statement confirms that there has been no activity on the site that could have changed the conditions of the land. A closed landfill site is located approximately 200m to the north east of the site, however it can be concluded that the application site poses a low contaminant risk and the proposals are therefore acceptable with respect to contamination.

### **Affordable Housing**

- 4.25 CS Policy SP9 states that the Council will seek to achieve 40% affordable housing within overall housing delivery and, in pursuit of this aim, will negotiate for on-site provision of affordable housing on those market housing sites at or above the threshold of 10 dwellings consistent with the provisions of the NPPF. The actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application having regard to economic viability.
- 4.26 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 63 that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Whilst the application is in outline, the size of the site and the indicative site layout showing only 2 dwellings means that the site could not accommodate 10 or more dwellings and the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore concluded that there is no requirement to provide affordable housing. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and the NPPF.

### **Other Issues**

- 427 SDLP Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. The application, given the small scale, does not trigger any of the contributions listed.

## **5. CONCLUSION**

- 5.1 The proposed scheme is submitted in outline for up to 2 dwellings with access to be considered at this stage and is on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to Policy SP2A(c) of the Core Strategy and a departure from the development plan and should be refused unless material considerations indicate otherwise.
- 5.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring some limited economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The new occupants of the dwellings

would contribute to the local economy through supporting local businesses and facilities.

- 5.3 The proposal achieves a limited social role in that the application is proposing to make provision for smaller custom-build homes as encouraged by the NPPF.
- 5.4 The proposal takes into account environmental issues such as ecology and biodiversity, flooding and land contamination. Due to the presence of local services within North Duffield and access to public transport, the need to travel by car can be reduced. The proposal is also considered to be acceptable in respect of the access, layout, impact upon residential amenity and drainage in accordance with adopted Local Plan policy. It is, therefore, acknowledged that the development would bring some small economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 5.5 Notwithstanding the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application for a single dwelling would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that the viability of numerous services and facilities would be enhanced.
- 5.6 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Thus, subject to the recommended conditions, the material considerations as set out in this report outweigh the conflict with the Development Plan such that planning permission should be granted.

## **6. RECOMMENDATION**

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

01.No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.

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

02.Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of one year from the date of this permission.

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

03. The development hereby permitted shall be begun before the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved..

Reason: In the interests of amenity having regard to Plan Policy ENV1.

04. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

1859 Application Site Plan and Location Plan  
13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)  
Phase 1 Heritage Assessment (April 2015)  
Report on Trees (December 2014) with update (November 2018)  
Phase 1 Contaminated Land Investigation (June 2015)  
Extended Phase 1 Habitat Survey (September 2018)1751

Reason: For the avoidance of doubt.

05. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a). the parking of vehicles of site operatives and visitors;
- b). hours of construction working
- c). loading and unloading of plant and materials;
- d). storage of plant and materials used in constructing the development;
- e). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f). wheel washing facilities;
- g). measures to control the emission of noise, vibration, dust and dirt during construction;
- h). a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i). delivery, demolition and construction working hours.

Reason: This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, ENV2, T1 and T2.

06. No building, engineering or other operations shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No building, engineering or other operations shall take place other than in accordance with the approved Written Scheme of Investigation

Reason: This condition is necessary in accordance with Section 12 of the NPPF (paragraph 141) and Plan Policy ENV28 as the site is of archaeological significance.

07. 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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

08. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Reason: In the interests of amenity having regard to Plan Policy ENV1.

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

- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works.
- The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### INFORMATIVE

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

Reason: In accordance with Plan Policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

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

Reason: In accordance with Plan Policy ENV1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason: In accordance with Plan Policy ENV1 and in the interests of highway safety.

12. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In accordance with Plan Policy ENV1 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.

13. 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 (York Road) from a point measured 2.4 metres down the centre line of the access road. 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 Plan Policy T2 and in the interests of road safety.

14. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. No part of the

development shall be brought into use until the approved drainage works have been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

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

Reason: To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network.

16. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

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

17. No above ground works of the development shall be commenced until either it has been demonstrated that at least 10% of the energy requirements supply of the development for that phase has been secured from decentralised and renewable or low-carbon energy sources; or an alternative to reduce energy consumption, such as a 'fabric first' approach, has been agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and timetable and retained, maintained and retained thereafter.

Reason: In the interest of sustainability, to minimise the impact of development in accordance with Plan Policy SP16.

18. No development shall commence above slab level until a scheme for the provision of bird and bat boxes as recommended in the submitted Extended Phase 1 Habitat Survey (2018) has been submitted and approved by the local planning authority. The approved scheme shall be implemented prior to the occupation of any dwelling

Reason: In the interests of nature conservation and in order to comply with Plan Policies ENV1 and SP18.

#### INFORMATIVES:

Under the terms of the Land Drainage Act.1991 and the Ouse & Derwent Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres

of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

## **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**

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

## **9. Background Documents**

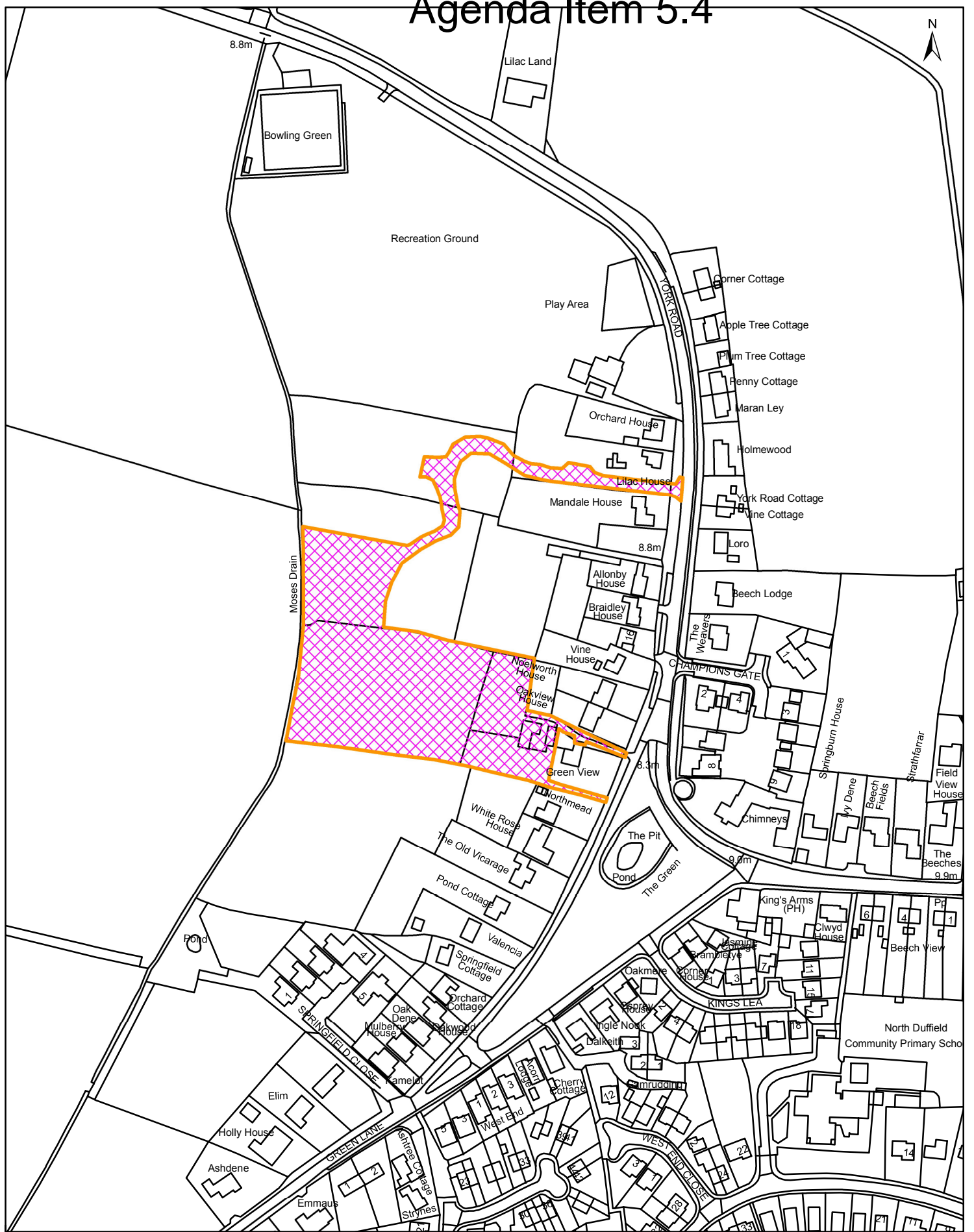
Planning Application file reference 2018/1347/OUT and associated documents.

**Contact Officer:** Gary Bell, Principal Planning Officer

**Appendices:** None



# Agenda Item 5.4



## APPLICATION SITE

2018/1344/OUTM

Land at The Paddocks, York Road, North Duffield  
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**Report Reference Number:** 2018/1344/OUTM

**To:** Planning Committee  
**Date:** 24th April 2019  
**Author:** Gary Bell (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1344/OUTM	PARISH:	North Duffield Parish Council
APPLICANT:	Mr & Mrs J E White & Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	26th November 2018 25th February 2019
PROPOSAL:	Outline application including access (all other matters reserved) for erection of dwellings and construction of access from York Road		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	GRANT		

The application is one of four related applications that have been submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appear on this agenda. This application has been brought before Planning Committee as the application is contrary to the requirements of the Development Plan. However, officers consider that there are material considerations which would support the recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of North Duffield extending to the west behind properties known as Green View, Oakview House and Noelworth House. The L-shaped site amounts to 1.13 hectares of mainly unused paddock and grassland. The area closest to the existing houses is used for caravan storage associated with Green View, a use that benefits from a

Certificate of Lawfulness. Access is shown as running through land to the north, which is the subject of the remaining current applications referred to above, and emerging onto York Road between Mandale House and Lilac House. The existing private drive serving Green View will provide access to a small number of properties within the development.

- 1.2 The land is generally flat but drains naturally towards Moses Drain which forms its western boundary and beyond which is open agricultural land. To the north, the site boundary is partly defined by a hedge with some trees and is open in part. The land is the subject of the current applications referred to above. Land to the south of the application site, marked by a partially culverted watercourse, is further paddock/grassland in different ownership and apparently disused.
- 1.3 There are no physical features of note within the main body of the site but a number of mature broad-leaved trees exist on the boundaries many of which are to remain with some being of poorer quality and to be managed and/or replaced. To the east, across The Green, there are mainly detached houses and Main Street which leads to the main body of the village to the south east.

### **The Proposal**

- 1.4 The application seeks outline planning permission for residential development with all matters except access reserved for future consideration. The Planning Statement accompanying the application describes the proposal as Phase 2 and likely to follow development of the land immediately to the north which is subject to the other submitted applications. The Statement contends that it has not been possible to deliver an earlier outline planning permission, covering the whole of the land referred to as The Paddocks, and that the current proposals for a phased and disaggregated approach will see development proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders.
- 1.5 The application is accompanied by the following documents:
  - Application forms, Certificate B and Agricultural Holdings Certificate
  - Drawing No: 1849 Application Site Plan and Location Plan
  - 13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)
  - Phase 1 Heritage Assessment (April 2015)
  - Report on Trees (December 2014) with update (November 2018)
  - Phase 1 Contaminated Land Investigation (June 2015)
  - Extended Phase 1 Habitat Survey (September 2018)

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 1.7 An outline application (reference: 2015/0517/OUT) to include access and layout for residential and associated development (35 dwellings) on land to the west of York Road (The Paddocks) was approved on 3 December 2015.

- 1.8 An full application (reference: 2018/1345/FUL) for the proposed erection of self-build dwelling and construction of access road is pending consideration and on this agenda.
- 1.9 A full application (reference: 2018/1346/FULM) for the proposed erection of 14 dwellings and creation of new access is pending consideration and on this agenda.
- 1.10 An outline application (reference: 2018/1347/OUTM) to include access (all other matters reserved) for erection of 2 dwellings and construction of access is pending consideration and on this agenda.

## **2. CONSULTATION AND PUBLICITY**

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** – “North Duffield Parish Council cannot realistically comment to this application as it does not give details as to the numbers and types of houses. The original development was one application for 35 houses, which the Parish Council and the majority of residents supported. This has now been sub - divided into 4 separate applications and the Parish Council would like to see more detailed information of this particular proposal before commenting further.”

(Members should note that as this application is seeking outline consent there is no requirement for this further detail to be provided at this stage. The Parish council will have the opportunity to comment on any reserved matters application that may follow.)

- 2.2 **NYCC Highways** – No objections and recommends conditions requiring detailed plans of road and footway layouts, the submission and approval of both a Construction Management Statement and a Travel Plan, the provision of visibility splays and a site construction access and details of surface water discharge arrangements.
- 2.3 **Yorkshire Water** – Raise no objection and requests conditions be attached to any approval requiring separate systems for foul and surface water drainage with surface water arrangements being other than existing public sewerage.
- 2.4 **Ouse & Derwent IDB** – No objection and recommends conditions in relation to surface water drainage and maintenance clearance adjacent to the watercourse together with details of various consents required of the Board.
- 2.5 **NYCC Lead Local Flood Authority** – Raise no objection and recommends conditions requiring submission of a detailed scheme for foul and surface water drainage.
- 2.6 **SDC Environmental Health** – Recommend a condition requiring a scheme to minimise the impact of construction on neighbouring properties.
- 2.7 **Natural England** - Considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.
- 2.8 **North Yorkshire Bat Group** – No comments received.

- 2.9 **NYCC Ecology** – no objection but recommend a conditions requiring submission of an Ecological Mitigation & Management Plan, no groundwork during the bird breeding season and details of lighting.
- 2.10 **North Yorkshire Police** – Provide advice/recommendations with regard to designing out crime.
- 2.11 **NY Fire & Rescue Service** – Has no objection/observation at this outline stage and indicates comments will be made at the statutory Building Regulations stage.
- 2.12 **Vale of York CCG** – No comments received.
- 2.13 **NYCC Public Rights Of Way** – No comments received.
- 2.14 **NYCC Education** – Could not comment given it is not apparent whether the development would result in 15 or more dwellings on the site. (Members should note that as this application is seeking outline consent there is no requirement for this further detail to be provided at this stage and the Education Authority has been informed of this.)
- 2.15 **NYCC Archaeology** – Seek the submission of archaeological evaluation reports firstly by way of a geophysical survey. (Members should note that, at the time of the previous application this issue was dealt with by way of a condition).
- 2.16 **SDC Waste & Recycling** – Refers the developer to published guidance.
- 2.17 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

Twenty one letters of representation have been received from members of the public raising the following issues in support of the application:

- Small scale new development will support local services and maintain viability.
- The development is sympathetic and will blend in with the village.
- The mix and variety of housing proposed at The Paddocks.
- Limited impact on neighbouring properties.
- Support for local school, businesses and sports teams.
- Outline planning permission has been previously granted.
- The site is self-contained and development will not impact on the layout of the village.
- The development provides opportunity for smaller local builders.
- Moses Drain considered to be a natural boundary.
- The development would help balance the village layout with most recent new housing being adjoining the A163.
- The development would contribute to the Council's 5 year housing land supply within a Designated Service Village.
- Support for an eco-house given the associated environmental benefits.
- Open space and the wildlife tower are to be retained on the site.

One letter of representation have been received from neighbouring local residents objecting to the application on the following grounds;



- Loss of open views.
- Impact on flooding and sewerage, already considered to be a problem.

### 3. SITE CONSTRAINTS AND POLICY CONTEXT

#### Constraints

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the south east of the site is mixed but largely residential in nature. The western boundary of the application site is marked by Moses Drain with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

#### 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
  - SP5 – The Scale and Distribution of Housing
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP12 - Access to Services
  - 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 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

3.5 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

#### **Other Policies/Guidance**

3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document, 2007
- North Duffield Village Design Statement, 2012

### **4. APPRAISAL**

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

- The Principle of Development
- Highway Impact
- Landscape, Design and Visual Impact
- Flood Risk and Drainage
- Impact on Residential Amenity
- Biodiversity and Ecology
- Impact on Heritage Assets
- Ground Conditions
- Affordable Housing
- Recreational Open Space
- Other Issues

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

4.2 On 10 August 2018, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 6.5 years, as set out in the 2018-2023 - Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide additional dwellings to the housing supply.

4.3 It is noted that this site was previously included as part of the 5 year supply under outline permission 2015/0517/OUT for 35 dwellings, however its loss from the

supply would not have a significant effect on the 6.5 year supply, which represents a surplus of 768 (without the 35 dwellings) as of 1 April 2018.

- 4.4 Paragraph 12 of the NPPF re-emphasises that the Development Plan is the statutory starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.5 The previous outline permission (2015/0517/OUT), covering a larger site that included the land in this application, was granted when the Council could not demonstrate a deliverable 5 year supply of housing land and was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. However the outline permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 4.6 CS Policies SP2 and SP4 focus new development in the market towns and Designated Service Villages (DSVs), restricting development in the open countryside. Other than the accesses which run between existing houses fronting York Road, this outline proposal is on land that is immediately adjacent to but outside of the defined Development Limits of North Duffield as shown in the Local Plan. Hence the proposal is contrary to CS Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise.
- 4.7 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs as a whole which, the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether North Duffield has exceeded its dwelling target.
- 4.8 As a guide, for the purpose of consultation only, the Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 25 dwellings (25 net), giving a gross total of 37 dwellings (35 net). This is at the upper end of what the DSV growth options study assessed as being a sustainable amount of growth over the plan period. The proposed development would increase the number of dwellings beyond this.
- 4.9 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a settlement designated as a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since

the start of the plan period. Also, other applications for land at The Paddocks are currently under consideration and appear elsewhere on this agenda.

- 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.
- 4.11 North Duffield contains a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also benefits from a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location. A number of those making representations have stressed the need for new housing to support and maintain the viability of the existing services and facilities.
- 4.12 In granting the previous outline consent, and notwithstanding the policy context existing at the time, the Council considered that the development of the land known as The Paddocks, of which this application forms part, was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 4.13 The NPPF, at Paragraph 38, encourages decision-makers to seek to approve applications for sustainable development where possible and, at Paragraph 59, to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The Framework goes on to state that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The applicants have indicated that an early start on site would be possible should permission be granted such that new homes would be delivered earlier than with some extant permissions elsewhere in the District. As recognised above in the Planning Policy response, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply – a position repeated by numerous appeal Inspectors.
- 4.14 Given the nature and scale of the proposal, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. The site has been previously assessed as being an appropriate location for housing and been included in the Council's supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development but minimum dwelling targets

have not been set. Those representations received from third parties in support of the application, together with those of the agent, suggest that North Duffield has seen a relatively small amount of new development in recent years and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that viability of numerous services and facilities would be enhanced. It is still necessary, however, to consider whether those other matters of acknowledged interest still weigh in favour of the development or not.

### **Highway Impact**

4.15 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1(2), T1 and T2 and CS Policy SP15. NYYC Highways have stated that there has been pre-application discussions regarding this site and there were no objections at that stage and it was agreed that the access road would be put forward for adoption (Section 38 Agreement) and a plan was submitted to NYYC Highways Officers which was considered agreeable in terms of road adoption and access onto York Road. Consequently the Local Highway Authority has recommended that conditions are attached to any permission granted. These conditions relate to:

- Detailed plans of road and footway layout
- Construction of roads and footways prior occupation of dwellings
- Discharge of surface water
- Site construction access
- Visibility splays
- Travel plans
- Construction Management Statement

4.16 Given the Highway Authority's comments, it is not considered that the scheme will result in any adverse impact on the highway network or compromise highway safety such that it is acceptable in highway terms and accords with relevant Local Plan policies.

### **Landscape, Design and Visual Impact**

4.17 The site is located outside of the Development Limits for North Duffield, in the countryside, and CS Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. It is therefore important to determine the impact the proposed scheme has on its surroundings. The PLAN Selby evidence document "Settlement Setting Landscape Assessment" (October 2015) finds that that the overall landscape assessment for the area to which the application relates is of medium sensitivity to development. It also assesses the settlement edge to be of moderate importance to protect from development.

4.18 As mentioned above, development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the development proposed in the current applications for The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.

4.19 There are a number of significant broad-leaved trees which occur on the field boundaries around the site and these are to remain. There are other trees and

intermittent hedgerows which are of poor quality which would be managed or replaced. The boundary between the application site and the land to the north is formed in part by a hedgerow and in part by grassland. The applicant has submitted a Tree Survey which states that the majority of trees are located on the perimeter of the site, are of moderate to low quality but offer screening and a good level of amenity. The report also recognises that trees on site would benefit from remedial tree work (pruning and removal of deadwood and ivy) which would benefit their general health and vigour and that some trees would also benefit from being crown lifted to ensure useable space is available under the trees for general amenity as part of the overall development. Landscaping would be a reserved matter for future consideration but there is no reason why a suitable scheme could not come forward that would complement the existing trees and hedgerows whilst ensuring satisfactory amenity for residents of both the existing and proposed dwellings.

### **Flood Risk and Drainage**

- 4.20 The application site is located in Flood Zone 1 (low probability of flooding). The application confirms that with respect to surface water run-off drainage this would be directed to sustainable drainage systems utilising soakaways. Should percolation tests show that soakaways are not acceptable, on-site storage and attenuated discharge to Moses Drain will occur. Yorkshire Water, the relevant Internal Drainage Board and NYCC as Lead Local Flood Authority have all been consulted. Notwithstanding the letter of objection suggesting existing problems with flooding and sewerage, no concerns or objections have been raised subject to the inclusion in any permission of conditions requiring further detailed schemes for both foul and surface water.

### **Impact on Residential Amenity**

- 4.21 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 200 of the NPPF. As the application is in outline form, layout and the consequent impact on neighbouring properties will be a matter for future consideration. However, given the land available and the applicants anticipated mix of detached and semi-detached houses, there is no reason to think that an acceptable layout that respects existing properties cannot be achieved on the site.
- 4.22 The access into the application site is proposed to run through the land to the north with the same arrangement as proposed for those applications which relate to that land. The connection to the highway network is between Lilac House and Mandale House onto York Road. It is considered that there is an adequate separation distance between the two existing dwellings and the proposed access road and that there would not be a significant detrimental impact on the residential amenity on these two existing dwellings as a result of the proposed access road. Similarly, any properties built as a result of permissions that might be granted on land to the north would be appropriately located around what essentially serves as an estate road serving the whole of the land known as The Paddocks.
- 4.23 Having taken into account the matters discussed above it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.

## **Biodiversity and Ecology**

- 4.24 The application site is not protected, formally or informally, as a site for nature conservation. The applicant has submitted an ecological survey prepared by Wold Ecology which concludes that the proposed development is unlikely to impact upon any protected species or associate habitats. The consultation response from Natural England concurs with this view. The report from the ecological consultants makes recommendations for the installation of bird and bat boxes which the applicants have indicated would be acceptable and could be the subject of a planning condition. The County Ecologist has raised no objection but has recommended that an Ecological Mitigation & Management Plan is required by planning condition. The proposal is considered to be acceptable in terms of its impacts on nature conservation interests.

## **Impact on heritage assets**

- 4.25 The applicant has submitted a Heritage Assessment which states that there are no Designated Heritage Assets (Scheduled Ancient Monuments, Conservation Areas, Listed Buildings, Registered Battlefields or Historic Gardens) within or bordering the proposed application site. It goes on to refer to what could be considered to be non-designated Heritage Assets within the proposed application site, namely the historic landscape characterisation as an area of Post-medieval Parliamentary Enclosure and evidence of Ridge and Furrow cultivation. The report does, however, conclude that there are no cultural heritage or archaeological reasons to prevent development.
- 4.26 The County Archaeologist has made representations suggesting that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. It is also suggested that this work should be undertaken prior to a decision being taken on the application. However, when the earlier outline application was considered and approved, the Council considered that the information provided within the desk based study provided sufficient information to understand the nature of the archaeology to allow the use of a condition for archaeological recording prior to development. The NPPF requires that a balanced judgement be made regarding the possible effect of an application on the significance of a non-designated asset having regard to the scale of any harm and the significance of the asset. Given the nature of the assets concerned it is again considered that, on balance, any harm to the non-designated asset would be outweighed by the benefits of the proposal and an appropriately worded planning condition is recommended.

## **Ground Conditions**

- 4.27 The application is accompanied by a Phase 1 Contaminated Land Investigation prepared by The YES Consultancy @ The City of York Council (who now act as the Council's consultant on such matters). This report states that there has been no past industrial activity on the site and no evidence of land contamination has been observed. Whilst this report dates from 2015, the submitted Planning Statement confirms that there has been no activity on the site that could have changed the conditions of the land. A closed landfill site is located

approximately 200m to the north east of the site, however it can be concluded that the application site poses a low contaminant risk other than land to the rear of Oakview House and Noelworth House which has been used to store caravans and poses a moderate risk. The submitted Consultant's report recommends that a Phase 2 investigation is undertaken to assess the extent of any contamination. Subject to appropriate conditions, the proposals are considered to be acceptable with respect to contamination.

### **Affordable Housing**

- 4.28 CS Policy SP9 states that the Council will seek to achieve 40% affordable housing within overall housing delivery and, in pursuit of this aim, will negotiate for on-site provision of affordable housing on those market housing sites at or above the threshold of 10 dwellings consistent with the provisions of the NPPF. The actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application having regard to economic viability.
- 4.29 The applicant has confirmed that it is their intention to submit, with any reserved matters application, a policy-compliant scheme for the provision of affordable housing. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and subject to the satisfactory completion of a Section 106 Agreement.

### **Recreational Open Space**

- 4.30 Policy in respect of the provision of recreational open space is provided by SDLP Policy RT2, CS policies SP12 and SP19 together with the Developer Contributions Supplementary Planning Document. The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for 60sqm per dwelling to be provided on site albeit at this outline stage it is not possible to assess the amount of open space required. Policy RT2 (b) states that the following options would be available subject to negotiation and the existing level of provision in the locality;
- provide open space within the site;
  - provide open space within the locality;
  - provide open space elsewhere;
  - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 4.31 In this case the applicant has agreed to transfer an area of land, considered to be in excess of that required for the development planned for the whole of the land known as The Paddocks, to the Parish Council for use as allotments. The agent has confirmed that the land in question has already been provided with a new access, car park and water supply and will be transferred on the granting of planning permission for what is described as Phase 1 of the development of The Paddocks (applications 2018/1345/FUL, 2018/1346/FULM and 2018/1347/OUT which also appear on this agenda). This approach is considered acceptable in compliance with policy RT2 and will be secured through a Section 106 Agreement albeit it is likely that the obligation will be met in advance of any development on the application site.



## **Other Issues**

- 4.32 SDLP Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. North Yorkshire County Council Education they have confirmed that, as the number of dwellings is not known at this stage, it is not possible for them to confirm whether a contribution is required towards education provision or not. It would be prudent to include a requirement for a policy-compliant contribution in a Section 106 Agreement at this stage. With respect to healthcare, no response has been received from the Vale of York CCG and no contribution is being requested. With respect to Waste and Recycling a contribution of £65 per dwelling would be required and this would therefore be secured in a Section 106 Agreement.
- 4.33 CS Policies SP15 and SP16 seek to promote development that is sustainable, addresses climate change and improves resource efficiency. An appropriately worded condition is included in the recommendation to ensure compliance with these policies.

## **5. CONCLUSION**

- 5.1 The application is seeking outline consent for residential development and is on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to CS Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 5.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would also bring additional residents to the area who in turn would contribute to the local economy through supporting local businesses and facilities.
- 5.3 The proposals achieve a social role in that they would deliver levels of both open market and affordable housing in North Duffield, promoting sustainable and balanced communities and would assist the Council in maintaining a 5 year supply of housing land. The applicant is also proposing that land be transferred to the Parish Council for use as allotments which are believed to be a welcome provision locally.
- 5.4 The proposals take into account environmental issues such as ecology and biodiversity, flooding and impacts on climate change. Due to the presence of local services within North Duffield and access to public transport, the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, acknowledged that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.

- 5.5 Notwithstanding the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the CS as having some capacity for additional residential development and the application land has been assessed as being an appropriate location for housing and has been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission and development has taken place. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as now proposed in that the viability of numerous services and facilities would be enhanced.
- 5.6 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Thus, subject to the recommended conditions and the conclusion of the planning obligation as outlined, the material considerations as set out in this report outweigh the conflict with the Development Plan such that planning permission should be granted.

## **6. RECOMMENDATION**

This application is recommended to be GRANTED subject to the completion of a S106 Agreement and the following conditions:

01. No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.

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

02. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission.

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

03. The development hereby permitted shall be begun before the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved..

Reason: In the interests of amenity having regard to Plan Policy ENV1.

04. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

13107-101\_2DT(1) – 2DT(4) Topographical Survey (4 Sheets)  
Phase 1 Heritage Assessment (April 2015)  
Report on Trees (December 2014) with update (November  
2018)  
Phase 1 Contaminated Land Investigation (June 2015)  
Extended Phase 1 Habitat Survey (September 2018)1751

Reason: For the avoidance of doubt.

05. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- a). the parking of vehicles of site operatives and visitors;
  - b). hours of construction working
  - c). loading and unloading of plant and materials;
  - d). storage of plant and materials used in constructing the development;
  - e). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f). wheel washing facilities;
  - g). measures to control the emission of noise, vibration, dust and dirt during construction;
  - h). a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - i). delivery, demolition and construction working hours.

Reason: This condition is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, ENV2, T1 and T2.

06. No demolition, building, engineering or other operations shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
- The programme and methodology of site investigation and recording
  - Community involvement and/or outreach proposals
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition, building, engineering or other operations shall take place other than in accordance with the approved Written Scheme of Investigation

Reason: This condition is necessary in accordance with Section 12 of the NPPF (paragraph 141) and Plan Policy ENV28 as the site is of archaeological significance.

07. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A Phase 2 site investigation scheme, based on the Phase 1 Contaminated Land Investigation submitted with this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and the detailed risk assessment referred to in and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The strategy shall be implemented as approved. Any amendments to the above components or the strategy shall be approved in writing by 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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

08. Prior to first occupation of any dwelling the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

09. 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 water property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Plan Policy ENV2.

10. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Reason: In the interests of amenity having regard to Plan Policy ENV1.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.

- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

#### INFORMATIVE

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

Reason: In accordance with Plan Policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

12. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Plan Policy ENV1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason: In accordance with Plan Policy ENV1 and in the interests of highway safety.

14. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in

accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In accordance with Plan Policy ENV1 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.

15. 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 (York Road) from a point measured 2.4 metres down the centre line of the access road. 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 Plan Policy T2 and in the interests of road safety.

16. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
  - a. the appointment of a travel co-ordinator
  - b. a partnership approach to influence travel behaviour
  - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
  - d. provision of up-to-date details of public transport services
  - e. continual appraisal of travel patterns and measures provided through the travel plan
  - f. improved safety for vulnerable road users
  - g. a reduction in all vehicle trips and mileage
  - h. a programme for the implementation of such measures and any proposed physical works
  - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with Plan Policy SP15 and to establish measures to encourage more sustainable non-car modes of transport.

17. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. No part of the development shall be brought into use until the approved drainage works have

been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

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

Reason: To ensure that the site is properly drained and, in order to prevent overloading, surface water is not discharged to the foul sewer network.

19. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

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

20. No above ground works of the development shall be commenced until either it has been demonstrated that at least 10% of the energy requirements supply of the development for that phase has been secured from decentralised and renewable or low-carbon energy sources; or an alternative to reduce energy consumption, such as a 'fabric first' approach, has been agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and timetable and retained, maintained and retained thereafter.

Reason: In the interest of sustainability, to minimise the impact of development in accordance with Plan Policy SP16.

21. No development shall commence until an Ecological Mitigation Compensation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include detailed measures for the protection, mitigation, compensation and enhancement required to support protected species and habitats. The approved Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of nature conservation and in order to comply with Plan Policies ENV1 and SP18.

#### INFORMATIVES:

Under the terms of the Land Drainage Act.1991 and the Ouse & Derwent Internal Drainage Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres



of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

## **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**

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

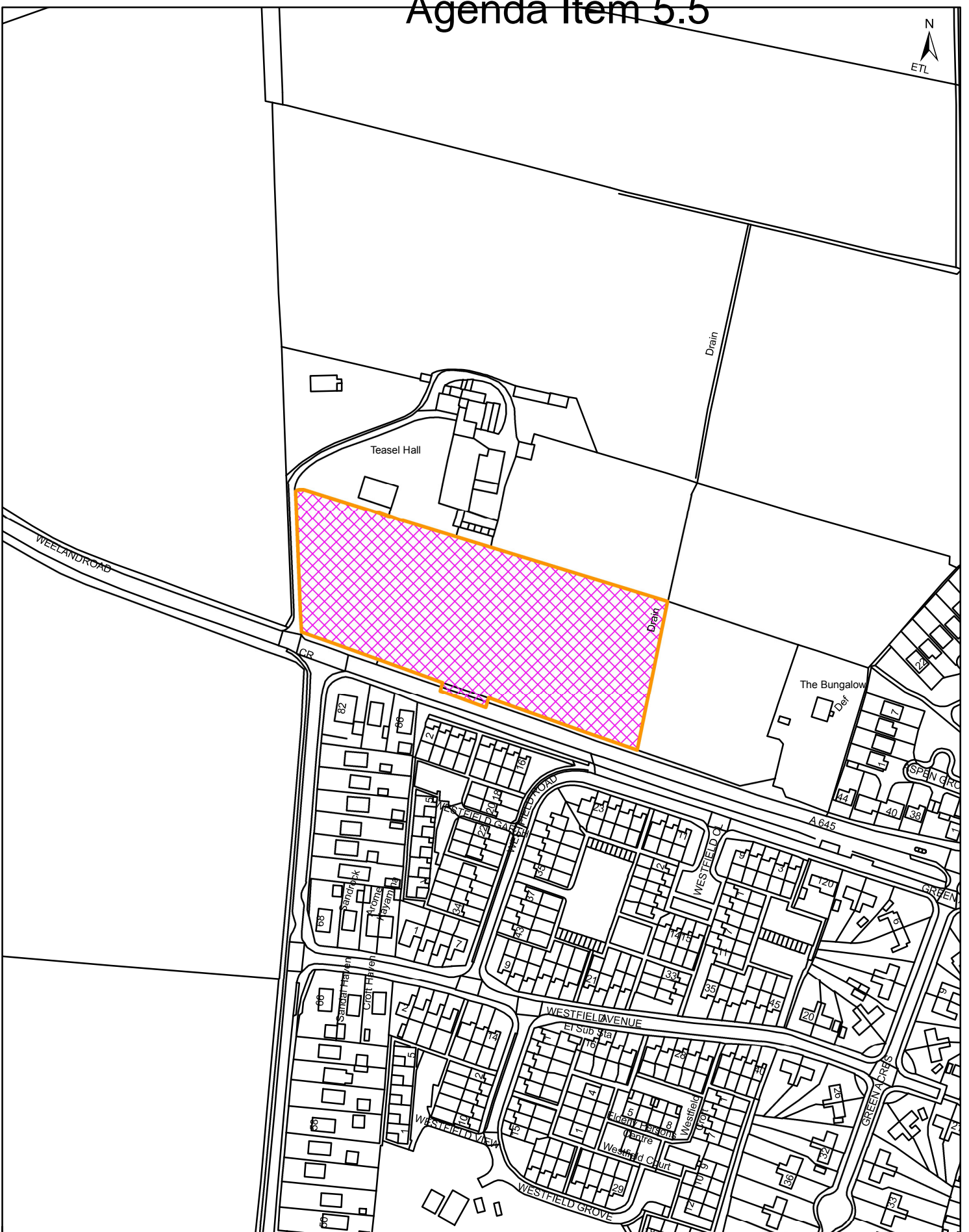
## **9. Background Documents**

Planning Application file reference 2018/1344/OUTM and associated documents.

**Contact Officer:** Gary Bell, Principal Planning Officer

**Appendices:** None

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## APPLICATION SITE

2018/1074/DOV

Weeland Road, Eggborough

1:2,500



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**Report Reference Number:** 2018/1074/DOV

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**To:** Planning Committee  
**Date:** 24<sup>th</sup> April 2019  
**Author:** Jenny Tyreman, Senior Planning Officer  
**Lead Officer:** Ruth Hardingham, Planning Development Manager

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**Request for a Deed of Variation to Section 106 agreement dated 27<sup>th</sup> September 2016 seeking a reduction in the proportion of affordable housing to be provided within scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough**

This matter has been brought to Planning Committee for consideration due to it being a proposal to reduce the percentage of on-site affordable housing from the 40% required by a Planning Inspector on appeal the Planning Inspectorate in December 2016.

**Summary:**

The applicant intends to develop out a scheme for residential development comprising up to 34 dwellings on land to the north of Weeland Road, Eggborough, which was granted outline planning permission on appeal in December 2016 (under reference 2016/0124/OUT). This was subject to a Section 106 agreement which (amongst other things) secured 40% of the total number of dwellings to be provided on the site to be affordable housing units.

Since the outline planning permission was granted, the applicant (Glade Developments Ltd) have instructed Savills to market the site and there has been interest from regional and local housebuilders. However, the applicant has advised that the quantum of affordable housing to be provided on the site means that it would not deliver a competitive return, as demonstrated in the accompanying viability assessment undertaken by GNEC. The applicant is therefore seeking a deed of variation to reduce the percentage of on-site affordable housing from the 40% agreed by the Planning Inspectorate in December 2016. The accompanying viability assessment sets out that the scheme cannot viably provide any affordable housing units.

The Local Planning Authority have instructed the District Valuer to independently review the viability assessment undertaken by GNEC. The District Valuer has advised that the

scheme cannot viably provide any affordable housing but can contribute towards the required CIL/Section106 contributions of £109,831.

**Recommendation:**

- i. **That the request for a Deed of Variation be approved subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to remove the requirement for affordable housing associated with a scheme for up to 34 residential dwellings with all matters reserved except for access approved on appeal under reference 2016/0124/OUT on land to the north of Weeland Road, Eggborough. This variation shall be time limited for a period of 3 years from the date of the decision.**

**Reasons for Recommendation**

To establish a level of affordable housing consistent with maintaining the viability of this scheme, thereby allowing it to proceed unhindered to completion and securing its contribution to the District's 5-year supply of housing.

**1. Introduction and Background**

- 1.1. Outline planning permission for residential development of the site comprising up to 34 dwellings with all matters reserved except for access was granted at appeal in December 2016 (under reference 2016/0124/OUT) and was subject to a Section 106 agreement which secured (amongst other things) 40% of the total number of dwellings to be provided on the site to be affordable housing in accordance with Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (SPD). This level of provision was not contested at the time and no viability arguments were advanced by the landowners.
- 1.2 Since the outline planning permission was granted, the applicant (Glade Developments Ltd) has instructed Savills to market the site and there has been interest from regional and local housebuilders. However, the applicant has advised that the quantum of affordable housing to be provided on the site means that it would not deliver a competitive return.
- 1.3 In September 2018 the applicant requested a deed of variation to reduce the percentage of on-site affordable housing from the 40% agreed by the Planning Inspectorate in December 2016. The application has been accompanied by a viability assessment undertaken by GNEC which sets out that the scheme cannot viably provide any affordable housing units.
- 1.4 A deed of variation is an agreement between the parties to a Section 106 agreement to alter its terms. A planning obligation may be modified or discharged at any time by agreement with the Council. If there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application can be made to the Council to change the obligation if it "*no longer serves a useful purpose*". If this results in a refusal, an

appeal can then be made. Accordingly, if the Council refuses the applicant's request there is no prospect of an appeal at this stage, but the Council should nevertheless act reasonably and determine the proposal in the context of the planning policies and other material considerations that apply to affordable housing and consider whether the obligation continues to serve a useful planning purpose.

## **2. Policy Context**

2.1. The pre-amble to Core Strategy Policy SP9 acknowledges that securing 40% affordable housing is a *"challenging target"* and that provision from this source will be heavily dependent upon economic circumstances and the health of the private housing market at any one time. It is also acknowledged that *"to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, should enable the development to be deliverable."*

2.2. National Planning Practice Guidance on viability was revised in July 2018. The guidance on viability and decision making is as follows:-

*"Should viability be assessed in decision-taking?*

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force."*

2.3 The National Planning Practice Guidance has this to say about the weight to be attached to viability assessments:-

*"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment."*

## **3. Assessment**

3.1. The accompanying viability assessment, undertaken by GNEC on behalf of the applicant, demonstrates that without any affordable housing factored in, the scheme would return a profit equivalent of 20% of gross development value. On this basis, the viability assessment concludes that the scheme cannot viably provide any affordable housing units.

- 3.2 The Local Planning Authority have instructed the District Valuer to independently review the viability appraisal undertaken by GNEC. The District Valuer's final report demonstrates that without any affordable housing factored in and taking into account a profit equivalent of 20% of gross development value, the scheme cannot viably provide any affordable housing but can contribute towards the required CIL/Section106 contributions of £109,831.

#### **4. Legal/Financial Controls and other Policy Matters**

##### **Legal Issues**

- 4.1. Even though this is not an application under the Planning Acts this recommendation has been made in the context of the planning policies and other material considerations relevant to the delivery of affordable housing. If agreed, a deed of variation will be required.

##### **Financial Issues**

- 4.2. Other than issues of viability, financial issues are not material to the determination of this application.

##### **Impact Assessment**

- 4.3. It is not anticipated that the proposed deed of variation will lead to discrimination or inequality in respect of any particular groups. Nor will it impact upon human rights.

#### **5. Conclusion**

- 5.1 The 34 dwellings granted in this development represent a valuable contribution to the Council's 5-year housing land supply and it is important that the scheme is implemented as soon as possible. Negotiations have taken place and on the basis of the viability assessment undertaken by GNEC on behalf of the applicants, the District Valuer concurs that 40% provision of affordable housing on the site is unsustainable. The District Valuer concludes that the scheme cannot viably provide any affordable housing but can contribute towards the required CIL/Section106 contributions of £109,831. Officers accept this view.

- 5.2 When Section 106 BC was in force it ensured that if an Inspector were to modify an affordable housing obligation on appeal, that modification would remain valid for 3 years. The associated Government guidance stated:

*"If the development is not completed in that time, the original affordable housing obligation will apply to those parts of the scheme which have not been commenced. Developers are therefore incentivised to build out as much of their scheme as possible within 3 years. It will not be sufficient to commence one part of the development to secure the revised affordable housing obligation for the whole scheme. If developers are concerned about the viability of their scheme at the end of the 3 years, they can seek to modify the agreement again. This could*



*be done through voluntary renegotiation or by making a new application [to the local planning authority].”*

*“This 3 year period, and the need to secure as much development as possible in that period, should incentivise developers to build out. Local planning authorities may wish to make similar time-limited modifications or conditions when considering an application ...”*

5.3 Having regard to the above, officers are recommending that this variation should be time limited for a period of 3 years from the date of the decision.

## **6. Background Documents**

Planning Application file reference 2016/0124/OUT and associated documents.

**Contact Officer:** Jenny Tyreman, Senior Planning Officer

**Appendices:** None

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## APPLICATION SITE

2018/1220/FUL

Hazel Grove Farm, Weeland Road, Hensall

1:2,500



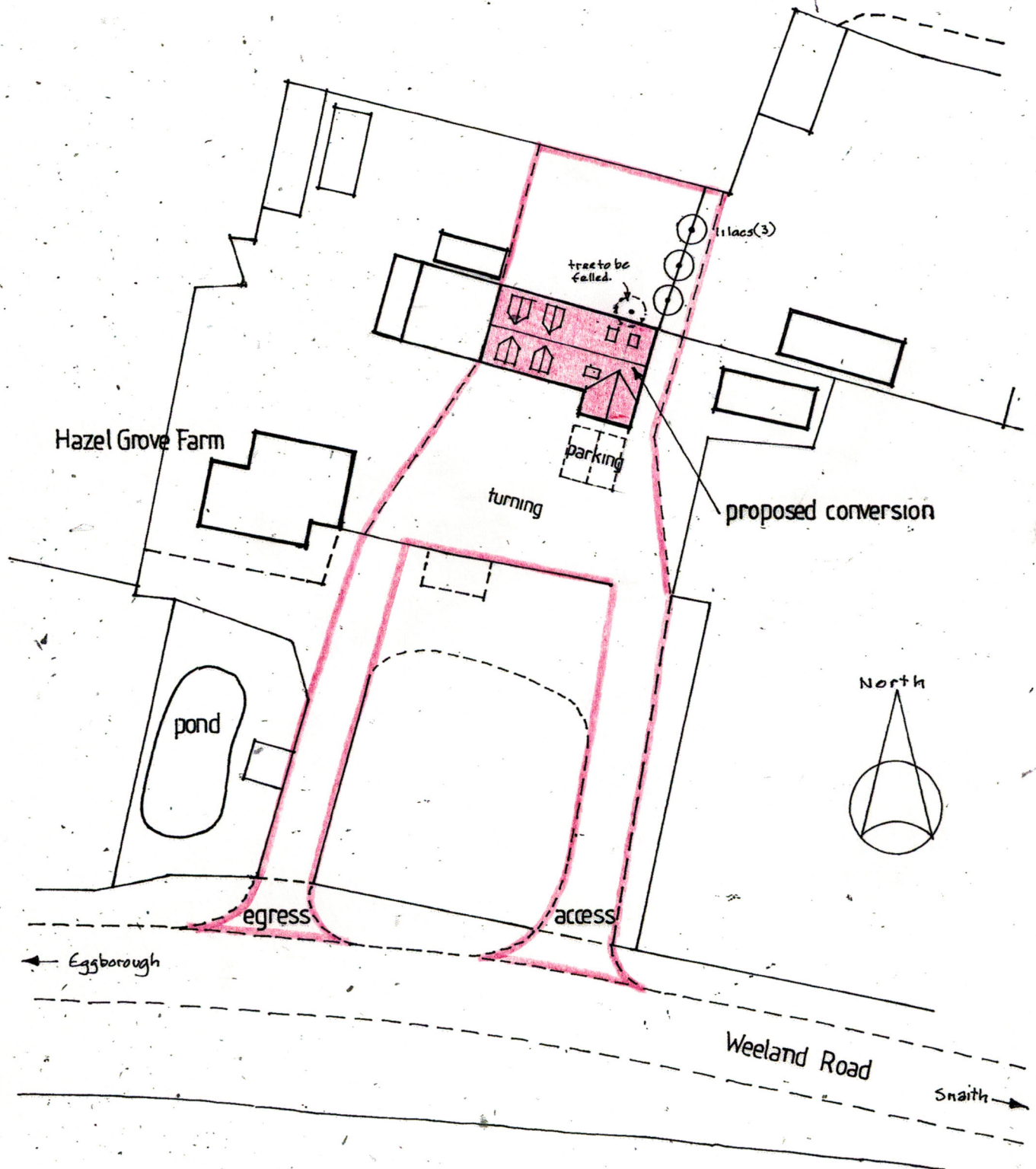
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Conversion of former showroom into dormer bungalow · Hazel Grove Farm  
Weeland Road · Hensall · DN14 0RL

dwg. 18984-3

SITE PLAN

scale 1:500



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**Report Reference Number:** 2018/1220/FUL

**To:** Planning Committee  
**Date:** 24<sup>th</sup> April 2019  
**Author:** Simon Eades (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1220/FUL	PARISH:	Hensall Parish Council
APPLICANT:	Mr and Mrs Welsh	VALID DATE:	25 <sup>th</sup> October 2018
		EXPIRY DATE:	20 <sup>th</sup> December 2018
PROPOSAL:	Proposed construction of pitched roof and conversion of former showroom to create a dormer bungalow		
LOCATION:	Hazel Grove Farm Weeland Road Hensall Selby Goole North Yorkshire DN14 0RL,		
RECOMMENDATION:	GRANT subject to conditions		

This application is to be determined by the Planning Committee as the application is a Departure from the Development Plan and there are material considerations which would support the recommendation for approval.

## 1. Introduction and background

1.1 The application site is a former showroom used for selling fires, stoves, coal buckets, and related goods. This business has now ceased and no longer operates.

### The Site

1.2 The application is located outside the defined development limits for Hensall and is located within the open countryside. The application site is located within flood zone 1.

## **The proposal**

- 1.3 The proposal is for the change of use of the building together with the construction of a pitched roof to create a dormer bungalow. The existing building has a footprint of 13.6 metres by 10.1 metres and a roof height of 3.3 metres. The roof is currently flat. The proposal does not increase the footprint but will result in an increased ridge height to 6.9metres

## **Planning History**

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
- 1.5 CO/1979/17508 - House Conservatory & Porch – PER - 22-NOV-79
- 1.6 CO/1982/17144 - Outline For Two Dwellings – REF -12-MAY-82
- 1.7 CO/1985/0026 - Proposed change of use of existing buildings and land to form screened yard area for six H.G.V. vehicles, workshop etc., and restoration of remaining land – REF -10-DEC-85
- 1.8 CO/1989/1058 - Proposed construction of new access to existing coalyard – PER - 02-JUN-89
- 1.9 CO/1991/0819 - Outline application for the erection of a showroom, office and dwelling - REF - 15-AUG-91
- 1.10 CO/1992/0768 - retention of a prefabricated building for a period of twelve months for use as an office – PER - 15-APR-92
- 1.11 CO/1992/0769 - erection of showroom, office and toilets with car park – PER- 21-JAN-93
- 1.12 CO/1993/0770 - proposed erection of a shower block - Application Not Proceeded With -: 31-DEC-95

## **2. Consultations**

- 2.1 The application has been statutorily advertised by site and press notice and by letter to adjoining properties.
- 2.2 **Hensall Parish Council** – No objections.
- 2.3 **NYCC Highways** – No objections.
- 2.4 **Yorkshire Water** - No objections.
- 2.5 **NYCC Highways Canal Rd** - No objections.
- 2.6 **Danvm Drainage Commissioners Shire Group Of IDBs** – No objections.
- 2.7 **Environmental Health** – It is noted that there are a number of commercial uses on land surrounding the application site which may give rise to a loss of residential



amenity. However it is has been noted in Sections 2.11 and 2.12 that the applicant owns this area of land and intends to live in the proposed dwelling.

### **Representations**

- 2.8 No neighbour representations have been received.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

- 3.1 The application is located outside the defined development limits and is located within the open countryside. The application site is located within flood zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the National Planning Policy Framework (NPPF), with paragraph 12 stating that the Framework does not change the statutory status of the development plan as the starting point for decision making.
- 3.4 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 (CS)**

- 3.5 The relevant CS Policies are as follows:

SP1 - Presumption in Favour of Sustainable Development  
SP19 - Design Quality

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

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

Annex 1 of the NPPF provides as follows:-

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

closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
H12 - Conversion to Residential (Countryside)  
T1 - Development in Relation to Highway  
T2 - Access to Roads

#### 4.0 APPRAISAL

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

- Principle of the use
- Conversion not requiring substantial rebuilding or extensive alteration
- Impact on the Character and form of the area and other benefits of the scheme
- Impact upon amenity
- Flood Risk and Drainage
- Ecology and Protected Species
- Contamination

##### **Principle of the use**

4.1 The principle of the re-use of this former showroom for residential use is supported by Policy SP2 and its commentary (para 4.31). The re-use of redundant or disused buildings that would lead to an enhancement to the immediate setting is seen as an exception to avoiding isolated new homes in the countryside. Policy SP2 (c) qualifies the re-use as *‘preferably for employment purposes’* whereas the Framework which is more up to date, at para 79, has no such qualification. Policy H12 of the Selby District Local Plan requires a more detailed assessment of the conversion of rural buildings in the countryside.

4.2 The principal tests in SDLP Policy H12 of relevance here are summarised below together with officer comments:

##### H12)1) Unsuitable for business use.

4.3 The application site was a former showroom used for selling fires, stoves, and associated goods. This business has now ceased due to lack of demand and no longer operates. The location of the site next to an existing residential property and the footprint and appearance of a building are such that employment uses may be limited. It is further considered that whilst no evidence has been provided of the marketing of the site for employment purposes, the location of the site away from other businesses is likely to be a limiting factor. Officers do not consider that a marketing exercise would be reasonably necessary given these locational factors highlighted above.

##### H12) 2) Best reasonable means of conserving a building of interest

4.5 It is not considered that the building is of architectural or historic interest, and as such the proposed alterations would not harm the building’s character.

H12) 3 Structurally sound and capable of re-use without substantial rebuilding

- 4.6 The application is accompanied by a brief Structural Survey Report prepared by an architectural technologist that identifies that the existing building is structurally sound having been constructed with permission during the 1990's to, it is assumed Building Regulation requirements at that time. The report identifies that there are no changes to the external walls and the existing buildings has both wall and foundations that are capable of load bearing the proposed roof extension. Officers consider that on the basis of the information submitted that it can be reasonably concluded that the building is structurally sound.

H12) 4) Re-use and adaptation generally take place within the fabric and not require extensive alteration/ rebuilding or extension

- 4.7 The development comprises the conversion of an existing rural building to a dwelling which includes changing a flat roof to a pitched roof extension together with the inclusion of dormer windows. Even though the proposal includes a large roof extension to the existing building, the extension is kept within the footprint and the external walls of the existing building. The extension to the roof allows the efficient use of a vacant redundant building to be brought back in to use. However, because the works would result in an extensive alteration/extension the development fails to comply with criteria 4. And is therefore contrary to that part of Policy H12

H12) 5) Conversion and creation of curtilage not to have a significant adverse effect on local character

- 4.8 It is considered that the replacement of the existing flat roof with a pitched roof would result in a visual improvement that better reflects the rural character of the area. The scheme provides an ample amount of rear amenity space to the rear of the property and it is recommended to impose condition for landscaping and boundary treatments to the rear of the property. To the front elevation of the proposed dwelling there is ample amount of existing hardstanding which provides a sufficient parking and turning area to the front of the property. The retention of the existing elements and the proposals to create the rear curtilage is considered not to have significant adverse effect on the character and form of the open countryside. The scheme is therefore in accordance with Policy H12 of the Local Plan.

H12) 6) Not create conditions prejudicial to highway safety

- 4.9 To the front elevation of the proposed dwelling there is ample amount of existing hardstanding which provides a sufficient parking and turning area to the front of the property. Access from the site is from Weeland Road where there is an in and out access point. Submitted plans have demonstrated how the existing access would be used and utilised for the proposed dwelling.
- 4.10 NYCC Highways were consulted on the application and no objections were raised to the proposal. The proposed scheme is therefore considered to be acceptable in terms of highway safety and in accordance with Policies H12 and ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.
- 4.11 Having identified the fact that the proposed development does not accord with Policy H 12 (1) and (4), it is necessary to determine whether there are any material

considerations that would outweigh the non-compliance with these development plan policies. The NPPF includes policies which support the proposed development. At paragraph 79 C) the NPPF supports the re-use of redundant or disused buildings that enhance their immediate setting. In this case the incorporating of a new roof is considered to improve the building's design and appearance and would be more in keeping with a dwelling that would be found in a countryside setting. The scheme is considered to be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment. It is also key to the consideration of the application that the building is set back from the road with an existing access and curtilage and it is to the rear of an existing dwelling and other buildings. The building which is proposed to be converted is currently surrounded by hardstanding. The scheme does not change the form, layout and densities of the building and the proposal does not create the expansion of footprint of the building therefore there is no further erosion of the open countryside. The existing building is surrounded by several other buildings and the proposal does not create any further urbanising features or urbanising erosion to the open countryside.

As well as the benefits to impact on the character and appearance of the area the scheme is considered to create other benefits which cumulatively outweigh the non-compliance with H12) 1 and 4). These are as follows:

- Brings a vacant building back into use
  - Re-uses an existing building rather than the creation of a new dwelling
  - Provides an additional dwelling to the district
- Provides a visual improvement by the works to the building that better reflects the rural character.

- 4.12 Having had regard to the above, is considered to create other benefits which cumulatively outweigh the non-compliance of H12) 1) and 4). It is further considered that the development accords with the development as a whole notwithstanding the non-compliance with Policy H12 1) and 4) of the Local Plan.

### **Flood Risk and Drainage**

- 4.13 Firstly addressing the issues of flood risk, the application site is within Flood Zone 1. The application form states the proposed scheme will dispose of foul sewerage via the mains sewerage and surface water via a soakaway and SuDs. The application has received no response from Yorkshire Water and the IDB has no objections. On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

### **Ecology and Protected Species**

- 4.14 The site is not a protected site for nature conservation nor is it known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

### **Contamination**

- 4.15 Given the past use of the site and the submitted screening form, there is no evidence of the site being contaminated and if it was minded to approve the

application it would not be considered necessary to impose a condition in event of contamination found during construction to be imposed.

### **Affordable Housing**

- 4.16 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.
- 4.17 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. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

### **Legal issues**

#### Planning Acts

- 4.18 This application has been recommended in accordance with the relevant planning acts.

#### Human Rights Act 1998

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

#### Equality Act 2010

- 4.20 This application has been recommended 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**

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

## **5. SUMMARY and CONCLUSIONS**

- 5.1 The scheme is for the proposed construction of a pitched roof and conversion of former showroom to create a dormer bungalow and is therefore considered to be appropriate development in accordance with Policy SP2 of the Core Strategy and the NPPF. Having identified a failure to comply with Policy H 12 (1) and (4), it is necessary to determine whether there are any material considerations that would justify non-compliance with these development plan policies. The NPPF includes policies which support the proposed development. At paragraph 79 C) it supports the re-use of redundant or disused buildings that enhance their immediate setting. In this case the building with a new roof introduced is considered to improve the building's design and appearance which would be more in keeping with a dwelling that would be found in a countryside setting. The scheme is considered to be in

keeping with the character and form of the local vernacular and the scheme would bring it back into use in the local environment.

- 5.2 It is considered to result in other benefits which cumulatively outweigh the non-compliance of H12) 1) and 4); and is in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 of the Core Strategy.
- 5.3 The proposals do not accord with the development plan in respect of affordable housing, but there are material considerations of sufficient weight to outweigh the provisions of policy SP9 of the Core Strategy.
- 5.4 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the form and character of the area, nature conservation interest, drainage, flood risk, land contamination, highway safety or the residential amenity of the occupants of neighbouring properties. The application is therefore considered accord with Policies ENV1. ENV2, Criteria 2,3,5,6,7,8, of Policy H12, T1 and T2 of the Selby District Local Plan, Policies SP1, SP4, SP5, SP15, SP16, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **6. RECOMMENDATION**

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

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

Reason:

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Location Plan LOC01
- Site Plan dwg1894.3
- Proposed plans elevations and section
- Site Plan dwg1894.3 Caravan storage access / egress route
- Site Plan dwg1894.3 Existing dwell parking / turning garage
- Site Plan dwg1894.3 bottled gas access / egress
- Existing showroom / proposed dwelling access / egress route

Reason:

For the avoidance of doubt.

- 03: The development hereby approved shall use external roof materials Sandtoft terracotta red concrete double pan tiles as stated in the application form received by the Council on 23<sup>rd</sup> October 2018.

Reason:

In the interests of visual amenity and in order to comply with Policies ENV1 and ENV25 of the Selby District Local Plan.

04. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests the character and form of the area and in accordance with Policies H12 and ENV1 of the Selby District Local Plan

05. The dwelling shall not be occupied until a scheme of boundary treatments has been implemented in accordance with details that have previously been submitted to and approved by the local planning authority. The approved boundary treatment scheme shall be maintained and retained for the lifetime of the development.

Reason

In the interests of residential amenity and in accordance with Policy ENV1 of the Local Plan.

06. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Principles of sustainable urban drainage shall be employed wherever possible. Where surface water is to drain to soakaway, the submitted details shall include confirmation of a satisfactory percolation test in accordance with BRE 365 to determine the suitability of the soakaway for surface water drainage. Should these tests indicate that the soakaway is not acceptable then details of alternative drainage for surface water either to a watercourse or to mains sewer shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented.

Reason:

To prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity in accordance with Policy SP15 of Selby Core Strategy.

**Contact Officer:** Simon Eades, Senior Planning Officer

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