



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 1 JUNE 2022**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillors M Topping (Chairman), C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch, J Duggan and D Mackay**

## 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 meeting held on 11 May 2022.

5. **Planning Applications Received (Pages 11 - 12)**
- 5.1. **2020/1042/FULM - Police Station Brownfield Site, Portholme Road, Selby (Pages 13 - 48)**
  - 5.2. **2021/0241/FUL - The Farmstead, Lund Lane, Cliffe (Pages 49 - 62)**
  - 5.3. **2021/0268/FUL - Land Off Larth Close, Whitley (Pages 63 - 86)**
  - 5.4. **2021/0770/HPA - 32 Abbots Mews, Selby (Pages 87 - 96)**
  - 5.5. **2021/1308/HPA - Beal House, 1 Broadmanor, North Duffield (Pages 97 - 108)**
  - 5.6. **2022/0019/FUL - Woodside Farm, South End Lane, Balne (Pages 109 - 130)**
  - 5.7. **2022/0341/FUL - Lace House, Hull Road, Cliffe (Pages 131 - 150)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

<b>Dates of next meetings (2.00pm)</b> Wednesday, 6 July 2022
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Enquiries relating to this agenda, please contact Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk).

### **Recording at Council Meetings**

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



## Minutes

### Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 11 May 2022
Time:	2.00 pm
Present:	Councillor M Topping in the Chair  Councillors J Mackman (Vice-Chair), I Chilvers, D Mackay, C Richardson and J Cattanach
Officers Present:	Martin Grainger, Head of Planning, Hannah Blackburn, Planning Development Manager, Glenn Sharpe, Solicitor, Jenny Tyreman, Assistant Principal Officer, Irma Sinkeviciene, Senior Planning Officer and Victoria Foreman, Democratic Services Officer
Press:	None
Public:	3

#### 71 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Ellis, R Packham and P Welch.

Councillor C Pearson was in attendance as substitute for Councillor K Ellis, and Councillor J Duggan as a substitute for Councillor P Welch.

#### 72 DISCLOSURES OF INTEREST

There were no disclosures of interest.

#### 73 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

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

The Committee noted that the order of the agenda had been amended in order to accommodate speakers on the items. Agenda item 5.3 – 2021/1089/FULM, Hales Lane, Drax would be considered second and item 5.2 – 2021/1138/FUL, Saxton C of E Primary School, Saxton last.

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

Lastly, the Chairman proposed and seconded that the start time of Planning Committee meetings be amended from 2.00pm to 4.00pm, from the beginning of the 2022-23 municipal year.

Members considered the matter and a vote taken; and the change in time was refused.

**RESOLVED:**

**That the start time of Planning Committee meetings continue to be 2.00pm for the 2022-23 municipal year.**

**74 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 6 April 2022.

An amendment to the minutes was proposed in relation to minute number 70.1 - 2021/0871/OUT - Field House, School Lane, Bolton Percy.

Item (c) of the resolution could possibly refer to a number of policies that the application conflicted with; as such, it would be better to simply state that the application was contrary to the Core Strategy.

It was proposed, seconded and a vote taken.

**RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 6 April 2022 for signing by the Chairman, subject to the following amendment:**

**‘(c) that the application was considered to be contrary to the Selby District Core Strategy.’**

**75 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

**75.1 2021/0661/FUL - 14 EDGERTON DRIVE, TADCASTER**

**Application:** 2021/0661/FUL

**Location:** 14 Edgerton Lodge

**Proposal:** Erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane

The Senior Planning Officer presented the application

had been brought before Planning Committee as more than 10 letters of representation had been received which raised material planning considerations, and the Officers recommendation was contrary to these representations.

Members noted that it was for the erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane.

The Committee considered the Officer Update Note which set out additional consultations and conditions, and that ownership notices had been served on the 4 April and a public notice placed in the Wetherby News on 7 April.

The Committee asked numerous questions of the Officer relating to the two trees covered under one TPO on the site, the distance between the bungalow and the rear boundary, access to the land at the rear via a wooden gate, the narrowness and suitable access down Inholmes Lane for emergency and large vehicles and the suitability of turning space.

Officers explained that whilst Inholmes Lane was not an adopted road, it was an existing situation with alternative access via Edgerton Drive, and that in respect of the plans permitted there was sufficient turning space provided.

Mike Nicholls, objector, spoke against the application.

Members debated the application further, with some Members feeling that access down Inholmes Lane would prove to be an issue and that a site visit would be appropriate.

The motion for a site visit was proposed but not seconded, and therefore fell.

The Committee acknowledged that the scheme had been amended and improved since the original proposal and that it was an application on garden land within the Tadcaster development limits; it was therefore acceptable in principles. Members noted that the Highways Authority had been consulted and had no objections to the proposal besides from the provision of a construction management plan.

Members considered further that the parking requirement

had been met and suitable turning space for cars provided. Some Members having assessed the application in full were of the opinion that on balance, and with regards to the Development Plan, there would not be detrimental impact should permission be granted.

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

**RESOLVED:**

**That the application be APPROVED, subject to the conditions set out in the report and the Officer Update Note.**

**75.2 2021/1089/FULM - HALES LANE, DRAX**

**Application:** 2021/1089/FUL

**Location:** Hales Lane, Drax

**Proposal:** Development of a battery storage facility, associated infrastructure, access and grid connection

The Assistant Principal Planning Officer presented the application which had been brought before Planning Committee as it was a major application where 10 or more letters of representation had been received, which raised material planning considerations, and Officers were recommending approval of the application contrary to these representations.

Members noted that it was for the development of a battery storage facility, associated infrastructure, access and grid connection.

The Committee considered the Officer Update Note which set out an amendment to Condition 9, clarification of the maximum heights of the substation and details of a further letter of representation.

The Committee asked several questions relating to previous approval of similar scheme through delegated powers, proposals for the roadway, the distance and positioning of the cabling to the substation and the cumulative impact of the scheme. Some Members believed all such schemes should be brought before the committee for consideration.

Officers confirmed that this particular application had been brought before committee due to the number of representations received, and the cable would be laid under the road along Hales Lane for 600m.

Democratic Services read out a representation from an objector, Diane Hall, who was against the application.

George Wilyman, applicant, spoke in favour of the application.

Members debated the application further, with some emphasising that on previous similar applications there had usually been a construction compound; Officers explained that this would be clarified as part of the construction management plan, details of which had been requested under condition 12. Officers advised that they understood the compound would be likely located within the site boundary.

Some Members felt that the scheme was not suitable for the location and that it would be a blight on the local landscape and affect local businesses such as the riding school and cemetery. It was out of keeping with the village of Drax and schemes such as these would be better suited to sites within the limits of the decommissioned power station.

However, some Members supported approval of the scheme but subject to numerous conditions. The proposals were not in the green belt where very special circumstances had to be agreed; it was also not a site of special landscape or ecological interest. There were a substantial number of trees on the nearby bunding that would provide high-level screening. A dedicated parking and turning area were to be provided and the maximum height of the units was 7m, the colour scheme of which would minimise visual impact. Such applications would become more common and as such the decision to be made by the committee should reflect that; compact sites such as these were needed nationally.

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

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

**RESOLVED:**

**That the application be APPROVED, subject to the conditions set out in the report and the Officer Update Note.**

**75.3 2021/1138/FUL - SAXTON C OF E PRIMARY SCHOOL, SAXTON**

**Application:** 2021/1138/FUL

**Location:** Saxton C of E Primary School, Saxton

**Proposal:** Erection of a playground shelter

The Senior Planning Officer presented the application that had been brought before Planning Committee as it did not accord with Policy ENV29 of the Selby District Local Plan 2005. This policy stated that proposals for the development of local amenity space would not be permitted. However, since the proposal would comply with all other relevant criteria and it was considered that there are material considerations which supported the application, the recommendation is for approval.

Members noted that it was for the erection of a playground shelter.

The Committee considered the Officer Update Note which set out an amended condition to refer to amended drawings.

Members supported the application; it was proposed and seconded that the application be APPROVED; a vote was taken and was carried.

**RESOLVED:**

**That the application be APPROVED, subject to the conditions set out in the report and the Officer Update Note.**

The meeting closed at 3.31 pm.



## Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you can do so remotely or in person**. If you cannot attend in person and don't wish to speak remotely, **you will need to provide a copy of what you wanted to say to Democratic Services so it can be read out on your behalf**.
3. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
4. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
5. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:  
  
<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
6. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
7. The next part is the public speaking process at the committee. Speakers attending the meeting in person and are encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. The following speakers may address the committee for **not more than 5 minutes each**:

(a) The objector

- (b) A representative of the relevant parish council
- (c) A ward member
- (d) The applicant, agent or their representative.

**NOTE:** Persons wishing to speak (in person or remotely via Microsoft Teams) on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

9. If registered to speak but unable to attend in person, speakers are asked to submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday).
10. Those registered to speak remotely are also asked to provide a copy of their speech so that their representation can be read out on their behalf (for the allotted five minutes) if they have technical issues and are unable to do so.
11. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
12. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
13. When speaking in person, speakers will be asked to come up to a desk from the public gallery, sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
14. Speakers doing so remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking. They can then watch the rest of the meeting as it is streamed live on YouTube.
15. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
16. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
17. The role of members of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning Code of Conduct.
18. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g., approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the

Committee may vote on two proposals if they have both been proposed and seconded (e.g., one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.

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

**Contact:** Democratic Services

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

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# Agenda Item 5

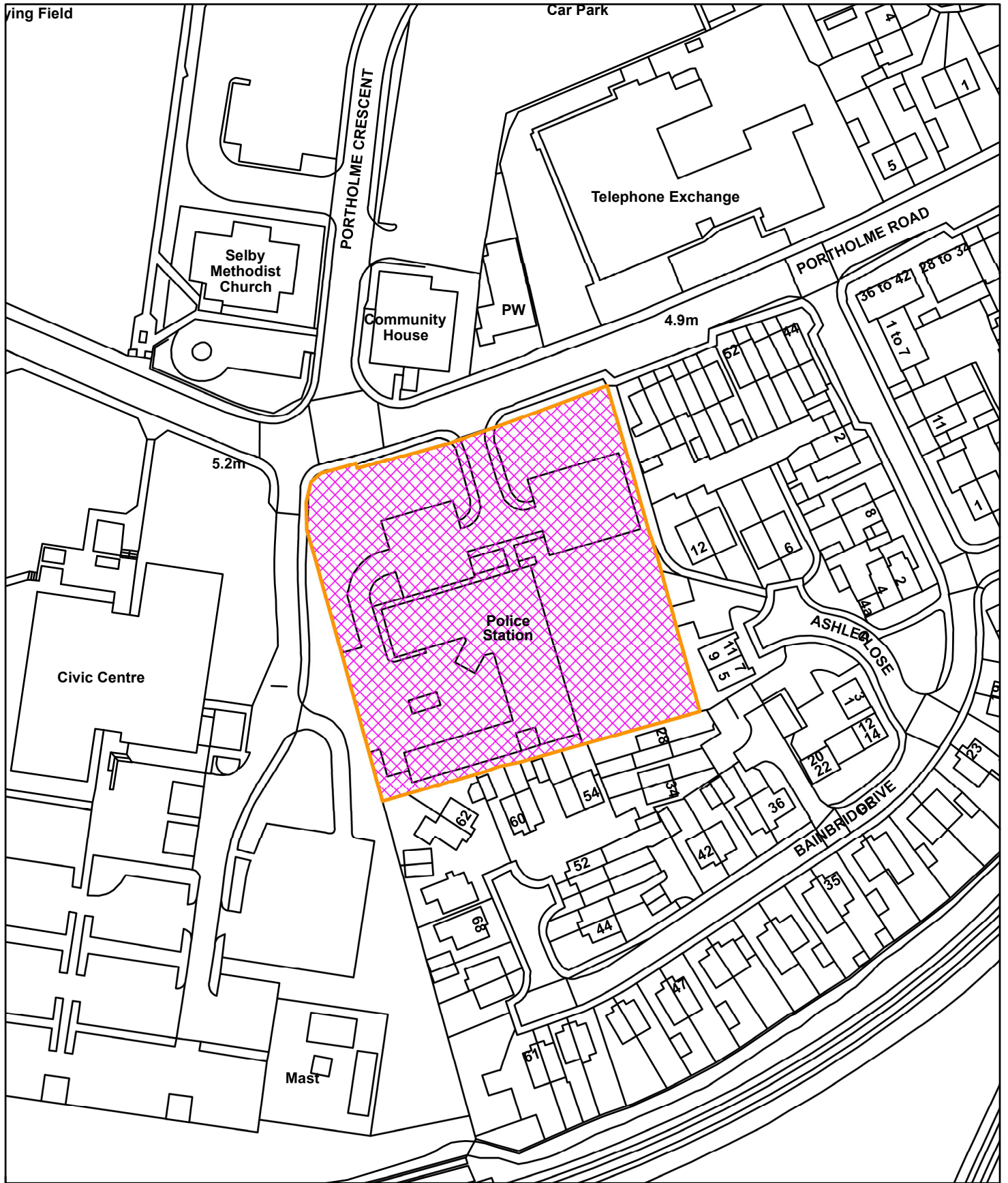
Items for Planning Committee – 1 June 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/1042/FULM	Police Station Brownfield Site, Portholme Road, Selby	Demolition and construction of a Class E food store, together with car parking, landscaping and associated works	GAST	
5.2	2021/0241/FUL	The Farmstead Lund Lane Cliffe	Conversion of existing barn to form one dwelling, external alterations and a chimney	ELMA	
5.3	2021/0268/FUL	Land Off Larth Close Whitley	Erection of 6 dwellings and garages (Amended Proposal)	ELMA	
5.4	2021/0770/HPA	32 Abbots Mews Selby	Raised paving area with step edged in treated timber sleepers and gazebo (retrospective)	JOTU	
5.5	2021/1308/HPA	Beal House 1 Broadmanor North Duffield	Erection of rear single storey extension and realignment of garden fence to eastern boundary	JOTU	
5.6	2022/0019/FUL	Woodside Farm South End Lane Balne	Conversion of agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following demolition of existing shed and covered yard buildings	EMHO	
5.7	2022/0341/FUL	Lace House Hull Road Cliffe	Erection of new detached dwelling and garage within the front garden area to the south of property known as 'Lace House'	IRSI	

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# Agenda Item 5.1

Police Station, Brownfield Site, Portholme Road, Selby  
2020/1042/FULM



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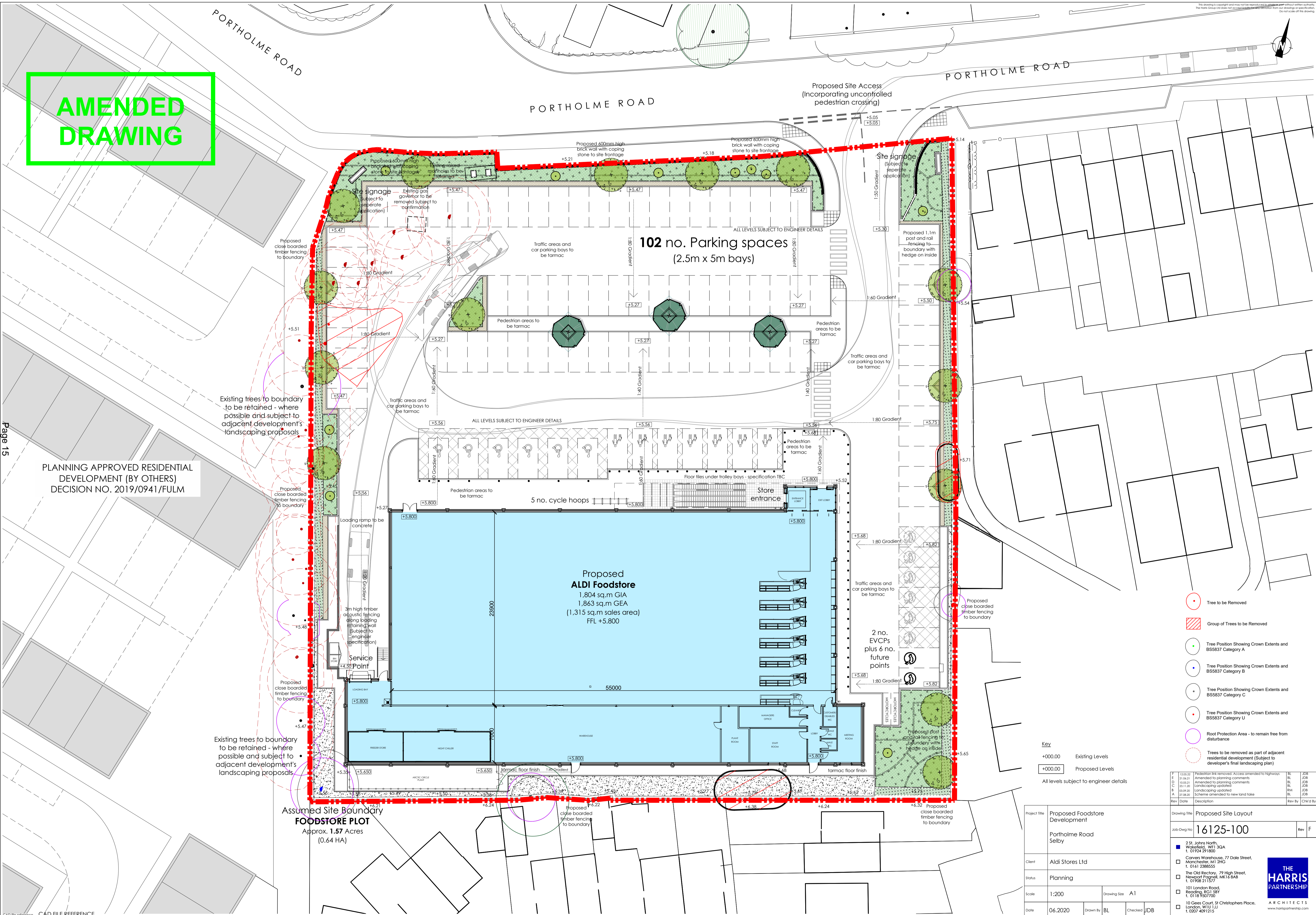
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**AMENDED  
DRAWING**

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PLANNING APPROVED RESIDENTIAL  
DEVELOPMENT (BY OTHERS)  
DECISION NO. 2019/0941/FULM



Existing trees to boundary to be retained - where possible and subject to adjacent development's landscaping proposals

Existing trees to boundary to be retained - where possible and subject to adjacent development's landscaping proposals

Assumed Site Boundary  
**FOODSTORE PLOT**  
Approx. 1.57 Acres  
(0.64 HA)

**Proposed ALDI Foodstore**  
1,804 sq.m GIA  
1,863 sq.m GEA  
(1,315 sq.m sales area)  
FFL +5.800

**102 no. Parking spaces**  
(2.5m x 5m bays)

Proposed Site Access  
(Incorporating uncontrolled pedestrian crossing)

Site signage  
(Subject to separate application)

Proposed 1.1m post and rail fencing to boundary with hedge on inside

2 no. EVCPs plus 6 no. future points

**Key**  
+000.00 Existing Levels  
+000.00 Proposed Levels  
All levels subject to engineer details

- Tree to be Removed
- Group of Trees to be Removed
- Tree Position Showing Crown Extents and BS5837 Category A
- Tree Position Showing Crown Extents and BS5837 Category B
- Tree Position Showing Crown Extents and BS5837 Category C
- Tree Position Showing Crown Extents and BS5837 Category U
- Root Protection Area - to remain free from disturbance
- Trees to be removed as part of adjacent residential development (Subject to developer's final landscaping plan)

Rev	Date	Description	Rev	Check
F	12.03.22	Pedestrian link removed. Access amended to highways	BL	JDB
E	21.04.21	Amended to planning comments	BL	JDB
D	10.03.21	Amended to planning comments	BL	JDB
C	23.11.20	Landscaping updated	BL	JDB
B	03.09.20	Landscaping updated	RM	JDB
A	27.09.20	Scheme amended to new land take	BL	JDB

Project Title	Proposed Foodstore Development		
Client	Aldi Stores Ltd		
Status	Planning		
Scale	1:200	Drawing Size	A1
Date	06.2020	Drawn By	BL
		Checked	JDB
Job-Dwg No.	16125-100	Rev	F
Drawing Title	Proposed Site Layout		
2 St. Johns North, Wakefield, WF1 3GA 1, 01924 291800 <input type="checkbox"/> Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG 1, 0161 238855 <input type="checkbox"/> The Old Rectory, 79 High Street, Newport Pagnell, MK16 6AB 1, 01908 211577 <input type="checkbox"/> 101 London Road, Reading, RG1 5BT 1, 0118 9507700 <input type="checkbox"/> 10 Goss Court, St Christophers Place, London, W1U 1JJ 1, 0207 4091215			

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**Report Reference Number:** 2020/1042/FULM

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2020/1042/FULM	PARISH:	Selby Town Council
APPLICANT:	Aldi Stores Ltd	VALID DATE: EXPIRY DATE:	19th October 2020 20th June 2022
PROPOSAL:	Demolition and construction of a Class E food store, together with car parking, landscaping and associated works		
LOCATION:	Police Station Brownfield Site Portholme Road Selby		
RECOMMENDATION:	Grant subject to the signing of a legal agreement		

This application has been brought before Planning Committee as part of the site i.e., the north-eastern corner (0.04 ha) is still owned by Selby District Council and includes some existing trees and redundant gas governor. The sale was agreed to Aldi in June 2021; however, its completion is subject to planning permission being obtained. Hence, the Council are still landowners. This therefore does not comply with Council's constitution (3.8.9 b (ix)), which doesn't allow applications on Council owned land to be determined under delegated powers unless they are minor applications and no objections have been received. The application has received objections and is not minor in nature.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site consists of the currently vacant former Selby Police Station that fronts Portholme Road on the fringe of the town centre. The total development site extends to 6,069 sq. m (1.50 acres).
- 1.2 The northern boundary is immediately bound by Portholme Road adjacent to which are 2 churches. Further north is Portholme Crescent short stay parking, with the Morrisons and Selby town centre slightly further north.

- 1.3 The eastern boundary is bound by a small to mid-sized existing residential development accessed from Bainbridge Drive. To the south is the same residential development accessed from Bainbridge Drive, with the residential dwellings mainly facing north-south, meaning the rear gardens directly face the application site. There is a small cul-de-sac known as Ashlea Close, which borders the eastern boundary and has a pedestrian link through to Portholme Road.
- 1.4 The western boundary is bound by a cluster of trees and access to the former Portholme Road long stay parking facility that occupied the former council building. This is now under construction for a high-density residential scheme known as the L&G development. Further west is the Tesco Superstore with residential beyond this.
- 1.5 The current site has a central access from Portholme Road, then a grassed frontage leading to parking. The main building is 2-storey in height and sits centrally within the site. This then extends with a series of high flat roof single storey structures to the southern boundary. The residential dwellings to the south are on slightly elevated land as shown by the sectional drawings and topographical survey.

### **The Proposal**

- 1.6 The proposal is for the demolition of the former police station and the construction of a Class E foodstore (GEA of 1,880sqm (1,315sqm sales)) together with a 102-space car park and landscaping to the frontage.
- 1.7 The applicant describes the application as 'the relocation of the existing, out-dated store at Three Lakes Retail Store (GEA c.1,300sqm (940sqm sales) to a modern fit for purpose retail unit closer to the town centre. The application site represents a significant regeneration opportunity of vacant brownfield land in a highly accessible and sustainable edge of centre location.'
- 1.8 The proposal has been the result of preapplication discussions (PREAPP/2020/0044) and has been amended on several occasions during the processing of the application to address some inaccuracies within the original submission, address issues raised by consultees with the most significant changes being to the design of the building and landscaping.

### **Relevant Planning History**

- 1.9 The following historical application is considered to be relevant to the determination of this application. The history mainly relates to the former police station, the key permissions are:
  - CO/1980/32831 - Outline App for The Erection Of A Police Station. Granted 16-DEC-80.
  - CO/1984/0015 - Approval of reserved matters for the erection of a sub-divisional Police Station. Granted 01-MAY-84.
- 1.10 Two recent applications for the residential development to the southwest include:

- 2019/0941/FULM - Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, Granted 16<sup>th</sup> July 2020.
- 2020/0776/FULM - Redevelopment of the Site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space. Pending consideration.

## 2. CONSULTATION AND PUBLICITY

### 2.1 Selby Town Council

1<sup>st</sup> response - objects to the planning application on the basis that the Design & Access document is inaccurate in parts. The food store will encourage more traffic onto Portholme Road, already heavily used by public and delivery lorries for the two existing supermarkets. There appears to be no consideration for the extra traffic generated by the adjacent development of 154 residential units (2019/0941/FULM). Both the junctions from Portholme Road onto Park Street at one end and Brook Street at the other, are not suitable for the wide delivery lorries which cause traffic to come to a standstill whilst they manoeuvre. Finally, adverse effect on the residential amenity of the neighbouring properties due to noise from deliveries and traffic.

2<sup>nd</sup> response to the revised plans: Selby Town Council object to the revised plans, and comments made on 1/12/20 still stand. The revised plans still do not address the problems with additional HGV's accessing Portholme Road from either Bawtry Road/Park Street and Brook Street/Union Lane junctions. The amended access road (staggered junction with Portholme Crescent) adds to the problems of traffic flow along Portholme Road. The Town Council would also like to be reassured that a suitable sustainable drainage system is in place if the development is to be built at the same level as the adjacent housing development.

### 2.2 Selby Civic Society – Objects to the application.

Selby has its shopping area focussed on the east end of Gowthorpe and around the marketplace. New developments at Abbey Walk to the north, and Market Cross to the south of Gowthorpe, extend the pedestrian shopping routes to incorporate Sainsbury's and Morrisons supermarkets respectively. The proposed food store on the opposite side of Portholme Road is further disconnected from the town centre and its primary shopping destinations, thereby relying on shoppers arriving by car. We object on the grounds that the food store will encourage more traffic onto Portholme Road above the additional traffic levels already expected from the adjacent development of 154 residential units (2019/0941/FULM). Both ends of Portholme Road currently cause severe traffic bottlenecks, especially during HGV movements, and there appears to be no traffic flow modelling or mitigations present in this application. We are also concerned that the noise will further impact on those that live nearby.

### 2.3 NYCC Highways

Initially issued a holding objection (22.12.2020)

HGV tracking needs to be shown along with Forward Visibility Splays and Visibility Splays at the Portholme Road junction. The parking provision needs to be in

accordance with the latest LHA Guidance, an increase in both car and cycle spaces is required. In addition, the LHA requests the details of the proposed engineering alterations to Portholme Road to enable the proposed junction be constructed, to include but not limited to: vertical & horizontal alignments, drainage and street lighting. Documents not submitted that are required:

- Transport Assessment
- Travel Plan
- Demolition Management Plan
- Construction Management Plan

2<sup>nd</sup> response provided (2.2.2021) - holding objection further detail required.

Transport Assessment - The Committed development element needs discussing further. The A1041 / Park Street mini roundabout proposals needs discussing / engineering information submitting. The A19 / Union Lane mini roundabout capacity needs discussing further.

Interim Travel Plan – Further detail required in respect of sustainable travel, including walking and cycling.

Final response (11.5.22): No objection.

The LHA has assessed the amended documents, with the aim of trying to ensure there is not an unacceptable detrimental impact on the Highway network in the vicinity of the site.

The LHA have extensively scrutinised the Transport Assessment, discussing numerous issues. The proposal to alter the existing layout at the A1041 Bawtry Road / Station Road / Park Street junction for a mini roundabout layout was considered in depth. The LHA concluded that the proposals could not be accepted as the design was outside numerous standards as detailed in the Design Manual for Roads and Bridges.

The LHA have agreed with the Developer that a payment of £125,000 by the Developer, equal to an estimate of the initial proposed Highway alterations, be payable to contribute to the Selby Place & Movement Study, including the Portholme Road corridor

The LHA do not consider the impact of the traffic generated by the development will result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network will be severe. Conditions covering the following were recommended:

- Control over the new access, Closure of the existing access, Visibility Splays, Provision of Approved Access, Turning and Parking Areas, Travel Plans, Construction Management Plan, Verge crossing.

## 2.4 Yorkshire Water

No objections subject to the development being carried out in accordance with the Flood Risk Assessment & Drainage Statement prepared by 3E Consulting Engineers (Report dated June 2020). The report states that foul water will discharge to public foul sewer network and surface water will discharge to the culverted

watercourse crossing the site at a restricted rate of 32 litres/second. Run off from car parking, access roads and loading areas will pass through a suitably designed petrol interceptor.

## 2.5 **Selby Area Internal Drainage Board**

No objection subject to the appropriate treatment of the surface water.

## 2.6 **SuDS and Development Control Officer**

No response received.

## 2.7 **Environmental Health**

No objections subject to conditions requiring control over the noise omitted from external plant and equipment. Store opening hours and delivery times were also suggested to be controlled to:

*The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.*

The proposed development is likely to entail an extended construction phase inclusive of demolition. This phase of development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise & vibration. This could be controlled through the submission of a Construction Environmental Management Plan (CEMP).

In terms of Air Quality, the accompany report acknowledges the potential for increased traffic movements through a designated Air Quality Management Area (AQMA) as a result of the proposals, quantified as a 1% increase in NO<sub>2</sub> emissions based on traffic data provided by the applicant's transport consultants. There is no direct reference to how the applicant intends to offset the impact; however, it is noted the intention to provide two electric vehicle charging points which is considered sufficient. It is recommended that the provision of electric vehicle charging points is secured by condition

No objection to the proposed plant subject to condition. The officer took the view that irrespective of fixed plant selection, the applicant is subject to compliance with acceptable noise criteria. Notes that the noise levels provided within the plans are meaningless without an understanding of whether the levels are sound power levels (L<sub>w</sub>) or sound pressure levels (L<sub>p</sub>), and the latter necessitates a distance at which it applies (e.g. 38dBA at x metres).

## 2.8 **Conservation Officer**

No objections. Given the building height, no significant direct heritage impact which is the way we have considered the adjoining site also (Old Civic Centre).

## 2.9 **Natural England**

No comments to make on this application.

## 2.10 **North Yorkshire Bat Group**

No response received.

## 2.11 **Yorkshire Wildlife Trust**

No response received.

## 2.12 **County Ecologist**

No objections subject to conditions.

5.11.2020. The application includes a PEA by Brooks Ecological and a bat survey by Naturally Wild. In relation to bats it is noted that the survey recorded that bats were absent from the buildings on site and as such no further survey or mitigation is proposed.

The PEA calculated the baseline biodiversity units on site using the Defra Metric and provides recommendations for avoiding adverse effects and ideas for enhancement (net gain). However, despite providing a site layout plan and a landscape scheme there is currently no post development biodiversity unit score which makes it very difficult to determine if the development can achieve no net loss or a net gain for biodiversity.

It is requested that a post development biodiversity metric calculation is carried out and submitted. Where possible in line with current policy the post development scheme should be seeking to secure net gains.

The ecologist requested to see the recommendations for biodiversity identified on the landscape scheme. At present much of the landscape planting is non-native and the recommendations in relation INNS and hedgehog do not appear to have been incorporated. A clear plan showing the biodiversity measures would be useful. The timing of tree works in relation to nesting birds can be suitably covered by an informative.

25.1.21 – The biodiversity net gain calculation submitted as an addendum to the PEA would be reasonable in this instance. It doesn't really matter what the report is called, the important thing is that it demonstrates how the recommendations within the PEA have been taken into account and how biodiversity net gain will be achieved. The officer notes that native planting has been included within the landscape plan which is welcomed. Once the BNG report is available the officer would provide more detailed comments.

20.7.2021 – The officer reviewed the layout plan, the landscape plan and the revised BNG calculations. It is disappointing that the applicant has chosen not to provide a net gain for biodiversity as part of this application. The BNG report confirms that there will be a net loss of biodiversity from the site. The NPPF encourages developments to 'secure measurable net gains for biodiversity'. If gains cannot be provided on site opportunities to provide gains within the local area could be explored e.g., working with a Town Council to provide biodiversity enhancements within public open space within Selby. This being said it is a very small loss of biodiversity units of commonplace habitats and currently there is no formal mechanism available to provide these types of minor off site compensation provisions. Due to the minor scale of loss, the officer will not insist on offsite compensation.



The BNG report does suggest that species roosting features could be put in place as an alternative to habitat provision. This is supported and that these details could be secured by condition requiring submission of a Biodiversity Enhancement Plan.

### **2.13 Designing Out Crime Officer**

In general, the overall design & layout of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime & disorder. Below is a list of some measures, which if incorporated, would enhance the safety and security of the development.

- Installation of CCTV to cover footpath at rear of building.
- Relocating of motorcycle parking bays.
- Provision of ground anchors and /or metal support stands for motorcycle parking.
- Provision of security lighting to building elevations.

Access & Movement - It is noted that there is a potential pedestrian link to be incorporated into the scheme that will provide access into the site from the new neighbouring residential development to the west that was subject of Planning Application 2019/0941/FULM. As this link will have an impact on the permeability of the adjacent residential scheme referred to above, it is requested that this should be formalised link, rather than a “desire line1”, which may be created, provided it is of a suitable width and is appropriately illuminated. In terms of the impact the proposed link may have on the site for the new retail store, no concerns were raised.

Landscaping - It is also noted that as part of the amended scheme that there are to be several additional trees planted within the car parking area. It is important to maintain the canopy of these trees so that the lowest branch is a minimum of 2.5m from ground level to ensure that surveillance across the car\_park is not impeded.

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

No objection.

### **2.15 Public Rights of Way Officer**

No response received.

### **2.16 HER Officer**

The site has a low archaeological potential, largely as a result of 19th and 20th century development. No objections.

### **2.17 Environment Agency (Liaison Officer)**

No objection provided the proposed development is built in accordance with the submitted FRA.

### **2.18 Waste and Recycling Officer**

No response received.

## 2.19 Contaminated Land Consultant

8.11.2020 - The report (phase 2 Geo-Environmental Assessment) shows that the site has previously been used as a police station, including a small fuel pump and underground fuel (diesel) storage tank. Prior to this, the land has accommodated railway lines, a culvert, and a car and lorry park. These past activities could have given rise to land contamination from fuel spillages, asbestos and heavy metals. 10 soil samples were collected and tested for metals, boron, chromium, organic carbon, water soluble sulphate, polyaromatic hydrocarbons, petroleum hydrocarbons and asbestos. No contaminants were detected within these samples above the relevant adopted assessment criteria for a commercial end use, and so there is considered to be negligible risk to human health from soil contamination. 2 rounds of gas monitoring had been carried out at the time of writing the report, detecting slightly elevated levels of carbon dioxide and methane, however the full monitoring program is not complete. The report recommends that a remediation strategy is prepared for the removal of the underground storage tank.

The Phase 1 report (ref: P19-299/DS Issue 1) will need to be provided so that the appropriateness of the site investigation strategy can be assessed in relation to the location of historical potentially contaminative activities on site. Additionally, the completed gas monitoring and gas risk assessment will need to be provided.

A remediation strategy will need to be produced for the removal of the fuel storage tank and any ground gas protection measures found to be necessary upon completion of the gas risk assessment, which will also require verification.

The applicant submitted a Phase 1 report and gas monitoring details.

22.11.2020 - The provision of the completed gas risk assessment and the Phase 1 report are sufficient for "condition 1: investigation of land contamination" to be left off. The gas monitoring identified elevated concentrations of both carbon dioxide and methane, necessitating the provision of gas protection. The remaining conditions (below) will therefore still be required.

Condition 2: Submission of a Remediation Scheme Prior to development,  
Condition 3: Verification of Remedial Works Prior to first occupation or use.  
Condition 4: Reporting of Unexpected Contamination

17.1.2021 - The report and the proposed remedial works are acceptable, and condition 2 will not be required. Condition 3 will still be required to ensure the remediation is carried out and verified, and condition 4 will still be required in case any further contamination is encountered during development works.

## 2.20 Urban Designer

No objection following the submission of amended plans.

Initially objected (27.1.2020) - Clear pre application guidance was given in June 2020 regarding expectations for the character and quality of new development on Portholme Road, in particular the use of contextual materials. Unfortunately, the design narrative bears little relationship to the proposed designs, and contains numerous inaccuracies, which ultimately arrive at generic design that is unjustified. The design does not respond to the local context, or to national and local policies

regarding quality design. Further work on the design and contextual relationship is required.

Urban Design 2<sup>nd</sup> response: 16th June 2021 – The revised design and attention to the Design and Access Statement is welcomed. The scheme is close to an acceptable form (from a Design perspective), subject to further details being changed in respect of boundary treatments particularly on the site frontage. Also, the orientation of the building needs further justification as spatially, the front is fronting the main car park, and Portholme Road. Architecturally, the front is down the side of the building. The pedestrian links to the west are welcomed. Further detail is also needed in respect of surface materials and all materials should be conditioned.

Urban Design 3<sup>rd</sup> response: 5th July 2021 – The scheme is close to being acceptable. The officer still raised concerns over the close boarded fence to the west. Still maintained concern of the siting of the building i.e. recessed from the road. The use of tarmac for the surface materials needs attention to ensure a higher quality hard landscape.

## 2.21 **Planning Policy comments**

In the absence of any sequentially preferable sites, the principle of retail development in this location is acceptable and complies with policy.

## 2.22 **Landscape officer**

No objection following the submission of amended plans.

### 24.2.21 – Initial holding objection.

The officer initially objected to the scheme over the likely to adversely affect the residential amenity of adjoining residential properties due to layout, proximity and conflicts of use. The site was said to be over-developed. There is insufficient stand-off at the boundaries to allow retention of existing trees and sufficient landscape boundary screening. Additionally, there is potential for night-time impacts due to lighting. Also, inaccuracies existed in the Design and Access Statement and the Arboricultural Impact Assessment.

Further detail was requested in respect of proposed boundary treatments, the protection and retention of existing boundary trees, particularly to the NW side, more substantial landscape boundary screening and stand-off along site boundaries, particularly to the west and east sides, additional tree and shrub planting within internal car park areas and further details and cross sections of boundary treatment, retaining structures and foundations, fencing and planting is required.

2.6.21 – Broadly supportive of the revised layout but would like to see more emphasis on tree establishment to ensure future amenity benefit of the trees, particularly since a number of existing good mature trees are to be removed to allow the current layout. The officer requested further detail on the tree pits. The officer was not supportive of the central 3 trees planted within hard paved areas as they will remain dependent on watering and aftercare.

30.6.21 – The officer could see no reason why the central hard linear island within the car park cannot be grass and to provide additional soil and growing space for the trees (layout could be the same). The landscape officer requested further reassurance on establishment of these central trees because trees planted within hard surfacing will always struggle and never do well. The tree planting details previously submitted have constrained root zones and potential for poor drainage.

1.7.21 – If the applicant is not able to make further changes and improvements for proposed replacement trees, and increase planting areas generally to accommodate this, then it is requested to see a commitment to longer-term maintenance and management for all the proposed landscape areas. This is over and above a 5-year replacement defects period which would typically be imposed.

7.7.21 – The officer was satisfied providing the following conditions were added:

- 10-year planting defects replacement period
- Maintenance aftercare plan together with a schedule; initial establishment period (10 years); and long-term maintenance thereafter.

### **Neighbour and 3rd Party representations**

2.23 The proposal was publicised by a site notice and direct neighbour notification of residents. 2 neutral letters were received, one concerning the need for a changing places facility for disabled and a one in response to concerns raised in the local press concerning HGV movements. The application received 72 letters of support, (many generic letters indicating general support), 1 from signed by 4 persons. The comments in support were detailed as follows:

- The new store will create new jobs for Selby people hopefully.
- The addition of Aldi to Selby Town shopping as opposed to the out-of-town position it holds now is a benefit to all, enabling shopping without using the private car.
- The town centre store will be accessible for the elderly to travel on foot.
- Planning needs to make special note of the road situation re Portholme as this road has junction adjacent to this site and a hazard needs to be avoided.
- The larger store will provide affordable shopping to the people of Selby who have no means of transport or way of accessing out of town shopping. A new store in an easily accessible place will give this choice to many more people as public transport is now on such a decline locally. It is important that local choice is there creating more competition between different stores.
- It will give more choice for customers.
- Its refusal would show poor judgement, presenting an image of a town that's opposed to investment from a world-player, and leaving Selby with an eyesore derelict building.
- Accept that there may be increased traffic if the supermarket is built and that councillors might be concerned by this, but surely a junction, built to jointly acceptable standards to minimise congestion into and out of the site can be part of the discussions between Aldi and the Council.
- Not overly concerned as far as increased traffic along Union Lane goes. The road is already busy at peak times, quieter at non-peak. If anything, it is the modular homes site that'll make the road busier than an extra supermarket, we're used to having two of the town's biggest as neighbours.

- Also, Aldi setting up there will CUT congestion elsewhere, as fewer people will be driving out to the Three Lakes, and those that do, who live in the town centre, will have the option to walk.
- The company is already established in Selby so will have no adverse effect on retailers. Town centre store more accessible to older residents.
- Asset to Selby, excellent use of a brownfield site in the heart of our town.
- Better than site being derelict.

2.24 5 letters of objection, the comments were as follows:

- The traffic on Portholme Road is currently very busy. Firstly, the added amount of traffic this would create, to the already very busy Portholme Road and Park Street, both from customers and deliveries to store. The residents of the Bainbridge estate would have a significant impact crossing the road, with traffic coming out of three major supermarkets. This store will cause an increase in traffic.
- There is building happening in that area for a large housing complex.
- Deliveries to the existing supermarkets currently causes more problems, one more supermarket will make it a whole lot worse.
- Residents on Union Lane, Massey Street, New Church Terrace, parts of Portholme Drive and Portholme Road will be badly affected.
- The only access to the area by large goods vehicles is either Union Lane/Massey Street/Portholme Road or Park Street/Portholme Road.
- The only sensible solution is to either refuse the application, or mandate that deliveries are between 11pm and 5am. That said, residents in that area will be troubled by noise for most of the night.
- The construction of another food store within the town centre is unnecessary and it should be built further out of town. Selby Town Centre is already well served with supermarkets.
- Further traffic into the town centre should not be encouraged encourage into the town centre especially in this area of Portholme Road which gets congested already.
- Maybe there could be something built here to encourage people to walk more like an outside space to exercise in or relax in, a community space. Aldi's current location is appealing as it's out of town, but it will lose custom to Lidl if it relocates to the town centre.
- The anticipated increase in traffic and consequent enhanced danger at the existing junction of Portholme Road and Portholme Crescent convince us that these applications cannot be considered separately, but the total impact of increased traffic in Portholme Road should be taken into account. If the application is to proceed, surely the access can be taken off a traffic island at the existing Portholme Road/Crescent junction as previously suggested, preferably with the original proposal for the Crescent to be joined to Park Street to also proceed.
- This road has woeful crossing points.
- Where is the infrastructure improvements to accommodate this development?
- Where are all the controlled crossings going to be to make this a safe thoroughfare for pedestrians, especially mobility challenged? Why haven't any groups representing disabled residents been consulted? Where is the impact on pedestrian through traffic consultation? This is a pedestrian route for my wife who is blind to avoid the pitfalls of going through town to access Bawtry road.

- When are you going to reinstate the footpath at the base of the bridge so she doesn't have to use the dangerous steps, because that's the only way to access Bawtry road from this end of town.

### 3 SITE CONSTRAINTS

#### Constraints

- 3.1 The application site is located within the development limits for Selby. The site is brownfield and lies on the southern fringe of the town centre outside the Shopping and Commercial Centre and outside the Conservation Area. The site is within Flood Zones 2 and 3 (benefitting from flood defences) the latter of which has a high probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations.

### 4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "*...if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*".

This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

## **Selby District Core Strategy Local Plan**

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy  
SP13 - Scale and Distribution of Economic Growth  
SP14 - Town Centre and Local Services  
SP15 - Sustainable Development and Climate Change  
SP16 - Improving Resource Efficiency  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
ENV2 - Environmental Pollution and Contaminated Land  
ENV28 - Other Archaeological Remains  
EMP2 - Location of Economic Development  
EMP6 - Employment Development within Development Limits  
T1 - Development in Relation to Highway  
T2 - Access to Roads  
S3 - Local Shops

## **National Planning Policy Framework**

4.8 Relevant sections include:

2 – Achieving sustainable development  
4 – Decision-making  
7 – Ensuring the vitality of town centres  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well-designed places  
14 – Meeting the challenge of climate change, flooding and coastal change  
15 – Conserving and enhancing the natural environment  
16 – Conserving and enhancing the historic environment

## **5 APPRAISAL**

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

- Principle of development - sequential test and retail impact
- Design and Impact on the Character of the Area
- Trees and Landscaping
- Impact on Highway Safety Highway Matters
- Impact on Residential Amenity
- Noise Environment
- Flood Risk and Drainage
- Nature Conservation and Protected Species

- Heritage Assets
- Land Contamination
- Other Matters

### **The principle of development including sequential test and retail impact**

- 5.2 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that development proposals which accord with an up-to-date development plan should be approved.
- 5.3 Paragraph 12 of the NPPF re-emphasises that the development plan is the 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. Para. 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan.
- 5.4 The Core Strategy (CS) was adopted in October 2013, however Planning Practice Guidance states that a plan does not become out-of-date automatically after 5 years. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the NPPF. It will be up to the decision maker to decide the weight to give to the policies. The policies in the SDLP (saved) and adopted CS are consistent with the NPPF.
- 5.5 CS Policy SP2 sets out the spatial strategy for the district and states that Selby, as the Principal Town will be the focus for new development, including retail.
- 5.6 CS Policy SP14 states that town centre uses should be focussed on the town centres of Selby, Tadcaster and Sherburn in Elmet. Proposals are required to comply with national planning policy which states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The site is located approximately 300 metres from the Primary Shopping Area and is therefore regarded as edge of centre in planning policy terms.

#### The sequential test

- 5.7 It is noted that a sequential test assessment has been submitted in support of the application, which finds that there are no sequentially preferable sites which are available, suitable or viable. At the time of the submission the Council had recently undertaken a Call for Sites exercise as part of the emerging new Local Plan and the policy team confirm that no sequentially preferable sites have been identified through this process.
- 5.8 The former police station site is considered to be a well-connected, brownfield, accessible edge of centre site which could potentially benefit the town centre through facilitating linked trips. The relocation of Aldi from an out-of-centre retail park to this edge of centre location is broadly supported for this reason.



## Retail impact

- 5.9 When assessing applications for retail developments outside town centres, which are not in accordance with an up-to-date plan, an impact assessment is also required. Given the absence of a locally set threshold in the Development Plan, the default threshold set out in the NPPF is 2,500 sq. m.
- 5.10 The Council have published a Retail, Town Centre and Leisure Study (November 2020) which concludes that there is very limited capacity for additional convenience retail floorspace in Selby Town in the period to 2030 (603 sq m net). Whilst retail need is no longer one of the retail tests, a lack of surplus expenditure indicates that the impact on existing stores will be greater and significant diversion of trade from in-centre stores (Sainsburys and Morrisons) could have an impact on the vitality and viability of Selby town centre. The 2020 Retail Study finds that Morrisons is overtrading (by £1.92m) when compared to company benchmark turnovers and the Sainsburys store is under-trading (by £3.62m). In the circumstances where in-centre stores are under-trading, further diversion of expenditure may have a more significant impact on the vitality and viability of the town centre. However, the study finds that the existing out-of-centre Aldi foodstore is found to be massively over-trading by £11.4m and it is considered that the relocation of the store will help to relieve this over-trading and absorb some of this surplus expenditure.
- 5.11 The submission of an impact assessment by the applicant is welcomed, as despite the modest size of the proposal (1,315 sq m net sales area) the deep discounters can have a significant impact on existing trading patterns. The submitted Retail Impact Assessment appears robust. It is based on the Council's previous Retail Study which was published in 2015 (as the 2020 update was not available at the point of submission) and the assumptions it uses for catchment area / trade draw and benchmark turnovers are considered to be realistic.
- 5.12 The Retail Assessment has provided an assessment of different scenarios, including a cumulative impact assessment of the proposal, alongside the Lidl proposal at Staynor Hall and the existing Aldi unit being retained as a foodstore which is welcomed. The assessment demonstrates that overall, there would be no significant impacts on town centre facilities.
- 5.13 The proposal is considered to be acceptable on the basis that:
- It represents a relocation of an existing store and proposes a modest uplift in sales area (+375 sq m net).
  - The Council's 2020 found that the existing Aldi store at Three Lakes Retail Park is significantly overtrading, and the store's relocation will relieve this overtrading and absorb some of this surplus expenditure.
  - The store will be relocated from an out-of-centre location to an edge-of-centre which may bring related benefits to Selby town centre through linked trips.
  - The application site represents a significant regeneration opportunity of vacant brownfield land in a highly accessible and sustainable edge of centre location.

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

- 5.14 SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be taken into account when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character,

identity and context of its surroundings. Paragraph 130 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and; establish a sense of place.

- 5.15 The design of the building has been perhaps the major area of concern from the initial submission. The urban design officers' comments above adequately detail this and explain how the original scheme was considered bland, not responsive to its overall context. This has been gradually improved through looking at other example stores, moving away from the modern grey cladded frontage and introducing more traditional materials such as red brick with full height piers, with cladding at higher level only. The roof design has also changed from a mono pitch design to a lower flat roof design. This palette of colours is now far more in-keeping with the built form in the area, including the houses on Portholme Road and the Morrison's. It is also consistent with the neighbouring housing site, whose materials have recently been signed off for use of red/brown brick and dark grey tiles and sheet roofing (2020/0957/DOC). In other words, it is far more contextually responsive with the existing and committed surrounding developments.
- 5.16 Other more subtle design changes were made to the pavement treatments, the landscaping, the entrance detailing and the choice of boundary materials to help anchor the development with street scene. Whilst the main glazed aspect does face east, the frontage once the landscaping becomes established will enhance the street scene. Limited opportunity also existed to enhance the planting areas, due to the store size requirement and resultant number of parking spaces. The pedestrian access to the west through the L&G Housing development was also later omitted due to the land level differences and an unwillingness of the residential developer to facilitate this.
- 5.17 Therefore on balance, the proposal has been significantly enhanced from its initial submission and is regarded to be visually acceptable and would not detract from the character of the surrounding area. The proposed development is therefore considered to be in accordance with SDLP Policies ENV1, CS Policy SP19 and national policy contained in the NPPF.

### **Trees and Landscaping**

- 5.18 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.
- 5.19 The impact on the landscape is particularly important in this proposal as the proposed development will inevitably change the character and form of buildings on the site. The current building on site only occupies roughly half of the site, with the remainder of the site being grassed. A group of trees (mainly birch) exists on the north-western corner of the site, and these extend down the western boundary, and provide some greenery within this street frontage. The trees within the western boundary are outside the site and are to be removed as part of the current L&G development.
- 5.20 The tree survey submitted with the application regarded the north-western grouping to be of moderate and low quality, but within reasonable to good physiological and structural condition. Both the landscape officer and urban design officer considered

that these should be retained, however the application site was enlarged during the processing of the application and subsumed these trees within a proposed parking and landscaping area.

- 5.21 The extent of the development, tree loss and the amount of landscaping was discussed at length during the processing of the application, with the applicants wishing to maximise the use of the site, leaving very little area for landscaping and the site feeling intensively developed. These discussions are fully detailed in the landscape officers' consultations responses above.
- 5.22 The landscaping was gradually enhanced by a series of amendments and additional information being submitted. The frontage was shown to be fully landscaped, along with the site boundaries and the south-eastern corner of the site. Trees were also shown in the central parking area, made possible via tree pits. A landscape plan was also submitted showing a total of 17 new trees, all of which were of heavy standard and extra heavy standard to give some immediate tree cover to the site and compensate for the trees being removed. This was all supplemented by shrub planting in the car park areas and boundaries.
- 5.23 The landscape officer was broadly supportive of the changes made and sought a commitment to longer-term maintenance and management for all the proposed landscaping. The need for a maintenance management plan is secured by condition as is the need to replacement defects period being 10 years as opposed to the normal 5 years. The applicants have agreed to this condition.
- 5.24 In terms of boundary treatment, again this was discussed and amended during the application. The site frontage is enclosed by a 600mm wall with copings to give the development some enclosure within the street scene, with planting behind. This sweeps around the site entrance and north-western corner of the site. The current permeable paladin fencing on the eastern boundary is being replaced by a low post and rail fence where it adjoins the heavily trafficked footpath. This will give the footpath an open feel and provide a safe route to the town centre. Beyond this on the south-eastern and southern boundaries is a 1.8m close boarded fence where the site bounds residential dwellings.
- 5.25 Finally, the western boundary is shown as a 1.8 m close boarded fence. The urban design officer wanted something more substantial along this boundary where it meets the new L&G housing estate. The applicants were reluctant to change this, and it was later established that the site to the west is elevated for flooding purposes and there is to be a 500mm retaining wall on the western boundary which is then landscaped. Therefore only 1.3m of fencing will be visible from the neighbouring residential side of the development. On balance, this was deemed to be acceptable.
- 5.26 The proposal has been significantly improved from its first submission and whilst more landscaping would have been welcomed, a balance has been reached. Given its semi urban fringe location this was deemed to be satisfactory and is therefore acceptable in accordance with Selby District Local Plan Policies ENV1(4), and Core Strategy Policy SP18.

### **Impact on Highway Safety**

- 5.27 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the

intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.28 The application was accompanied by a Transport Assessment which recognised that traffic associated with the proposed development would be higher than for the former Police Station use. When taking into account other committed development in the area i.e., the L&G site to the west, this meant that some 'off site' highway upgrading works could be necessary. These involved the potential for signalisation of junction at A1041 / Park Street or mini roundabout. The modelling also showed increased flow west to the A19 / Union Lane mini roundabout.
- 5.29 A Highways Technical Note was prepared by Andrew Moseley Associates in response to a number of discussions and various comments received from North Yorkshire County Council (NYCC) Highways on the Transport Assessment (TA). The Highways Technical Note which had several revisions, concluded that mitigation is not required at the Union Street / A19 Brook Street mini roundabout as a result of the development proposals.
- 5.30 In terms of the Bawtry Road / Station Road / Park Street Priority Crossroads Junction, further information was provided, and intervention was deemed necessary due to queuing on Park Street during busy periods.
- 5.31 The applicant had originally proposed changes to the layout of the Bawtry Road / Station Road / Park Street Priority Crossroads junction to a mini roundabout arrangement, seeking to readdress priorities at the junction and provide improvements to capacity. However, NYCC did not consider this to be an arrangement that could be supported based on their required design parameters and road safety concerns.
- 5.32 On this basis it was agreed that the mini-roundabout design would be removed from the proposals, as a future scheme at this junction would deliver a more comprehensive mitigation scheme and any interim solution would not be beneficial in highways terms. It is recognised and accepted by the applicant that over the last few years piecemeal development has occurred in the vicinity of the site and therefore there is a cumulative impact of additional highways / traffic movements that could be addressed strategically both in and around the town centre. This includes the Portholme Road corridor in relation to traffic management and the encouragement of movement by more sustainable modes in line with SDC and NYCC policies which seek active modal shift to walking, cycling and public transport.
- 5.33 To this end, NYCC Highways in association with SDC are currently preparing the initial stages of the 'Selby Places and Movement Study' which seeks to identify a package of town wide public realm, highways and transport measures and improvements which could include the Portholme Road corridor.
- 5.34 Any measures identified would seek to mitigate the impacts of the Aldi proposal and other existing traffic generating land uses in the future. The original mini-roundabout mitigation proposed by the applicant had a cost estimate of £125,000. On this basis it was agreed that the developer contributes this value to the Council, secured through a Unilateral Undertaking between Aldi and NYCC / SDC towards the 'Selby

Places and Movement Study' and the schemes to be delivered by it. This satisfied NYCC Highways officers and was deemed proportionate and would offset any temporary highway nuisance with a view to any future concerns being resolved through movement study. In terms of the site access arrangements and road safety audit, the technical note provided the necessary detail, along with swept path analysis details.

- 5.35 The application was also accompanied by an interim travel plan, which states makes it clear that its key objectives are to reduce non sustainable travel to and from the new store for both staff and customers. Primarily focussing on reducing vehicle usage and single occupancy vehicle usage. The plan also highlights the advantages of car sharing and electric cars and makes provision in the layout for these. Full details of the final travel plan are requested by condition.
- 5.36 In terms of parking provision, the layout shows 102 car parking spaces which include, disabled, family, x2 EV charging points with potential for a further 6 and 2 motorcycle spaces. The level of parking generally accords with the North Yorkshire County Council's parking standards for retail development over 1000sqm in market towns, being 1 space for every 18m<sup>2</sup>. This gives a requirement of 104 spaces and 102 are being proposed.
- 5.37 As a result of all the discussions and changes the NYCC Highway Authority raised no further objection to the proposal subject to conditions. The application therefore is not considered to harm highway safety and is acceptable and in accordance with SDLP policies T1, T2 and also national policy contained in the NPPF.

### **Residential Amenity**

- 5.38 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. This is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved, in particular the new supermarkets impact on outlook, light and privacy.
- 5.39 The proposed development is effectively surrounded by residential dwellings. To the south are the residents of 64-54 & 28 Bainbridge Drive which have rear gardens facing the application site. To the east are the dwellings of 5,7,9,11,12 Ashlea Close and 64 Portholme Road who's side gardens adjoin the application site.
- 5.40 Consent has also been permitted for a large residential scheme to the west (L&G) and the relationship of these dwellings has been shown on the planning layout as development is under construction. Having considered the layout, the properties to the west, it is not considered the proposed store will compromise the outlook of these dwellings. These mainly look northeast to southwest and are on elevated land and would look over the parking areas and landscaped area.
- 5.41 Having considered the proposed layout plan the building is positioned at the southern end of the site, with the access road and parking running parallel to the eastern boundary. In terms of the impact on the residents to the east, the access will come closer to these dwellings than the former use, however this would run alongside the gables of the dwellings adjacent to the footpath and these all have existing boundary treatments. The opening hours of the store will also be regulated meaning vehicles are only likely to park in the car park when the store is open.

- 5.42 In the south-eastern corner of the site are 4 dwellings (11-5 Ashlea Court). The rear most maisonettes i.e., 9 & 5 have their rear aspect facing west. The proposed building is set in from the boundary meaning a 15m gap exists between the new buildings and the rear aspect of these dwellings. This is considered satisfactory in terms of outlook and dominance particularly as the proposed food store is a relatively low flat roofed building being 5.5m in height. No windows exist above ground floor on this elevation to cause any privacy concerns. The landscaping scheme also shows 2 trees to be planted in this south-eastern corner to break up any views into the site. The proposal will therefore bring the massing closer to the eastern boundary than the previous building did, however this is not to a degree that would cause loss of outlook significant overshadowing or privacy concerns.
- 5.43 The southern boundary is almost entirely developed by the proposed building. This has the potential to cause concerns over loss of outlook and dominance to the dwellings to the south that face the application site. The existing building on the site does however have a very similar relationship to the building proposed. The proposed building is slightly higher at 5.5m compared with 4.7m of the current building but further set in from the boundary more by an extra 1m being 4m. This gives greater separation between the rear of the residential dwellings facing north and the rear elevation of the proposed building.
- 5.44 The relationship between the existing residents and new building is shown on the site section, and there are no plans to raise the levels of the site on the southern boundary. The building proposed floor level is only 300mm to 180mm higher than the existing levels on the boundary.
- 5.45 No third-party objections have been received from any of the immediate neighbours. Therefore, whilst the proposed building does dominate the southern boundary it retains a very similar scale and massing to the building it replaces. The proposal is therefore in compliance with SDLP Policy ENV1 and national policy contained in the NPPF.

### **Noise Environment**

- 5.46 SDLP Policy ENV2 requires noise or other pollution to be mediated or prevented. The most relevant consideration in terms of likely impacts on residential amenity is that of noise associated with the various elements of the scheme and their operation.
- 5.47 The main areas to generate noise are the car parking to the front of the site, the service point on the southwestern elevation and external plant positioned on the southern boundary. An Environmental Noise Impact Assessment accompanied the application.
- 5.48 With respect to impacts arising from the development during construction i.e., potential noise, dust and vibration, the Environmental Health officer suggested a condition requiring the need to submit a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties within close proximity to the site prior to development commencing. This is added as a planning condition.
- 5.49 The rear of the building is where the plant and equipment are located. This is free standing, low output spec (38bd @ 10m) and enclosed by a 3m acoustic fence. As no specific manufactures details were given, the Environmental Health officer considered necessary to impose a condition which, control the cumulative noise

level of the equipment to not exceed 39dB and 30dB for daytime and night-time hours respectively at noise-sensitive receptors set out with the supporting Environmental Noise Impact Assessment dated 12th August 2020 (ref: ADT 3040/ENIA). This will ensure all plant and equipment to ensure they do not cause nuisance to nearby residents.

- 5.50 Finally, the delivery hours cause often cause nuisance. The applicants proposed the following:

Opening hours Monday to Saturday	08:00 - 22:00
Opening hours Sunday	10:00 - 16:00
Delivery hours Monday to Saturday	06:00 - 23:00

- 5.51 The Environmental Health officer regarded the proposed delivery hours would encroach into night-time hours as defined by the World Health Organisation. The noise assessment identifies up to +27dB noise impact at nearby sensitive receptors from deliveries over a 15-minute period. As such, it is not considered appropriate to permit deliveries during night-time hours. The noise impact associated with the car park equates to 'no observed adverse effect' based on proposed opening hours of 08.00 to 22.00 Monday to Saturday and 10.00 to 16:00 on Sundays. In view of this the store opening hours are agreed however delivery hours should not commence until 07:00 as opposed to 06:00 proposed. The following condition is therefore recommended:

*'The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.'*

- 5.52 As such having taken into account the above it is considered that the proposal would not cause a significant detrimental impact on the residential amenities of nearby residents providing the suggested conditions are adhered in accordance with policy ENV1(1) of the Local Plan and the NPPF.

### **Flood Risk and Drainage**

- 5.53 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution.
- 5.54 The Environment Agency flood map for planning shows that the site is primarily located within flood zone 2, with the eastern edge within zone 3 therefore having a medium - high risk of flooding from rivers. The flood zone 3 does benefit from flood defenses, given its town centre location. The application was accompanied by a Flood Risk Assessment which concluded that the proposal should not be precluded on the grounds of flood risk.
- 5.55 Paragraph 162 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 of the NPPF states that "If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development

proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance”.

- 5.56 In accordance with the ‘Technical Guidance to the National Planning Policy Framework’; ‘Table 2: Flood Risk Vulnerability Classifications’, proposed food stores would be classified as ‘Less vulnerable’. Table ‘Flood Risk vulnerability and flood zone compatibility’ indicates supermarkets within flood zone 2 are appropriate.
- 5.57 The Council’s Flood Risk Sequential Test Developer Guidance Note - October 2019 states that, when applying the sequential test, proposals for retail/town centre uses in out-of-town locations should be considered against other available sites within the catchment area for the development. In this case given the town centre location it would be necessary to consider alternative sites within the town centre and its fringe.
- 5.58 The FRA commented that the majority of the land to the east is within flood zone 3 and therefore not sequentially preferable. The land to the south and west is flood zone 2 meaning there are no sequentially preferable sites, particularly given Selby town centre is largely developed. The retail impact assessment also confirmed the lack of available sites. As such, the site is considered to pass the sequential test. Given the site is a less vulnerable use in flood zone 2, an exception test is not required.
- 5.59 The Environment Agency have reviewed the application and have no objection subject to a condition requiring adherence to the submitted flood risk assessment.
- 5.60 It is proposed to drain the surface water to an existing culverted watercourse which currently serves the buildings on site. Flow rates will be restricted as per the drainage assessment. Surface water from car parking, access roads and loading bay will be collected via trapped gullies and linear drainage channels and will pass through an appropriately sized below ground petrol/oil interceptor prior to attenuation. Roof water will not be required to pass through the petrol/oil interceptors. Foul water will be pumped to the public foul network. The Internal Drainage Board raised no concerns and provided a list of standard conditions without assessing the details submitted. No response was received from the LLFA.
- 5.61 It is therefore considered that the proposals adequately address flood risk and that the site can be properly drained in accordance with SDLP Policy ENV1, CS Policy SP19 and national policy contained in the NPPF.

### **Nature Conservation**

- 5.62 SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with chapter 15 of the NPPF which seeks to protect and enhance sites of biodiversity value.
- 5.63 The application was accompanied by a bat survey which found no roosting bats within the current buildings. This will therefore not preclude their demolition. Also, a thorough Preliminary Ecological Appraisal (PEA) was submitted, which identified very few ecological constraints on the application site. The PEA assessed the site as having a Biodiversity Score of 0.55 which was later revised to 0.97 (due to the site being enlarged and further tree loss) Habitat Units. The PEA indicated that the LPA may look to seek some net gain.



- 5.64 The County Ecologist was content that bats are absent from the buildings on site and as such no further survey or mitigation is required. The PEA calculated the baseline biodiversity units on site using the Defra Metric and provides recommendations for avoiding adverse effects and ideas for enhancement (net gain). However, despite providing a site layout plan and a landscape scheme, there was no post development biodiversity unit score, which makes it very difficult to determine if the development can achieve no net loss or a net gain for biodiversity.
- 5.65 The development and landscaping plans were finalised and a new Biodiversity Net Gain Assessment ER-4889-02A was submitted. This showed a post development score of 0.23 Habitat units, so an overall Net Loss of 0.63 (64%). The report contends the high percentage reflects the original low baseline. A nett gain couldn't be achieved due to the amount of development on the site and hard surfaces. The loss is described as being small in terms of units and represents the ubiquitous urban habitats.
- 5.66 The County Ecologist was disappointed that the applicant has chosen not to provide a net gain for biodiversity as part of this application. The BNG report confirms that there will be a net loss of biodiversity from the site. The NPPF encourages developments to 'secure measurable net gains for biodiversity'. If gains cannot be provided on site opportunities to provide gains within the local area could be explored e.g. working with a Town Council to provide biodiversity enhancements within public open space within Selby. This being said it is a very small loss of biodiversity units of commonplace habitats and currently there is no formal mechanism available to provide these types of minor off site compensation provisions. Therefore, due to the minor scale of loss the County Ecologist did not insist on offsite compensation.
- 5.67 The BNG report does suggest that species roosting features could be put in place as an alternative to habitat provision. This is welcomed and is controlled by a condition requiring submission of a Biodiversity Enhancement Plan. As such, it is considered that the proposal is acceptable and in accordance with SDLP Policy ENV1, CS Policy SP18 and national policy contained in the NPPF.

## **6 CONCLUSION**

- 6.1 The application seeks full planning permission for demolition of the former police station and the erection of a Class E food store, together with car parking, landscaping and associated works. The land is within the Development Limits for Selby and on the fringe of the town centre. The development of this brownfield site is considered acceptable and has been proven to pass the sequential test and cause no harm to the vitality and viability of the town centre. Its location will be readily accessible to a larger population, accessible on foot and lead to the closure of the existing store operated by the applicants which is located further from the town centre. The proposal is therefore considered to be in accordance with CS policies SP1, SP2, SP13 and SP14.
- 6.2 The design and layout including landscaping has been the result of several amendments and now results in a satisfactory scheme that respects the character of the area and the causes no undue harm to the living conditions of neighbouring occupiers. Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF.

6.3 Finally, the application is accompanied by a unilateral undertaken in order that the traffic impacts of the proposals can be mitigated by a financial contribution (£125,000) towards the 'Selby Places and Movement Study' and the schemes to be delivered by it. This is necessary to make the development acceptable and is directly related to the development and is appropriate in terms of the scale of the contribution. This meets the tests set out in the section 122 of the Community Infrastructure Levy Regulations 2010 (amended 2011 and 2019) and paragraph 57 of the NPPF.

## 7 RECOMMENDATION

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

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

Reason:

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

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

Location Plan 16125-500 Rev A

Proposed Site Layout - 16125-100 Rev F

Proposed GA Layout - 16125-101 Rev A

Proposed Elevations - 16125-102 Rev C

Proposed Sections - 16125-103 Rev C

Proposed Roof Plan - 16125-104 Rev A

Landscape Plan – 16125-VL\_L01 Rev E

Boundary Treatments – 16125-105 Rev A

Boundary Sections 16125 -106

Tree Planting Detail Hard Landscape areas 16125-VL\_D02

Tree Planting Detail Soft 16125-VL\_D01

CGI – 02A

Proposed Plant Layout 79-EXXXX-WAVE-XX-00-DR-R-En\_60\_60\_00-0001-A5-P00

Flood Risk Assessment & Drainage Statement prepared by 3E Consulting Engineers (Report dated June 2020) including all flood warning and mitigation measures.

Interim Travel Plan April 2021 Report No 40073-002

Transport Assessment October 2020 Report No 40073-001

AMA/40073/ATR007 -HGV swept path analysis.

AMA/40073/ATR008 -HGV swept path analysis.

AMA/40073/SK004 Rev D - Large Service vehicle swept path analysis

AMA Highways Technical Note dated 6.4.22

Reason:

For the avoidance of doubt.

03. No development on any phase of the development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Local Planning Authority. The scheme shall include details of any necessary noise, vibration, dust, air pollution and odour mitigation measures. Development shall be carried out in complete accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

04. The cumulative level of sound from all plant and equipment associated with the proposed development, when determined externally under free-field conditions, shall not exceed 39dB and 30dB for daytime and night-time hours respectively at noise-sensitive receptors set out with the supporting Environmental Noise Impact Assessment dated 12th August 2020 (ref: ADT 3040/ENIA). All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

05. The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

06. The store hereby permitted shall not open to customers until the 2 electric vehicle charging points detailed on the proposed site layout have been installed and are fully operational. These shall remain operational for the lifetime of the use and be subsequently retained for that purpose.

Reason:

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

07. Prior to first occupation or use, 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 waters, property and ecological systems.

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

09. Before the development is first brought into use a landscape management plan including long term design objectives management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures for 10 years maintenance following the first 5 years from establishment. The landscape management plan shall be carried out as approved.

Reason:

To ensure the scheme is developed and managed for future years in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policies SP18, SP19 of the Core Strategy and Local Plan Policy ENV1.

10. If within a period of 10 years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP18.

11. All tree planting, and landscaping comprised in the approved Landscape Proposals

Landscape Plan – 16125-VL\_LO1 Rev E

Tree Planting Detail Hard Landscape areas 16125-VL\_D02

Tree Planting Detail Soft 16125-VL\_D01

shall be carried out in the first planting seasons following the substantial completion of the development, whichever is the sooner.

Reason:

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

12. No development shall commence above slab level until details and samples of the materials to be used in the construction of the external surfaces, i.e. external walls, roof, cladding, boundaries, surface treatment 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 the materials are appropriate for the area in accordance with Local Plan Policy ENV1 and Core Strategy Policy SP19.

13. Prior to the first use of the development hereby permitted, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by Local Planning Authority. Once agreed the plan shall be carried out within the agreed time period and the measures shall be retained for the lifetime of the development.

Reason:

To deliver biodiversity net gain as per the NPPF para 174b) and policies ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy.

14. The development must not be brought into use until the access to the site at Portholme Road has been set out and constructed broadly in accordance with the drawing: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway must be constructed in accordance with the Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and the following requirements.

- Any gates or barriers must be erected a minimum distance back from the existing highway so as not to be able to swing over the existing highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 30 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

15. The development must not be brought into use until the existing access onto Portholme Road has been permanently closed off in accordance with the drawing: Proposed Site Layout, 16125 – 100 Rev F which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and the amenity of the area.

16. There must be no access or egress by any vehicles between the highway and the application site at Portholme Road until splays giving clear visibility are provided as shown on drawing: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

17. There must be no access or egress by any vehicles between the highway and the application site at Portholme Road until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

18. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the Old Police Station, Portholme Road have been constructed in accordance with the drawings: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and Proposed Site Layout, 16125 – 100 Rev E as approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

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

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

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

Reason:

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

20. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

1. restriction on the use of the existing site access junction OR the new proposed site access junction (but not both at the same time) on Portholme Road for construction purposes;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures;
12. an undertaking that there must be no burning of materials on site at any time during construction;

13. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;

14. a detailed method statement and programme for the building works; and

15. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

Informatives:

#### Timing of tree clearance

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England  
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>.

Further information on wildlife legislation relating to birds can be found at [www.rspb.org.uk/images/WBATL\\_tcm9-132998.pdf](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf).

#### New and altered Private Access or Verge Crossing

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

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) .

#### MHi-J Travel Plans

Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_\\_\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues___including_parking_standards.pdf)



## **8 Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

## **9 Financial Issues**

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

## **10 Background Documents**

Planning Application file reference 2020/1042/FULM and associated documents

**Contact Officer:** Gareth Stent (Principal Planning Officer)  
[gstent@selby.gov.uk](mailto:gstent@selby.gov.uk)

**Appendices:** None

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# Agenda Item 5.2

The Farmstead, Lund Lane, Cliffe  
2021/0241/FUL



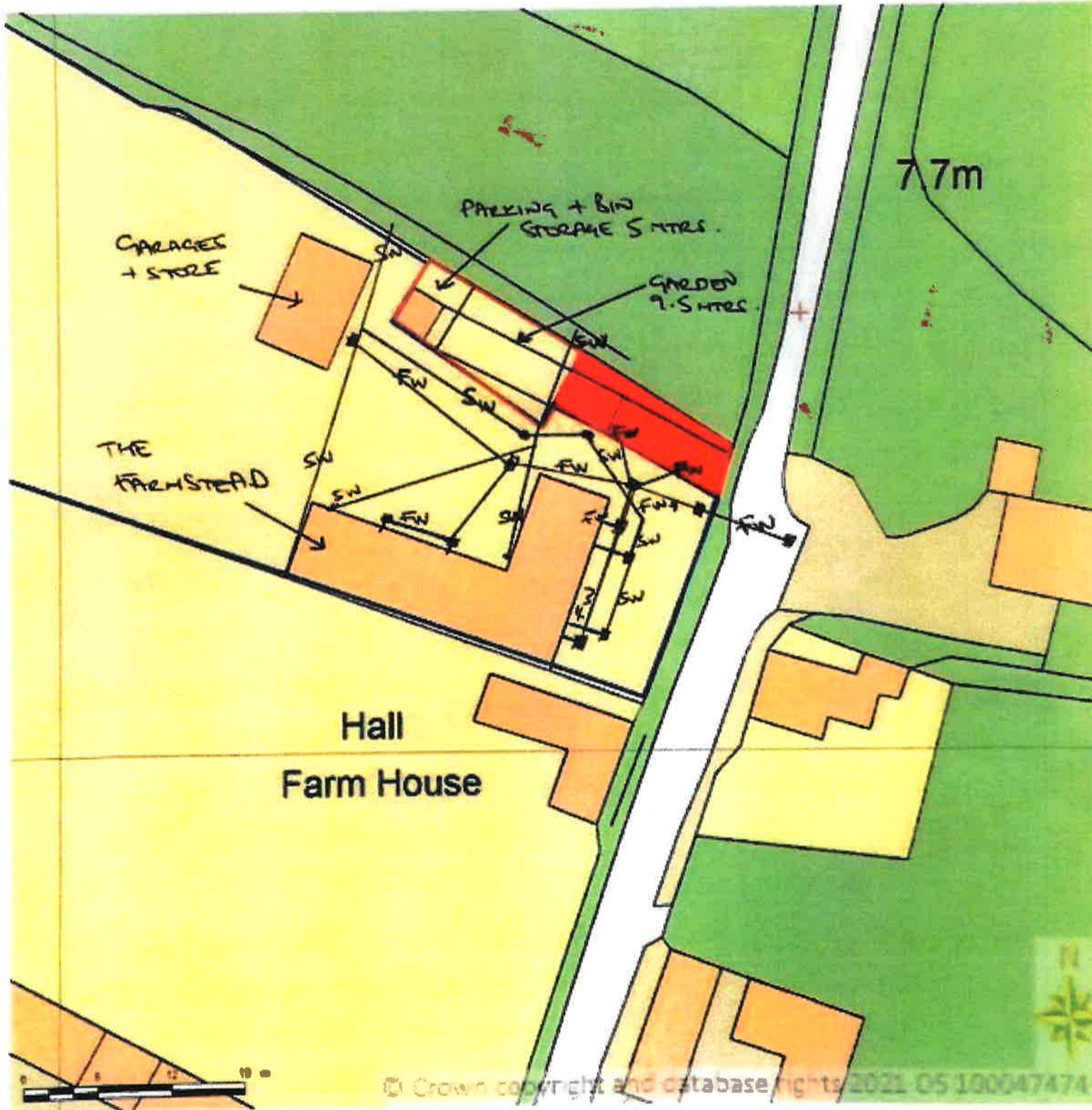
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BLOCK/SITE PLAN  
AREA 90m x 90m  
SCALE: 1:500 on A4  
CENTRE COORDINATES: 465241 , 432916



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17:33:50 07/03/2021

BUSINESS SUPPORT  
- 4 MAY 2021  
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**Report Reference Number:** 2021/0241/FUL

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Elizabeth Maw (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/0241/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr Kevin Sarginson	VALID DATE: EXPIRY DATE:	4th May 2021 29th June 2021
PROPOSAL:	Conversion of existing barn to form one dwelling, external alterations and a chimney		
LOCATION:	The Farmstead Lund Lane Cliffe Selby North Yorkshire YO8 6PD		
RECOMMENDATION:	GRANT subject to planning conditions		

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

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is a barn/outbuilding within the residential curtilage of The Farmstead, Lund Lane, Cliffe. It is located in the hamlet of Lund, which comprises a grouping of properties situated between Cliffe and Osgodby and centred primarily around Lund Lane. The site is outside any defined development limits and therefore lies within countryside.
- 1.2 Historically, the barn was within the farmstead of Hall Farm. This farming enterprise ceased in 2001. In 2010, consent was granted to redevelop the farmstead with a

dwelling now known as 'The Farmstead' and convert and extend the barn subject of this application to an office. The applicants live in 'The Farmstead' and they have been using this barn as a home office.

- 1.3 The barn has red brick walls, red pantiles and wooden window frames. Internally, works to convert the building to a residential use has already started. Stud walls and plastering has begun, and electric points installed. Overall, the building is in good condition.

### **Proposal**

- 1.4 This application seeks consent for the use of the home office/outbuilding as a two bedroom dwelling.
- 1.5 When planning consent was granted in 2010 to convert the barn to an office, the approved plans showed a number of external changes. The building as it stands now has not been renovated in accordance with the 2010 approved drawings. Therefore, this application seeks consent for the change of use of the barn to a dwelling but also retrospective permission for external alterations and the installation of a chimney.

### **Relevant Planning History**

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

2010/1135/FUL - Conversion of and extension to two barns including part rebuild following demolition of fold yard/enclosure walls, single storey stores WC and garage, two storey store, stable and range of outbuildings. To create one dwelling with office accommodation and associated works. Granted 23.12.2010.

2020/1361/ATD - Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development. Withdrawn 02.03.2021.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 Contaminated Land Consultant**

No objections or conditions required as the site is at low risk of contamination.

### **2.2 NYCC Highways Canal Rd - No objections.**

### **2.3 Selby Area Internal Drainage Board**

It is understood that the drainage system has been in place since 2014/2015 and accordingly, given the time that has now past, and that there is no proposed increase in impermeable area, the Board's view is that there will be minimal increased impact on any watercourses within the Board's district as a result of this application. Therefore, no objections are raised, and no conditions are required.

### **2.4 Parish Council - No response received within the consultation period.**

### **2.5 Publicity - The application was advertised by site notice for a period of 21 days and no observations were received.**



At a later stage of the application (4.5.22), the description was revised for accuracy reasons and a new site notice was displayed for a period of 14 days. At the time of writing the report, the second publicity period had not ended expired. Should any representations be received, these will be reported to Planning Committee in the Officer's update.

### **3. SITE CONSTRAINTS**

- 3.1 The site is outside defined development limits and therefore lies within the open countryside in planning policy terms. The site falls in flood zone 1 (low probability).

### **4. POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

#### **Selby Core Strategy**

- 4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP15 – Sustainable Development and Climate Change  
SP18 – Protecting and Enhancing the Environment  
SP19 – Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development  
H12 – Conversion to Residential Use in the Countryside  
T1 – Development in Relation to the Highways Network  
T2 – Access to Roads

### **National Planning Policy Framework**

4.8 The relevant sections are:

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

## **5. APPRAISAL**

5.1 The main considerations are:

- 1) The principle of the development
- 2) Suitability of the building for re-use
- 3) Design and impact upon the countryside
- 4) Effect upon residential amenity
- 5) Highway and parking considerations
- 6) Drainage

### **Principle of the Development**

5.2 The application site is situated in Lund, which is a hamlet and as such is not defined as a village by the Core Strategy and has no defined development limits. It therefore is considered to fall within the countryside in planning policy terms.

5.3 The application site is a former agricultural building on a site that is no longer in agricultural use. The building is within the curtilage of a residential dwelling and has been used as a home office in recent years. The building was granted planning consent in 2010 to be used as an office and the applicants have been using the building as a home office.

5.4 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for

villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building.

- 5.5 Core Strategy Policy SP2A(c) states that the re-use of buildings is permitted in the countryside preferably for employment purposes which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with Policy SP13 or where it would meet rural affordable housing need (SP10), or other special circumstances. SP13 seeks to bring sustainable economic growth in rural areas through local employment opportunities. As the proposal is not for the reuse of the building for employment purposes in line with Policy SP13, the proposal does not strictly accord with Policy SP2, though the inclusion of the word 'preferably' is noted, and it is considered that this does not exclude residential re-use of buildings.
- 5.6 Policy H12 of the Local Plan (adopted 2005) stipulates the criteria in which conversions will be permitted. Criteria 1 of Policy allows proposals for the conversion of rural buildings to residential uses provided "*...it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". The proposal does not meet the criteria and is therefore contrary to the requirements of the development plan. However, the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 5.7 The proposal would re-use an existing rural building that is at a residential property within the hamlet (also a converted former agricultural barn). As such, the site is not isolated and nor would the proposal result in an isolated dwelling in the countryside. The building was granted consent to be converted to an office in 2010, which it has been used as such by the applicants, whilst it is noted that Core Strategy Policy SP2 seeks re-use of buildings for employment purposes, this is preferable rather than limited to such a use. The provision of one further dwelling within the hamlet within an existing building would provide a modest contribution towards enhancement of the vitality of this rural community. Future occupiers could also help to support the services located in nearby villages, such as Cliffe and Osgodby, which are the nearest defined settlements with some existing local amenities.
- 5.8 In conclusion, the proposal does not comply with H12(1). However, the proposal does comply with the up-to-date policy of the NPPF and Policy SP2A(c) of the Core Strategy as the proposal re-uses a building in the countryside and maintains the vitality of rural communities. Therefore, the proposal to convert the building to a dwelling is acceptable in principle. The building is not considered to be isolated, therefore the tests of paragraph 80 of the NPPF do not need to be applied.

#### **Suitability of the building for re-use**

- 5.9 Criteria 2 of H12 looks to assess whether the conversion would "*...provide the best reasonable means of conserving a building of architectural or historic interest and*

*would not damage the fabric and character of the building*". Criteria 3 and 4 of policy H12 requires proposals to demonstrate the building is structurally sound and extensive alterations, rebuilding and/or extensions are not required.

- 5.10 This is an existing brick-built barn that may previously have been used for stabling with a loft store. It has been used as a home office in recent years. The building is in good condition both externally and internally. When permission was granted to change the building into an office in 2010, the barn was deemed structurally sound. Since 2010, the condition of the building has further improved because the building has been maintained and converted into a home office by the owners.
- 5.11 The 2010 granted plans for the office permitted 2 windows on both the south and north elevations and the window on the front was shown as one opening containing two pieces of glazing and an arched head. The current building has 3 openings on the south elevation and five on the north elevation. The front windows are two separate openings with brick cills only. There is an opening on the rear elevation and a chimney has been installed as well.
- 5.12 The building as it currently stands, whilst contrary to the 2010 approved plans is still considered to be sensitive to the design of this former rural building and the unauthorised changes has not damaged the character or fabric of the existing building.
- 5.13 Therefore, it is considered that the proposal is structurally sound and suitable for re-use as a dwelling and the unauthorised changes have not damaged the character and fabric of the existing building. Part 2-4 of Local Plan Policy H12 is therefore satisfied.

### **Design and Impact Upon the Countryside**

- 5.14 The NPPF, local policies ENV1 of the Selby District Local Plan and Core Strategy Policy SP19 require developments to have regard to local character and the open countryside. Furthermore, the creation of the residential curtilage in connection with the conversion should not have a significant adverse impact on the character and appearance of the surrounding countryside as per the requirements of policy H12(5).
- 5.15 The existing building is reflective of a former agricultural building, and it is complementary to the rural setting of the settlement.
- 5.16 The property will be served off an existing drive and parking will be provided at the rear of the building. A courtyard style garden will be provided to the rear of the dwelling. The parking and garden would be located in the grounds of the former farmstead, which is now grounds of the main house. The parking and garden areas are deemed to be reasonable in their size and nature and as they are confined to the area of the former farmstead, they do not have a detrimental impact on the open countryside.
- 5.17 In conclusion, the proposal satisfies the design and character policies as stated above.

### **Effect Upon Residential Amenity**

- 5.18 Policy ENV1 (part 1) and H12 (part 7) require developments to have regard to adjoining occupiers and local amenity.
- 5.19 The only property that will be materially affected by the application is the applicants property, which is to the south. Windows of the proposed dwelling do not directly face principal elevations of the applicant's house. The proposed garden is a courtyard to the rear of the barn, which could be enclosed from the applicants grounds by a wall or fence up to 2m in height. Therefore, each property whilst close to each other, can have a good standard of privacy.
- 5.20 Vehicles of the new dwelling will have to pass the side of the applicant's house, but movements will be infrequent as this is a small-scale development creating only one, two bedroom dwelling.
- 5.21 Therefore, the proposal complies with Local Plan Policies ENV1 (part 1) and H12 (part 7).

### **Highway and Parking Considerations**

- 5.22 Policy in respect to highway safety and capacity is provided by the NPPF, Selby District Local Plan Policies ENV1(2), T1 and T2 and Core Strategy Policy SP15. Parking standards is stated in Appendix 4 of the Selby Local Plan and the Interim Parking Standards Documents from NYCC dated 2015. Both the Local Plan and NYCC standards require a 2-bedroom property in a rural area to have 2 parking spaces.
- 5.23 The layout plan shows the site will be served off the existing access to the farmstead. No highway safety issues are expected to arise from the intensification of the access as the lane has a low number of traffic movements.
- 5.24 A parking area for two cars is proposed at the rear of the property. Sufficient off-street parking is retained for the existing property.
- 5.25 In conclusion, access and parking arrangements are acceptable and no highway safety issued are expected to arise. The highway policies and parking standards set out above are therefore adhered to.

### **Drainage**

- 5.26 The site is not vulnerable to flooding (flood zone 1). As such, planning policy for flood risk does not need to be applied.
- 5.27 A wastewater connection to mains sewers is available. The IDB have no objections given that surface water drainage is already in place to and the proposal will not increase impermeable areas, so there would be an acceptable drainage solution and no increase in flooding elsewhere as a result of the development.

## **6. CONCLUSION**

- 6.1 The proposed conversion of this former rural building accords with Policy SP2 and paragraph 79 of the NPPF because it re-uses a rural building in an existing

settlement for an appropriate use. Future occupiers would help to maintain the vitality of this rural community and support local services in nearby villages, albeit modestly. The proposal does not comply with criteria 1 of Selby Local Plan Policy H12. However, this should not be a reason to withhold permission as later policy does not require rural buildings to be prioritised for employment uses and the conversion has several benefits to the character of the area and the rural community.

- 6.2 The building is structurally capable of being converted and the alterations preserve its former agricultural appearance. There are no residential amenity, highway or drainage issues. The proposal is therefore considered to comply with the NPPF, Core Strategy Policies SP1, SP2, SP15, SP18 and SP19 and Local Plan Policies ENV1, T1 and T2.

## **7. RECOMMENDATION**

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

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

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

02. The development hereby permitted shall not be carried out otherwise than in strict and complete accordance with the plans as listed as follows:

Layout Plan (received 04.05.2021)

Proposed Cross Sections (received 29.04.2022)

Proposed Elevations (received 29.04.2022)

Proposed Floor Plans and Roof Plan (received 29.05.2022)

Existing Plans and Elevations (received 29.05.2022)

Reason:

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

## **8. Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

**9. Financial Issues**

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

**10. Background Documents**

**Planning Application file reference 2021/0241/FUL and associated documents.**

**Contact Officer:** Elizabeth Maw, Senior Planning Officer  
[emaw@selby.gov.uk](mailto:emaw@selby.gov.uk)

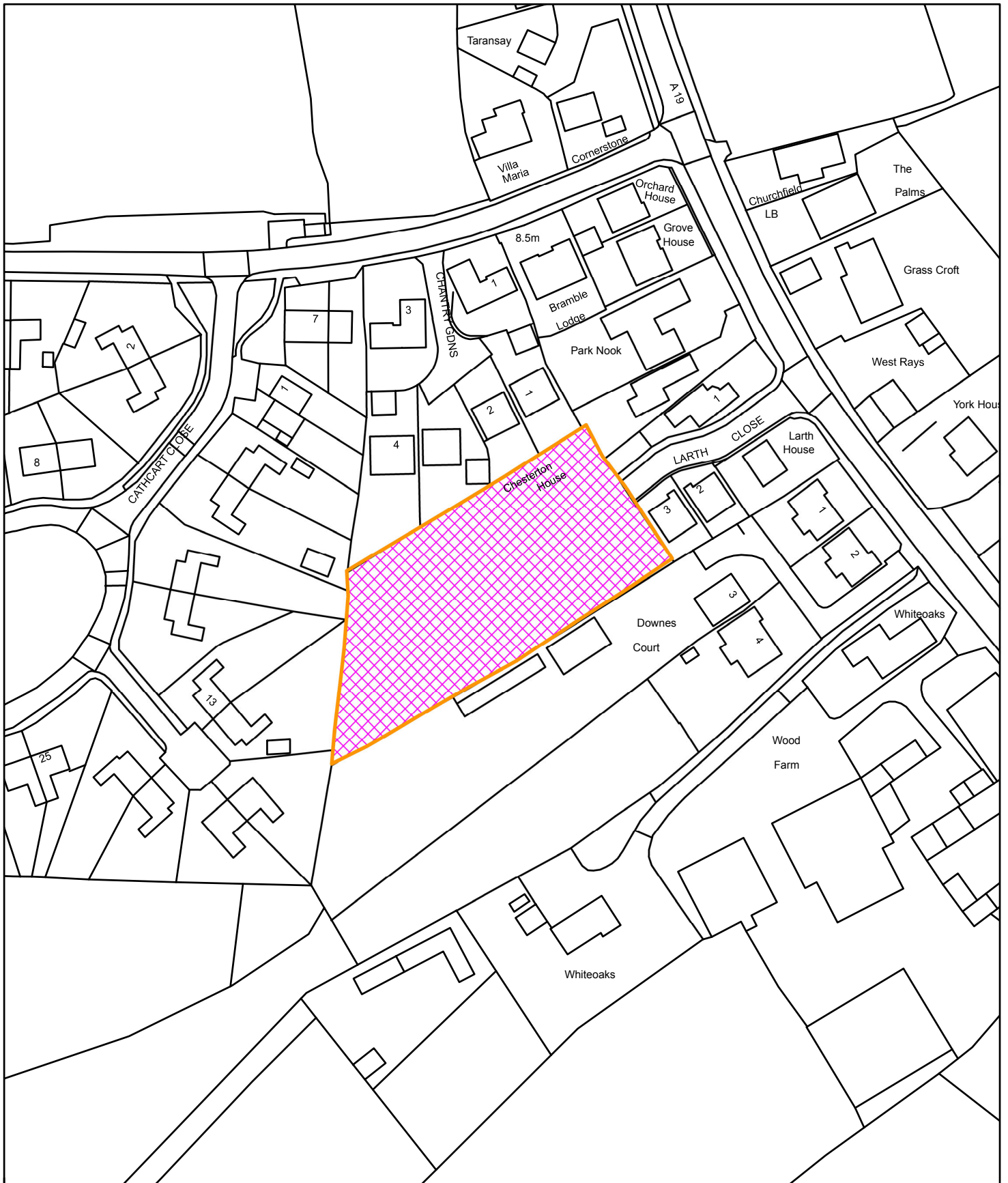
**Appendices:** None

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# Agenda Item 5.3

Land off Larth Close, Whitley  
2021/0268/FUL



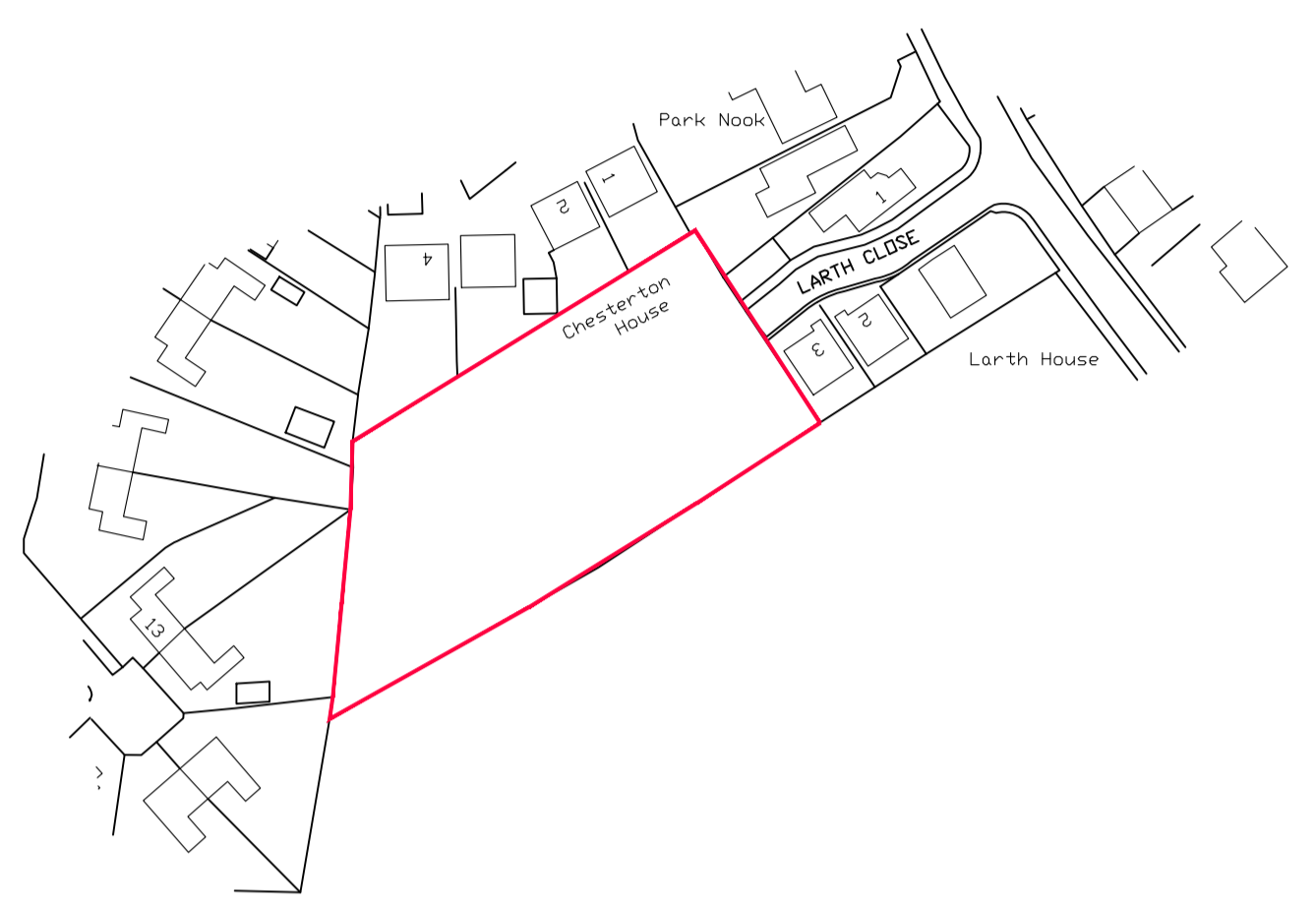
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REVISIONS				
REV	DATE	DESCRIPTION	CHECKED	APPROVED
01	21 05 21	Plots 1 and 2 omitted	..	..
02	22 10 21	Site general amendments due to separation.		
03	08 11 21	Site updated for plot 5 separation of 21m		
04	10 01 22	Extend path locate soakaway in adopted area		
05	11 04 22	2M PATH AND 4.5 ROAD		
06	20 04 22	vehicle turning added		

4.5M ROAD WITH 2M FOOTPATH



PROPOSED SITE LOCATION PLAN 1:1250



PROPOSED SITE PLAN 1:500

AMENDED  
DRAWING

CLIENT <b>MR P JHONSON</b>		
PROJECT TITLE <b>PROPOSED RESIDENTIAL DEVELOPMENT LARTH CLOSE</b>		
DRAWING TITLE <b>PROPOSED SITE PLAN</b>		
© ANTHONY SNOWDEN ARCHITECT 2020 RIBA		
SCALE <b>1:500 1:1000</b>		
PROJECT NO. <b>023</b>	DRAWING NO. <b>01</b>	REV. <b>06</b>

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**Report Reference Number:** 2021/0268/FUL

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Elizabeth Maw (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/0268/FUL	PARISH:	Whitley Parish Council
APPLICANT:	Mr & Mrs Philip Johnson	VALID DATE: EXPIRY DATE: EoT AGREED:	4th March 2021 29th April 2021 6 <sup>th</sup> July 2022
PROPOSAL:	Erection of 6 dwellings and garages (Amended Proposal)		
LOCATION:	Land Off Larth Close Whitley Selby North Yorkshire		
RECOMMENDATION:	GRANT subject to a S106 Agreement for Recreational Open Space and Waste/ Recycling Contributions		

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

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is a Greenfield site surrounded by built form on four sides. Access is via the A19 and an unadopted residential road known as Larth Close. The north, west and east of the site is enclosed by existing residential development. A stable building and storage barn is adjacent to the southern boundary of the site.
- 1.2 The appeal site lies outside the defined development limits of Whitley, which follows the north, west and east boundaries of the site and is designated as being within

the Green Belt. The village of Whitley is a predominantly linear settlement, with built form along either side of the A19 and more recent development to the rear of frontage plots to the west of the A19 such as Larth Close and larger estates including Lee View and Blackthorn Close to the east of the A19.

## **The Proposal**

- 1.3 This proposal seeks full planning permission for six dwellings and garages. The submitted scheme was originally submitted for eight dwellings but has been reduced to six dwellings. The reduction from eight dwellings to six has reduced the reduced the built form on the site and allowed more space between the dwellings.

## **Relevant Planning History**

- 1.4 The following historical application is considered to be relevant to the determination of this application:
- 2014/1135/OUT - Outline planning permission for residential development of up to 10 dwellings including means of access. Refused: 12-MAR-15. Dismissed at appeal: 24-Sep-15;
  - 2016/1094/OUT - Outline application for erection of 4 detached bungalows (re submission of 2014/1135/OUT dismissed on Appeal 24th Sept 2015). Granted 12-JAN-17;
  - 2019/0815/OUT - Outline planning permission for the erection of 4 detached bungalows including means of access (all other matters reserved). Granted 24-DEC-19.
- 1.5 The 2015 appeal against refusal of outline planning permission 2014/1135/OUT, showed 10 houses on an indicative site plan. One of the key considerations of the appeal was whether the development is inappropriate development in the Green Belt or whether it was considered as an exception to development in the Green Belt, particularly 'limited infilling in villages'. The appeal Planning Inspector considered the site to be an infill development but did not consider 10 houses to be 'limited'. As such, a development of 10 houses was regarded to be inappropriate development and the appeal was dismissed.
- 1.6 The 2017 and 2019 outline planning applications for 4 dwellings were granted by the LPA for four dwellings. Indicative plans submitted with the applications show a row of four dwellings and an access road along the north boundary of the site. The 2019 permission can be implemented up to 24.12.2022, subject to satisfying conditions of approval.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 Whitley Parish Council**

The applicant has submitted revised plans that reduce the number of houses to be built on the development from 8 to 6. Notwithstanding this change, the Parish Council maintain their objection on the grounds that the development continues to be in breach with Green Belt policy and is not 'limited infill'.

The site has planning consent for four bungalows. This new application by the developers, however increases the scale of the development again.

Selby District Council is in the progress of development of its New Local Plan. The Preferred Options (2021) Consultation is now complete and published. The preferred allocations document provides a more than adequate supply of sustainable, affordable development resource within the village of Eggborough and Whitley. There is no further requirement for additional housing.

## **2.2 NYCC Highways**

The applicant would like the site to be adopted. However, Larth Close is not adopted. Larth Close would have to be adopted before the Highway Authority would consider adopting the proposed site. With this in mind the developer would have to then evidence that the existing access on Larth Close has been constructed to an adoptable standard. It maybe that substantial work could be required to bring the existing section of Larth Close up to an adoptable standard. Therefore, it is recommended that the site access is developed up to adoptable standards to allow a potential future adoption. However, it cannot be guaranteed that the access can be adopted and therefore this development has to be treated as having a private access.

The scheme has been subject to amended plans, which have included amendments to the layout of the access track. Tracking has been carried out to show that a bin wagon can turn and exit in a forward gear.

Following, the applicant's agreement to keep the road private but built to adoptable standards and considering the layout, which includes provision for the turning of a bin wagon, no objections are raised subject to conditions.

## **2.3 County Ecologist**

The content of the report is sufficient for this application to be determined in relation to ecology. There are no major ecological constraints to the proposed development, however the report does make recommendations in various paragraphs in relation to protection of certain features on site, timing of works to avoid sensitive periods, requirements for sensitive lighting and enhancement measures. There is a need to ensure that these recommendations are secured as part of the proposals and as such condition to secure a Biodiversity Enhancement and Mitigation Plan (BEMP) will need to be submitted in advance of works commencing on site and should include details of how the recommendations set out in the PEA will be delivered. If recommendations cannot be included within the development, then reasons why should be clearly set out and alternative measures for mitigation and/or compensation will need to be proposed.

## **2.4 Contaminated Land Consultant**

The report shows that the site is currently undeveloped and has not previously been developed. The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report and the proposed site investigation works are acceptable. No further observations, subject to conditions.

## 2.5 **Yorkshire Water**

No objections subject to a condition, which requires the development to be carried out in accordance with the drainage layout.

## 2.6 **Natural England**

No comments.

## 2.7 **HER Officer**

No objections as the site is unlikely to have any archaeological interest.

## 2.8 **Waste and Recycling Officer**

Recommended that the development is designed to enable the collection vehicle to continue in a forward direction wherever possible. A private access can be accepted providing access is available and the owner acknowledges that any damage or wear and tear of the private road by the bin wagon would be up to the owners to maintain rather than the County Council.

Care should also be taken to ensure that internal storage facilities are included for residents to store bins and recycling boxes.

## 2.9 **Environmental Health**

No objections subject to conditions for a construction management plan, control of working hours and no piling foundations unless a schedule of works is agreed beforehand.

## 2.10 **Publicity**

The initial scheme for eight dwellings generated a total of nine objections from local residents. In summary, the objectors raised concerns regarding the land being Green Belt, an unsustainable form of development in a village lacking facilities, traffic, overlooking/ loss of privacy, loss of biodiversity, loss of view, impact on animals in the adjacent stable block during development from noise, dust and vibration.

The revised scheme for six dwellings was re-advertised and a further two objections were received. In summary, the two objections raised concerns regarding loss of privacy to an annexe in a neighbouring garden, the earlier approval of four dwellings was accepted as the LPA at the time did not have a five year housing land supply and the previous approval was bungalows, which is what should be built and would be a more feasible scheme.

*In total, 11 representations have been received that raise material planning considerations.*

## 3. **SITE CONSTRAINTS**

- 3.1 The site lies outside the defined development limits of the Designated Service Village of Eggborough/Whitley as defined in the Development Plan and is designated as Green Belt. It lies in flood zone 1.



#### 4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State, and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework:

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

#### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP3 – Green Belt
  - SP8 – Housing Mix
  - SP9 – Affordable Housing
  - SP15 – Sustainable Development and Climate Change
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development  
ENV2 – Environmental Pollution and Contaminated Land  
T1 – Development in Relation to the Highway Network  
T2 – Access to Roads  
VP1 - Vehicle Parking Standards

### **Supporting Policy Documents**

4.8 NYCC Interim Parking Standards

### **National Planning Policy Framework**

4.9 The relevant chapters are relevant:

2 – Achieving sustainable development  
4 – Decision- making  
5 – Delivering a sufficient supply of homes  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well-designed places  
13 – Protecting Green Belt land  
14 – Meeting the challenge of climate changes, flooding and coastal change  
15 – Conserving and enhancing the natural environment

## **5. APPRAISAL**

5.1 The main planning considerations are:

- 1) Principle of the development
- 2) Green Belt Considerations
- 3) Sustainability
- 4) Impact upon the character and appearance of the area
- 5) Residential Amenity
- 6) Highway Impact
- 7) Waste and Recycling
- 8) Housing Mix
- 9) Affordable Housing
- 10) Biodiversity
- 11) Recreational Open Space Contributions
- 12) Flood Risk and Drainage

### **Principle of the Development**

5.2 Policy SP1 of the Core Strategy seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social and environmental conditions in the area.

- 5.3 Policy SP2 of the Core Strategy seeks to guide development in this regard by adopting a hierarchical spatial development strategy, which directs most development to towns and more sustainable villages. SP2A(d) states that development in the Green Belt must conform Policy SP3 and national Green Belt policies.
- 5.4 Core Strategy Policy SP3B states that within the Green Belt and in accordance with the NPPF, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- 5.5 As the site lies outside the defined development limits of Whitley and within open countryside designated as Green Belt, in accordance with the hierarchical approach in Policy SP2, the more restrictive policies in the NPPF need to be applied. Only if the proposed development accords with Green Belt policy will the presumption in favour of development in Paragraph 11 be engaged.

### **Green Belt Considerations**

- 5.6 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- a) Whether or not the proposal would be inappropriate development in the Green Belt having regard to relevant development plan and national planning policies;
  - b) If the development is appropriate, the application should be determined on its own merits;
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are other circumstances that amount to 'very special circumstances' which clearly outweigh the presumption against it.
- 5.7 Paragraph 137 of the National Planning Policy Framework establishes that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.8 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.9 Paragraph 149 goes on to state that new buildings are inappropriate unless they meet one of the listed exceptions. Exception e) is 'limited infilling in villages'.
- 5.10 The site is immediately adjacent to the existing built-up area of Whitley and is enclosed by residential development on three sides, with the residential development on Larth Close located to the east between the site and Selby Road. Whitley is defined as a Designated Service Village in the Core Strategy. There is no definition of 'infilling' in the NPPF, or the Core Strategy and infilling would not necessarily be restricted to linear or frontage development. Developing this site would infill an open site forming a gap between existing built form and would reflect the form of more recent development in depth in Whitley. This was also the view taken by the Inspector within the 2015 appeal decision. As such, the proposal can be considered as infilling in a village.

- 5.11 The second consideration is whether six dwellings is 'limited'. There is no definition of 'limited' in planning policy nor is there a threshold for the number of dwellings that could be defined as limited. The 2015 appeal concluded that whilst this is an infill site, 10 dwellings would not be 'limited'. When reaching her decision, the Inspector concluded that the reference to 'limited' in the fifth bullet of paragraph 89 of the NPPF (now paragraph 149e) requires a consideration of scale as well as the form of development and has to be interpreted in the context of the overall aim of Green Belt policy, which is to preserve the openness of the Green Belt. This in the Inspectors view implies minimising the loss of significant open gaps between buildings. Her report concluded "Irrespective of whether the form of development would be 'infilling' or not, the development of 0.3 hectares with up to 10 dwellings would result in the loss of a substantial area of open land and would exceed what could reasonably be defined as 'limited'."
- 5.12 The proposal now under consideration is for six dwellings with garages with a central access road. The dwellings are set in a cul-de-sac type arrangement and the dwellings are spread across the site with several large open gaps. Having a central access road, would maintain an open gap when looking at the site from Larth Close and the site would have open gaps when viewing the site from the north and south. The site is approximately 3,000sqm and the footprint of the dwellings and garages are 540sqm, which results in about 18% of the site being developed and is considered to be 'limited built form' on the site. When also considering the built form around the site and the wider context, it would represent a limited number of buildings in comparison to size and scale of the village. On this basis, the proposal at six dwellings is considered to meet the test of 'limited infilling in villages'.
- 5.13 Further, Selby District Council granted an outline planning consent for four detached bungalows in December 2019. The indicative site plan showed the dwellings to be positioned in a row, across the whole length of the site with an access road along the north boundary. The four dwellings on the site plan, whilst indicative, had a footprint of approximately 430sqm. Permitted development rights were not removed either, which could therefore result in further built form such as garages, extensions and outbuildings. This permission could, subject to reserved matters approval, still be implemented and as such represents a fall-back position.
- 5.14 The footprint of the proposed housing (but excluding garages) is 449sqm, which is only marginally greater than the footprint of the four detached bungalows on the previously approved indicative plan. Therefore, whilst there are now more houses proposed, they are modest sized dwellings and have a footprint similar to four rather sizeable bungalows. The proposed dwellings are two storeys and there are two storey housing surrounding the site, therefore, the scale and height of the dwellings would be sensitive to the surroundings. Whilst the previous permission granted bungalows, even dormer bungalows could result in significant massing at two storey height. Therefore, this scheme would not be significantly dissimilar to the fall-back position of building four large bungalows.
- 5.15 Finally, as the dwellings would have desirable sized gardens and large curtilages, the open gaps could be significantly eroded by large outbuildings and extensions. As such, it is considered that permitted development rights for outbuildings and extensions should be removed if planning consent is granted. The LPA would then be able to assess whether any extension or outbuilding is reasonable in its size and siting for this Green Belt site.

- 5.16 On balance, and taking the above into account, the proposal for six dwellings is considered to be limited in-filling in a village in the Green Belt. Therefore, the proposal is appropriate development in the Green Belt and meets exception e) of paragraph 149 of the NPPF. As the proposal is considered to adhere to Green Belt policy, the proposal would also be in accordance with Core Strategy Policies SP2 and SP3.

### **Sustainability**

- 5.17 Objectors consider that the site is an unsustainable form of development on the grounds that Whitley has no services, and the development is unnecessary as Selby has a five-year supply of housing land. The Council are meeting their housing land supply targets but meeting those targets should not prevent further growth. Whitley is defined as a Designated Service Village, a third-tier settlement in the Core Strategy and is recognised as closely linked and sharing facilities with Eggborough. The proposal will adhere to paragraph 79 of the NPPF as it will enhance the vitality of rural communities and support local services including in nearby villages.

### **Impact Upon the Character and Appearance of the Area**

- 5.18 Relevant policy in respect of character and design is set out in the NPPF, Core Strategy Policies SP18 and SP19 and Local Plan Policies ENV1.
- 5.19 The NPPF, particularly paragraph 130, states that amongst other criteria, developments should add to the overall quality of an area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging innovation or change.
- 5.20 At a local level, Policy ENV1 (particularly parts 1 and 4) of the Local Plan and Policies SP18 and SP19 of the Core Strategy seek to ensure developments safeguard and, where possible, enhance the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Developments should have a layout and a high-quality design that has regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.
- 5.21 The proposal seeks the development of six dwellings with garages and associated works. The dwellings would be sited either side of a central access road. Orientation of dwellings is mixed with some side facing dwellings and forward-facing dwellings onto the access. All dwellings are two storeys in height and fairly similar in design and scale.
- 5.22 The scheme would offer a small cul de sac type development of family housing, with a low density feel as an extension to Larth Close that is of similar form. When viewing the site from surrounding roads and dwellings, the scheme would appear as two storey dwellings in close proximity to other two storey housing. Therefore, the scale would fit in with the existing built form that surrounds it. There is no uniformity to housing in the area so these simply designed two storey housing would be complementary to the existing built form.

5.23 In conclusion, the siting and design of the properties would fit in with the local character. Therefore, the proposal is in accordance with the national and local design policies listed above.

### **Residential Amenity**

5.24 Policy ENV1(1) advises proposals should take account of the effect upon the amenity of adjoining occupiers

5.25 The site is surrounded by housing on three sides. Several residents who share a boundary with the site have objected to the development on loss of privacy, overlooking and loss of view.

5.26 Whilst the introduction of new housing behind residential properties would change views and aspect and increase overlooking, the LPA are required to measure whether these changes are significant and would cause demonstrable harmful to residential amenity.

5.27 The original scheme of eight dwellings was considered to have a negative impact on residential amenity, as some of the separation distances were low and the dwellings were positioned close to garden boundaries. The earlier scheme would have created an overbearing impact and a loss of privacy. The amended scheme of six dwellings has altered the layout, changed the orientation of the houses and shifted them away from the north boundary. The separation distances are at least 10m between principal elevations and garden boundaries and 21m between principal elevations of new and existing housing. The built form has also reduced. The scheme will inevitably change the living environment for neighbours who adjoin the site. However, the separation distances would now be sufficient to provide adequate levels of privacy and overshadowing or issues with being overbearing will be prevented.

5.28 One neighbouring resident has objected to the development on the grounds that the development would cause a loss of privacy to an annexe/studio they have permission for in their garden at No.9 Cathcart Close. The outbuilding is a one and a half log cabin style building with balcony looking onto the application site. Plot 4 would be the nearest property to the outbuilding and whilst it would be in close proximity, it is not considered to result in a loss of privacy to the annexe/studio. This is because an outbuilding is not primary living accommodation. In addition, the permitted annexe/studio did not contain detailed floor plans on the submission so it is not known how the space will be used nor frequently it will be used. The greater matter is that the balcony on the outbuilding will overlook to a certain degree the garden of Plot 4. However, it would be at the buyer's discretion whether they choose to accept this arrangement. Any buyer would also have the option of planting a hedgerow or trees to obscure the view of the balcony, which will protect each other's privacy.

5.29 In conclusion, the scheme has taken into account the impact on existing properties. Therefore, part 1 of the ENV1 is satisfied.

### **Highway Impact**

5.30 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 110 of the NPPF which states that development

should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 of the NPPF advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.

- 5.31 Parking standards are stated in Appendix 4 of the Selby Local Plan and the Interim Parking Standards from NYCC dated 2015. Both the Local Plan and NYCC standards state that in rural areas schemes should achieve 3 parking spaces for a 4-bed house and 2 spaces for a 3-bed house.
- 5.32 The site will be served off an existing access onto the A19. Highways have not raised any objections to the intensification of this access.
- 5.33 The new access road to the site has been designed to adoptable standards and includes space for a bin wagon to turn within the site and exit in a forward gear. The applicant would prefer to have the road adopted. However, the first section of Larth Close would have to be adopted first. The Local Highway Authority has therefore suggested to the applicant that the road is retained as a private road, but built to adoptable standards, which may allow for its adoption in the future. The plans show a road that is laid out to adopted standards.
- 5.34 The Waste and Recycling Team is accepting of a private road, however, have questioned whether the bin wagon would be allowed access. If access was restricted, it would result in a significant number of bins on the kerbside of the A19 on collection days. The Waste and Recycling Team have also noted that if bin wagons were to cause any damage or wear and tear to the private road, it would be the responsibility of the owners to maintain the access. The applicant has confirmed that bin wagons will be permitted to enter the site and they are responsible for the wear and tear or repairing any damage to the access track. In consideration of the above, it is considered that a condition should be applied to require the access track and the turning head to be clear from obstruction at all times.
- 5.35 Each property has space for two off street parking spaces plus a garage space. The parking standards as set out above are therefore complied with. No visitor parking has been made available but given the size of the development and noting its low density, it is considered that parking of visitor's vehicles on the access road for temporary periods is unlikely to cause an obstruction or lead to on street parking elsewhere. The Highway Authority has recommended that a condition is imposed to prevent the garages being converted into other uses, in the interests of retaining adequate parking. This is deemed a reasonable condition for five of the six plots given that only minimum parking standards have been achieved.
- 5.36 Therefore, the proposal is not expected to cause any highway safety issues and the above highway policies are satisfied.

### **Waste and Recycling**

- 5.37 For developments of 4 or more dwellings, developers must provide waste and recycling provision at their own cost. The waste and recycling contribution would be paid under the Section 106 Agreement/Unilateral Undertaking in accordance with Developer Contributions.

## **Housing Mix**

- 5.38 Policy SP8 of the Core Strategy states that all proposals for housing must contribute to the creation of mixed communities by ensuring the types and sizes of dwellings provided reflect the demand and profile of the households evidenced from the most recent strategic housing market assessment and robust housing needs assessment whilst having regard to the existing mix of housing in the locality. This is reinforced by the NPPF, which seeks to provide a range of housing for communities.
- 5.39 The site is outside of the defined development limits though adjacent to the village of Whitley, which is a closely linked with Eggborough. The Housing and Economic Development Needs Assessment (HEDNA) October 2020 is the most up to date assessment. In the HEDNA the map shows the site is located within the Selby District South and West sub area and accounts for about 28% of the district.
- 5.40 Paragraph 10.6 of the HEDNA states that continued demand is expected for 3+ bedroom properties; although, given the affordable housing need profile, and the projected growth in smaller family households, a greater balance of homes of medium-sized properties should also be factored into any recommendations. Paragraph 10.7 states the delivery of family-sized housing remains a requirement in both urban and rural locations of the District.
- 5.41 The proposal is for 5x 4-bed houses and 1x 3-bed house. The scheme would help to meet the demand for family sized accommodation. An online marketing search also reveals that housing options in Whitley and Eggborough is mixed and there is availability of 2-, 3-, 4- and 5-bedroom properties.
- 5.42 In conclusion, the type of housing would meet a housing demand and the settlements of Whitley and Eggborough would continue to offer a range of housing mix. Therefore, the scheme is in accordance with Core Strategy Policy SP8.

## **Affordable Housing**

- 5.43 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. 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.
- 5.44 However, the NPPF is also a material consideration in the determination of planning decisions and postdates the Core Strategy. At paragraph 64 it states that *'Provision of affordable housing should 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'*.
- 5.45 Major development are defined in the NPPF as, for housing, developments of 10 or more homes or the site has an area of 0.5 hectares or more. As the application proposes the erection of six dwellings on a site that is 0.3ha, it is not considered to be major development. Having had regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is



considered that the application is acceptable without an affordable housing contribution and the LPA has no policies to set a lower threshold in rural areas.

### **Biodiversity**

- 5.46 The NPPF makes it clear that planning decisions should protect our natural environment, and this is one of three main objectives of the NPPF. Paragraph 174 of the NPPF states “Planning policies and decisions should contribute to and enhance the natural and local environment by a number of measures including d) minimising impacts on and providing net gains for biodiversity”. The need to protect biodiversity and wildlife habitats is also relayed in local policies ENV1 and SP18.
- 5.47 The site is currently vacant and overgrown. It has semi-improved grassland interspersed with several scattered trees located in an area of sub-urban housing. A phase 1 ecology survey was submitted, and this identified no protected species to be affected but it is a good habitat for nesting birds. The survey concluded that an Ecological Construction Method Statement and an Ecological Enhancement Management Plan is produced in order to protect, maintain and enhance the sites ecological value. Ecological value could be maintained by the retention of hedgerows and trees and the introduction of bat and bird boxes.
- 5.48 The County Ecologist considers the Phase 1 Ecology Report to be satisfactory and agrees with the recommendations of the report to produce a construction method statement and management plan.
- 5.49 In summary, the application has addressed the impact upon wildlife, habitat and protected species and a biodiversity enhancement plan shall be a condition of any approval, in order to ensure an overall net gain of biodiversity is provided on site. On this basis, the proposal complies with the relevant planning policy as set out above.

### **Recreational Open Space Provision**

- 5.50 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space.
- 5.51 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and up to and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality.
- 5.52 Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:
- provide open space within the site;
  - provide open space within the locality;
  - provide open space elsewhere;
  - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.53 Whitley has no designated recreational open space areas, and the scheme is unlikely to provide sufficient funds for the provision of new public open space.

Whitley Parish Council have been asked whether they would prefer a contribution towards new or existing space in the locality and to put forward a scheme for the money to be spent on, but no response has been received. The most viable option is likely to be for a commuted sum to upgrade public open space in the linked village of Eggborough. In accordance with the Developer Contributions Supplementary Planning Document, this is a permitted scenario. In line with the SPD, the S106 would set out a criteria-based system for allocating the funds. In the first instance, Whitley Parish Council would be given another opportunity to spend the money in the first three years. If the money remains unspent at the end of year three, then the adjacent Parish of Eggborough would be given an opportunity to put forward a detailed bid. Finally, at the end of year four if the money remains unspent then the District Council can use the money within the District for the improvement of existing or the provision of new leisure/recreation facilities. If the monies deposited in the fund have not been spent within five years, then they will be returned to the developer with interest. The cost per dwelling for upgrading existing open space is £991. Payment would be secured through the applicant entering into a Section 106 Agreement prior to the issuing of any planning permission.

### **Flood Risk and Drainage**

- 5.54 The site lies within flood zone 1 (low probability), within which residential development is considered to be appropriate and no further assessment against flooding policy is required.
- 5.55 In terms of site drainage arrangements, Yorkshire Water have confirmed a mains connection is available and the site plan shows soakaways to be used. Whilst the proposed drainage methods are suitable, the site may not be suitable for soakaways. As such, a condition to agree surface water details is recommended to be imposed, which will include the need to carry out percolation tests.

## **6. CONCLUSION**

- 6.1 The proposed development is considered to be limited infilling in the village of Whitley and is therefore appropriate development in the Green Belt.
- 6.2 The design and layout including has been the result of several amendments and now results in a satisfactory scheme that respects the character of the area and the causes no undue harm to the living conditions of neighbouring occupiers. Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF.
- 6.3 The proposal is therefore considered to be acceptable in planning terms and is recommended for approval subject to conditions and a Section 106 Legal Agreement. The Agreement would cover the follow matters and is considered to meet the tests for planning obligations in paragraph 57 of the NPPF:
- Financial contribution of £991.00 per dwelling for upgrading existing open space.
  - Financial contribution of £65 for the waste and recycling provision per dwelling.

## 7. RECOMMENDATION

7.1 This application is recommended to be GRANTED subject to the following conditions and the applicant enters into a S106 agreement for Recreation Open Space and Waste/ Recycling Contributions:

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 not be carried out otherwise in complete accordance with the approved plans and specifications set out below:

Proposed Site Plan (drawing number 01 rev 06)

Proposed Drainage Plan (drawing number 06 rev 06)

Type A - Proposed Plans Elevations (drawing number 02 rev 01)

Type C - Proposed Plans Elevations (drawing number 07 rev 00)

Type B - Proposed Plans Elevations (drawing number 03 rev 00)

Proposed Garage Details (drawing number 05 rev 00)

Reason:

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

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

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with T2 of the Selby Local Plan.

04. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users including bin wagons at Land off Larth Close, Whitley have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to ensure suitable access and

turning is retained for bin collection in accordance with Policies T1 and T2 of the Selby Local Plan.

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

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours;
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity in accordance with Policies T2 and ENV1 of the Selby Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the approved garage(s) on plots 1, 2, 3, 4 and 6 shall be retained as such at all times and shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and to prevent obstruction in order to comply with Policies VP1, T1 and T2 of the Selby Local Plan.

07. No development or site clearance shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) An Ecological Construction Method Statement.
- b) A plan showing the trees and hedgerows to be retained/ removed.
- c) A biodiversity enhancement scheme, including a timetable for implementation.

Construction and site clearance shall be carried out in accordance with the Ecological Construction Method Statement. The development shall be carried out and completed in accordance with the approved plan under part b) and the approved bio diversity enhancement scheme.

Reason:

In order to protect and enhance the sites ecological value in accordance with the NPPF, Policy SP18 of the Selby Core Strategy and ENV1 of the Selby Local Plan.

08. Before any works are commenced above ground level, details of the materials to be used in the construction of the exterior walls and roofs of the dwellings hereby approved; shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

09. Prior to development commencing, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:  
human health,  
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines  
and pipes,  
adjoining land,  
groundwaters and surface waters,  
ecological systems,  
archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy CS15 of the Selby Core Strategy.

10. Prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the NPPF and Policy CS15 of the Selby Core Strategy.

11. Prior to occupation of any of the properties, 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 waters, property and ecological systems, in accordance with the NPPF and Policy SP15 of the Selby Core Strategy.

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

Reason:

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

13. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

14. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of:

08:00 hours and 18:00 hours Mondays to Fridays and  
08:00 hours to 13:00 hours on Saturdays  
at no time on Sundays or Bank or National Holidays.

Reason:

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

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

Reason:

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

16. Notwithstanding the provisions of Classes A and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions or outbuilding shall be erected without the prior written consent of the Local Planning Authority.

Reason:

In order to protect the openness of the Green Belt and the character and appearance of Whitley village by ensuring that open gaps on the site do not become eroded by excessive extensions and to protect residential amenity, in order to comply with the NPPF, Core Strategy Policy SP2 and Policy ENV1 of the Selby Local Plan.

17. Development shall not commence until a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with the NPPF and Core Strategy Policy CS15.

18. Prior to any boundary treatments being installed a scheme detailing all boundary treatments to be used in the final development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason:

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

## **8 Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

**9 Financial Issues**

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

**10 Background Documents**

Planning Application file reference 2021/0268/FUL and associated documents.

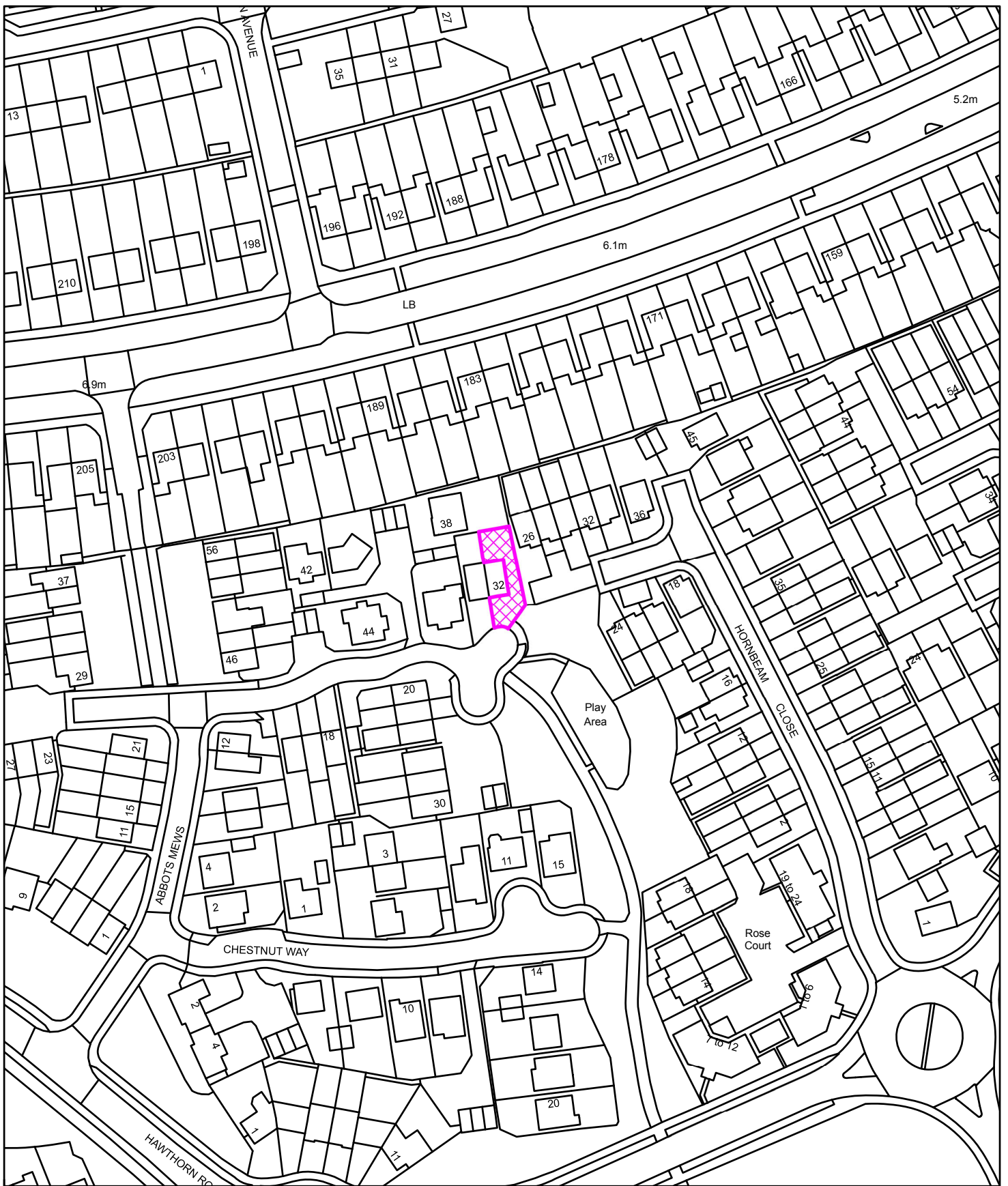
**Contact Officer:** Elizabeth Maw, Senior Planning Officer  
[emaw@selby.gov.uk](mailto:emaw@selby.gov.uk)

**Appendices:** None



# Agenda Item 5.4

32 Abbots Mews, Selby  
2021/0770/HPA

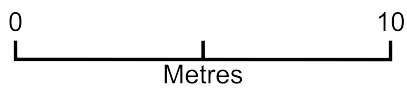
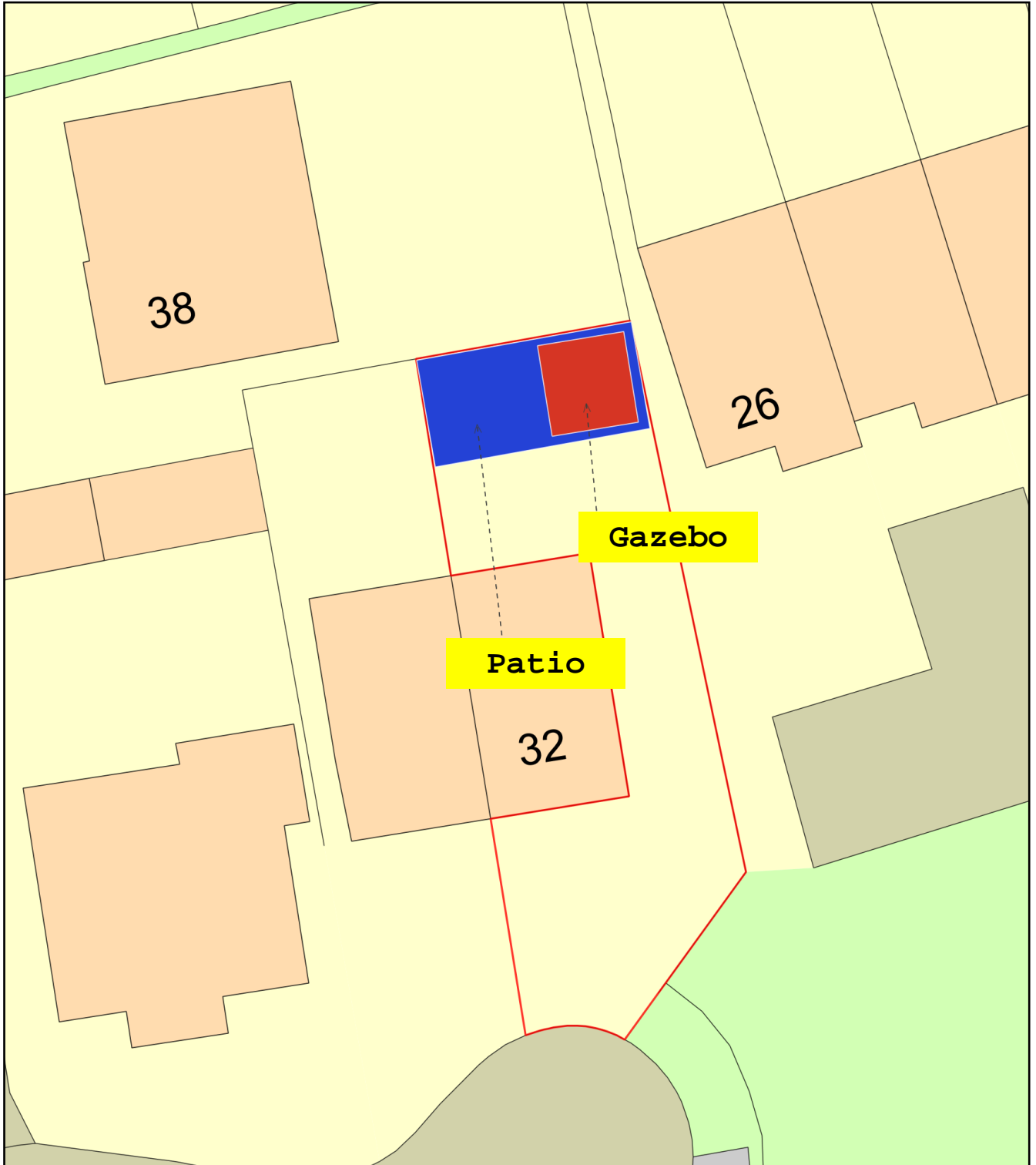


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Plan Produced for: Mr & Mrs Nicholson

Date Produced: 09 May 2021

Plan Reference Number: TQRQM21129135320324

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Page 89

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**Report Reference Number:** 2021/0770/HPA

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Josh Turner (Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/0770/HPA	PARISH:	Selby Town Council
APPLICANT:	Mrs Lisa Nicholson	VALID DATE: EXPIRY DATE:	26th July 2021 20th September 2021
PROPOSAL:	Raised paving area with step edged in treated timber sleepers and gazebo (retrospective)		
LOCATION:	32 Abbots Mews Selby North Yorkshire YO8 8RS		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee because the applicant is an employee of the Council within the Leadership Support Team.

## 1. INTRODUCTION AND BACKGROUND

### Site

- 1.1 The application site is located within the defined development limits of Selby. It is situated within the Staynor Hall housing development south of Selby and comprises a semi-detached property with gardens to three sides positioned at the end of a cul-de-sac. The attached semi is to the west, a detached house is located to the north, and an end terrace and play area serving the residential development to the east.

### The Proposal

- 1.2 The proposal is for retrospective permission for a raised paving area with step edged in treated timber sleepers, and a pitched roof wooden gazebo. The patio is located at the end of the garden adjacent to the property's northern site boundary

and the gazebo is positioned on the raised patio adjacent to the eastern boundary with the end terrace property, no.26.

### **Relevant Planning History**

- 1.3 There is no planning history relevant to the works as proposed.

## **2. CONSULTATION AND PUBLICITY**

### **2.2 NYCC Highways Canal Rd**

There are no local highway authority objections to the proposals.

### **2.3 Selby Town Council**

The Town Council objects to the proposed works on the basis that planning permission should have been sought prior to the erection of the proposed gazebo and raised paving area.

### **2.4 Publicity**

The application was publicised through the posting of site notices. No responses have been received as a result.

## **3 SITE CONSTRAINTS**

- 3.1 The site is located within the Principal Town of Selby as identified in the Core Strategy Local Plan 2013 and within Flood Zone1.

## **4 POLICY CONSIDERATIONS**

- 4.1 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 NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of

an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.

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

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

### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP15 - Sustainable Development and Climate Change  
SP19 - Design Quality

### **Selby District Local Plan**

- 4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

### **National Planning Policy Framework**

- 4.8 The relevant chapters of the NPPF are material:

2 – Achieving sustainable development  
12 – Achieving well-designed places

## **5. APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety

### **Principle of Development**

- 5.2 The application site is located within the defined development limits of the Principal Town of Selby. Core Strategy Policy SP2 directs the majority of new development to the District’s towns, including Selby as its Principal Town, in order to deliver sustainable development.
- 5.3 This retrospective application relates to an existing residential property and garden structures within its rear amenity space. There is nothing in the Development Plan

or the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

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

- 5.4 The application site comprises of a semi-detached townhouse located at the end of a cul-de-sac within the Staynor Hall development to the south of Selby. Off street parking and access to the property's integral garage are provided to the front of the dwelling, with access to the private rear amenity space provided to the side of the dwelling. The rear amenity space features a slight slope upwards towards the sites rear boundary. The surrounding area is comprised of a mixture of two and three storey dwellings with a consistent visual appearance.
- 5.5 The gazebo has a pitched roof and measures approximately 3.8m in width and 3.9m in depth with a maximum height of approximately 2.65m. It is sited on top of a raised patio to the rear of the garden measuring a maximum height of approximately 0.35m. The patio spans the width of the dwelling's rear amenity space and is directly adjacent to its rear boundary.
- 5.6 The gazebo and raised patio are located at the highest point of the garden, directly adjacent to two fences to the rear of the site. It was confirmed by the applicant that both fences were located within the application site meaning that the gazebo does not overhang beyond the site boundary to the rear of the property.
- 5.7 There would be limited views from the public domain given the siting of the gazebo and raised patio to the rear of the host dwelling and its relatively small scale. As such, it is considered that it does not result in a harmful impact upon the visual amenity of the host dwelling, the street scene or the surrounding area.
- 5.8 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF at paragraph 130.

### **Impact on Residential Amenity**

- 5.9 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.10 With regards to overlooking, the raised patio is located to the rear of the host dwellings amenity space bounding the rear amenity space of no.38 Abbots Mews to the north, attached no.34 to the west and the side elevation of no.26 Hornbeam Close to the east. Given the nature of the site and the lack of openings along its side elevation on the ground floor level, the patio and gazebo do not present any potentially harmful impact upon the occupants of neighboring no.26. Site levels raise to the rear of the host dwellings amenity space, which is now occupied by the patio, which allows for a greater view over the fences of the neighboring properties. Despite this, given the nature of the surrounding area and the boundary treatment presently in place, coupled with the fact that the patio would appear to be predominantly utilised as a seating area, it is considered that it would not reduce



privacy to the occupants of neighboring no's 34 and 38 Abbots Mews to such an extent as to warrant refusal.

- 5.11 With regards to overshadowing, the proposal would not result in any undue impact given the siting of the gazebo, set a considerable distance away from the ground floor openings of neighboring dwellings, coupled with its scale and light weight appearance with a lack of solid walls.
- 5.12 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF at paragraph 130f.

### **Impact on Highway Safety**

- 5.13 The application relates to structures within the rear garden of an existing dwelling and as such there is unlikely to be any impact on parking provision, access arrangements or highway safety. NYCC Highways have raised no objections to the application, nor have they requested any conditions be added to the consent. As the proposal would not lead to adverse highway conditions in this locality, it is considered to accord with Policies ENV1 (2) of the Local Plan and paragraphs 110 and 111 of the NPPF.

## **6. CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the development would not have a significant detrimental effect on the character and appearance of the area, the residential amenity of neighbouring occupants or highway safety. The application is therefore considered to be in compliance with Policy ENV1 of the Selby District Local Plan, Policies SP1, SP2, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **7. RECOMMENDATION**

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

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

Drawing No. LOC01 Location Plan	Dated 26/07/2021
Drawing No. 02 Floor Plans and Elevations	Dated 16/07/2021
Drawing No. 03 Floor Plans and Elevations	Dated 18/06/2021

Reason:  
For the avoidance of doubt.

## **8. LEGAL ISSUES**

### **8.1 Planning Acts**

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

## 8.2 Human Rights Act 1998

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

## 8.3 Equality Act 2010

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

## 9. **Financial Issues**

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

## 10. **Background Documents**

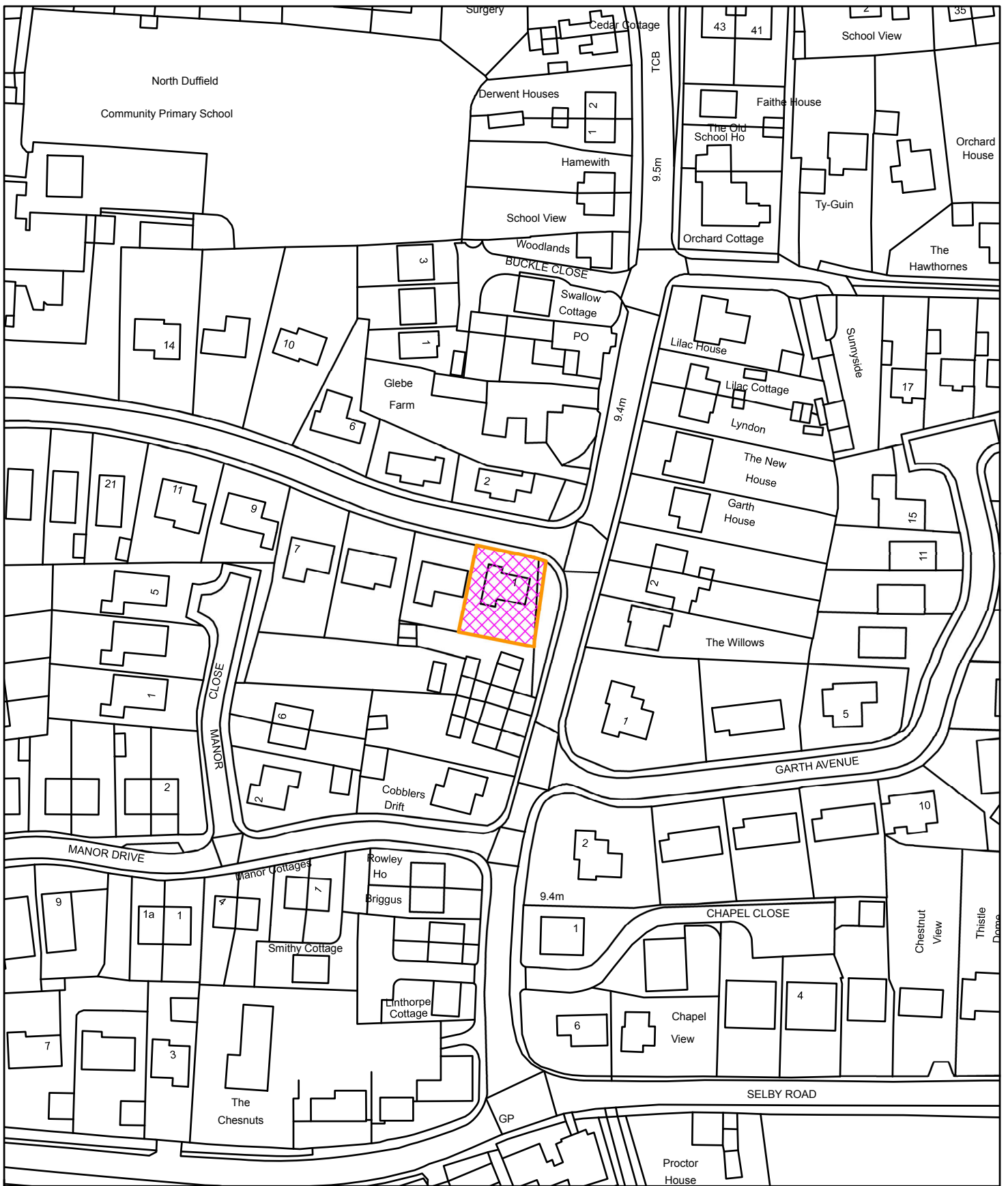
Planning Application file reference 2021/0770/HPA and associated documents.

**Contact Officer:** Josh Turner, Planning Officer  
[jturner@selby.gov.uk](mailto:jturner@selby.gov.uk)

**Appendices:** None

# Agenda Item 5.5

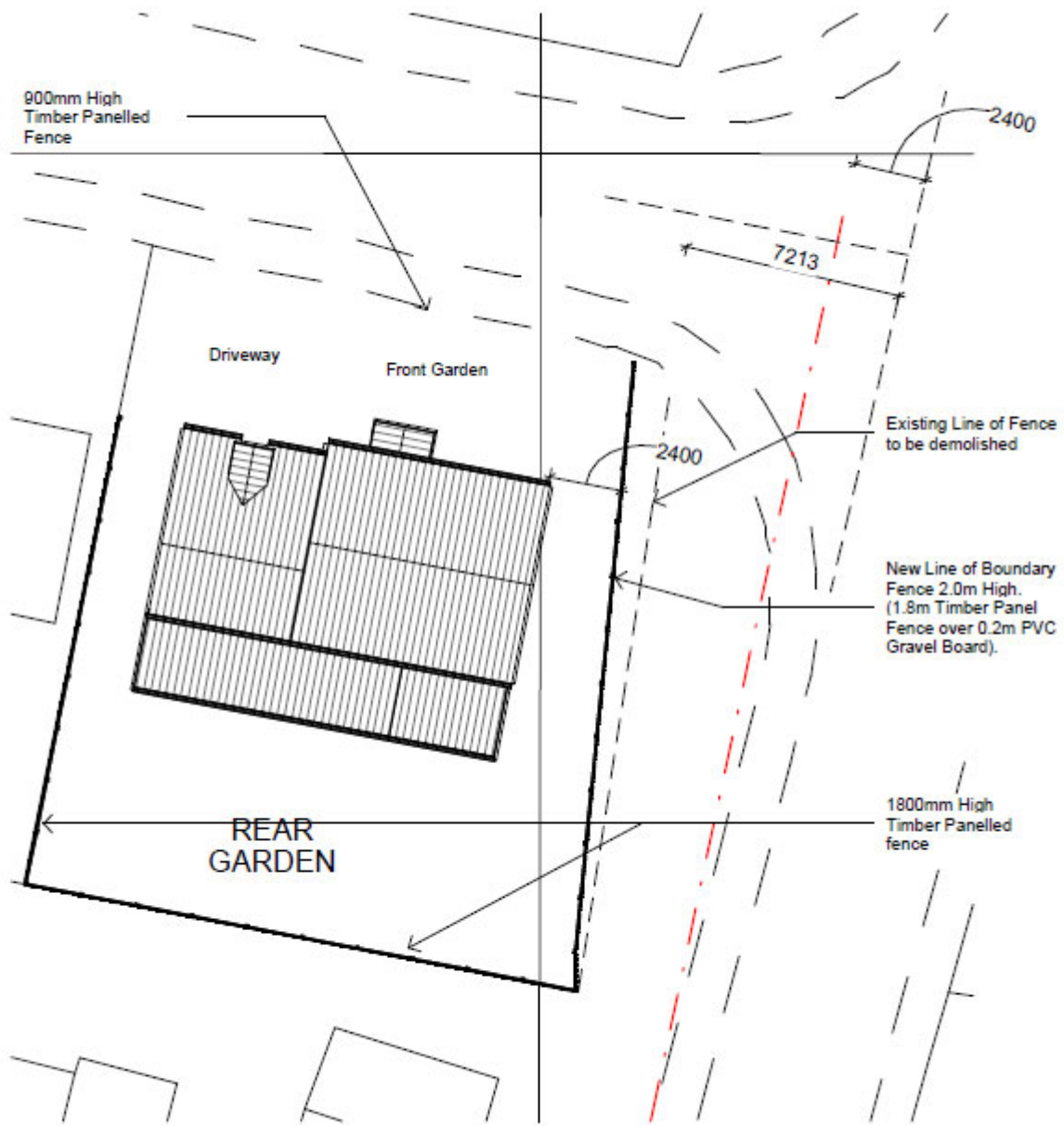
Beal House, 1 Broadmanor, North Duffield  
2021/1308/HPA



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**Block Plan**  
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**Report Reference Number:** 2021/1308/HPA

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Josh Turner, Planning Officer  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1308/HPA	PARISH:	North Duffield Parish Council
APPLICANT:	Mr A Knowles	VALID DATE: EXPIRY DATE:	21st October 2021 16th December 2021
PROPOSAL:	Erection of rear single storey extension and realignment of garden fence to eastern boundary		
LOCATION:	Beal House 1 Broadmanor North Duffield Selby North Yorkshire YO8 5RZ		
RECOMMENDATION:	GRANT		

This application has been requested to be heard by the committee by Cllr Arthur on behalf of North Duffield Parish Council for the following reasons: (1) The adverse visual impact on neighbouring properties of the proposed 2.3m high fence; (2) The siting of the proposed fence outside of the property boundaries and encroaching onto highway land at the junction of Broadmanor and Main Street; and (3) Inaccuracies and errors in the submitted application form.

## 1. INTRODUCTION AND BACKGROUND

### The Site and Context

- 1.1 The application site lies within the defined development limits of North Duffield. The application site features a brick and render finished detached dwelling with a pitched tiled roof. The application site lies on the corner of Broadmanor and Main Street. To the front of the site there is an area of hardstanding providing off street parking and access to the dwellings existing integral garage. Access to the rear of

the dwelling is provided to the side of the host dwelling. To the rear of the property there is an area of grassy private amenity space bounded by fencing. At present there is also an existing single storey extension to the rear of the property.

## **The Proposal**

- 1.2 The proposal is for the erection of a rear single storey extension measuring approximately 3.7m in height, with an eaves height of 2.4m, a width of 3.6m and a depth of 2.6m in the gap created between the rear wall of the dwelling and the end elevation of the existing rear single storey projection. The proposal also relates to the erection of 2m high timber fence along the eastern site boundary measuring approximately 20.8m in length.
- 1.3 The application has been amended since first submission and revised plans now show the existing fence being re-aligned to the proposed position closer to the host dwelling with a maximum height of 2m and no longer on the grassed verge that is Highway Maintainable at the Public Expense.

## **Relevant Planning History**

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

Application 2018/0093/HPA for the proposed demolition of existing ground floor side extension, garage and porch and erection of a two-storey side extension, ground floor rear extension and front porch was permitted on 27 March 2018.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways**

Provided comment on the basis of the initial plans (101 rev.A), which showed the fence line on the adjacent grassed area. Highways commented that the fence would be relocated to land that is Highway Maintainable at Public Expense (HM@PE) and therefore, it will be necessary to "stop up" that area of land. The applicant should pursue this through Section 247 of the Town and Country Planning Act prior to commencement of the development and ensure that they have title to the area of land once stopped up.

### **2.2 North Duffield Parish Council**

Objections on following grounds:

- Concerns surrounding the need for the applicant to apply under Section 247 of the TCPA to "stop up the land".
- Objection to the erection of a fence on highways land.
- Concerns regarding alleged inaccuracies within the submitted application form.
- Concerns regarding the proposed height of the fence.

Officer note: It has been noted that the primary objections of the Parish Council relate to the existing fence and its current location on highway land as this was erected without permission.



## 2.3 **Publicity**

The application has been publicised by site notice. Two letters of objection have been received from local residents raising objections related to the description of the proposed works, proposed materials, Trees and Hedges, Vehicle Access and pre-application advice sections of the submitted application form along with supporting images of the fence and hedgerow which was removed.

## 3. **SITE CONSTRAINTS**

- 3.1 The site is located within the defined settlement limits of North Duffield, which is defined as a Designated Service Village in the Core Strategy Local Plan (2013) and within flood zone 1 (low probability).

## 4. **POLICY CONSIDERATIONS**

- 4.1 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 NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

## **Selby District Core Strategy Local Plan**

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP15 - Sustainable Development and Climate Change  
SP19 - Design Quality

## **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

## **5. APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

### **Principle of Development**

5.2 The application site is located within the defined development limits of the Designated Service Village of North Duffield and relates to an existing residential property within a predominantly built-up residential area. Policy SP2 of the Core Strategy directs the majority of new development to the District's towns and more sustainable villages, in order to deliver sustainable development.

5.3 The application seeks permission for the erection of a single storey extension to the rear elevation of the host dwelling and the erection of a replacement fence to the eastern boundary. There is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

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

5.4 The proposed rear extension would be of a lean to pitched roof design and would be attached to an existing extension of a similar appearance clad in light grey PVC cladding. It would be sited to the rear of the host dwelling. It would have a maximum height of approx. 3.7m, a maximum eaves height of approximately 2.4m, a maximum width of approx. 3.5m and a maximum depth of approx. 2.5m. It would be set in 0.1m from the host dwellings side elevation.

5.5 The proposed rear extension would enlarge the existing single storey rear extension, spanning the entire width of the host dwelling. However, given its pitched roof design, matching materials to the existing extension, its siting and the proposed fence which would screen it from view, it is considered that it would not have a harmful impact upon the character or visual amenity of the host dwelling or the surrounding area.

- 5.6 The proposed re-aligned boundary fence would be constructed of 2m high timber close board fence panels with concrete posts and would replace an existing close board wooden fence that is presently erected on highways land to the eastern side of the application site.
- 5.7 Prior to the present fence, a large mature hedge was in place along the side of the application site and appeared to encroach onto highways land. The proposed fence would be sited in a highly prominent location on the corner of Main Street and Road and Broadmanor.
- 5.8 Despite its highly prominent location on the highway junction, it is noted that other fences of a similar appearance are already in place in the surrounding area, including directly to the north of the application site surrounding no.2 Broadmanor, and the area as a whole does not have visually consistent boundary treatments fronting Main Street.
- 5.9 It is further noted that the proposed fence would not appear unduly large nor dissimilar in scale to the former hedge which it would replace. Ideally, the front section of the fence adjacent to Broadmanor should be reduce in height to improve its relationship with the surrounding area. However, the presence of a similar height fence at 2 Broadmanor is noted. The fence at no.2 is colour finished in a dark brown and it is recommended that the proposed fence is finished in a recessive colour (dark brown or green) in order to reduce its visual impact and tie in with the other boundaries enclosures prominent in the vicinity.
- 5.10 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.11 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.12 The proposed extension would introduce new openings to the rear of the host dwelling and the proposed glass sliding doors to the rear would provide outlook over the host dwellings rear amenity space. Given the siting of the proposed openings relative to neighbouring dwellings coupled with the boundary treatment in place to the rear of the application site it is not considered that they would result in any harmful privacy impact.
- 5.13 Given the siting and scale of the proposed rear extension it is not considered that it would lead to any potentially harmful overshadowing impact upon the occupants of neighbouring dwellings.
- 5.14 The proposed realigned fence would alter the present line of the boundary fence, preventing it from occupying highways land to the east of the host dwelling and bringing it in line with the site's eastern boundary. The objection comments received regarding the proposed fence appear relate to the existing fence which extends

beyond the site's boundary and onto highways land. The proposed fence would replace this existing fence and would appear to alleviate issues raised with regards to the siting and height of the fence.

- 5.15 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

### **Impact on Highway Safety**

- 5.16 NYCC Highways initially commented on the basis that the land where the existing has been erected is on land that is Highway Maintainable at Public Expense (HM@PE) and therefore it would be necessary to 'stop up' the area of land under Section 247 of the Town and Country Planning Act. However, the scheme has been amended so that the fence is now proposed to be re-sited to the boundary between the applicant's land and the grassed area, which would avoid the need for a Section 247 order. No objections were raised by the Local Highway Authority about impact on highway safety and therefore the revised scheme accords with policies ENV1 (2) of the Local Plan and Paragraphs 110 and 111 of the NPPF.

## **6. CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a significant detrimental effect on the character and appearance of the area, on the residential amenity of the occupants of neighbouring properties or on highway safety. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP2, and SP19 of the Core Strategy and the advice contained within the NPPF.

## **7. RECOMMENDATION**

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

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

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

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

Location, Layout, Existing Floor Plans and Elevations ref: 21072 - F101 C Dated: 11.03.2022

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as set out in the submitted application form received: 20.10.2021.

Reason:

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

04. The fencing hereby approved shall be finished in a recessive colour (dark brown or green) and shall be retained as such thereafter.

Reason:

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

## **8. legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

## **9. Financial issues**

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

## **10. Background Documents**

Planning Application file reference 2021/1308/HPA and associated documents.

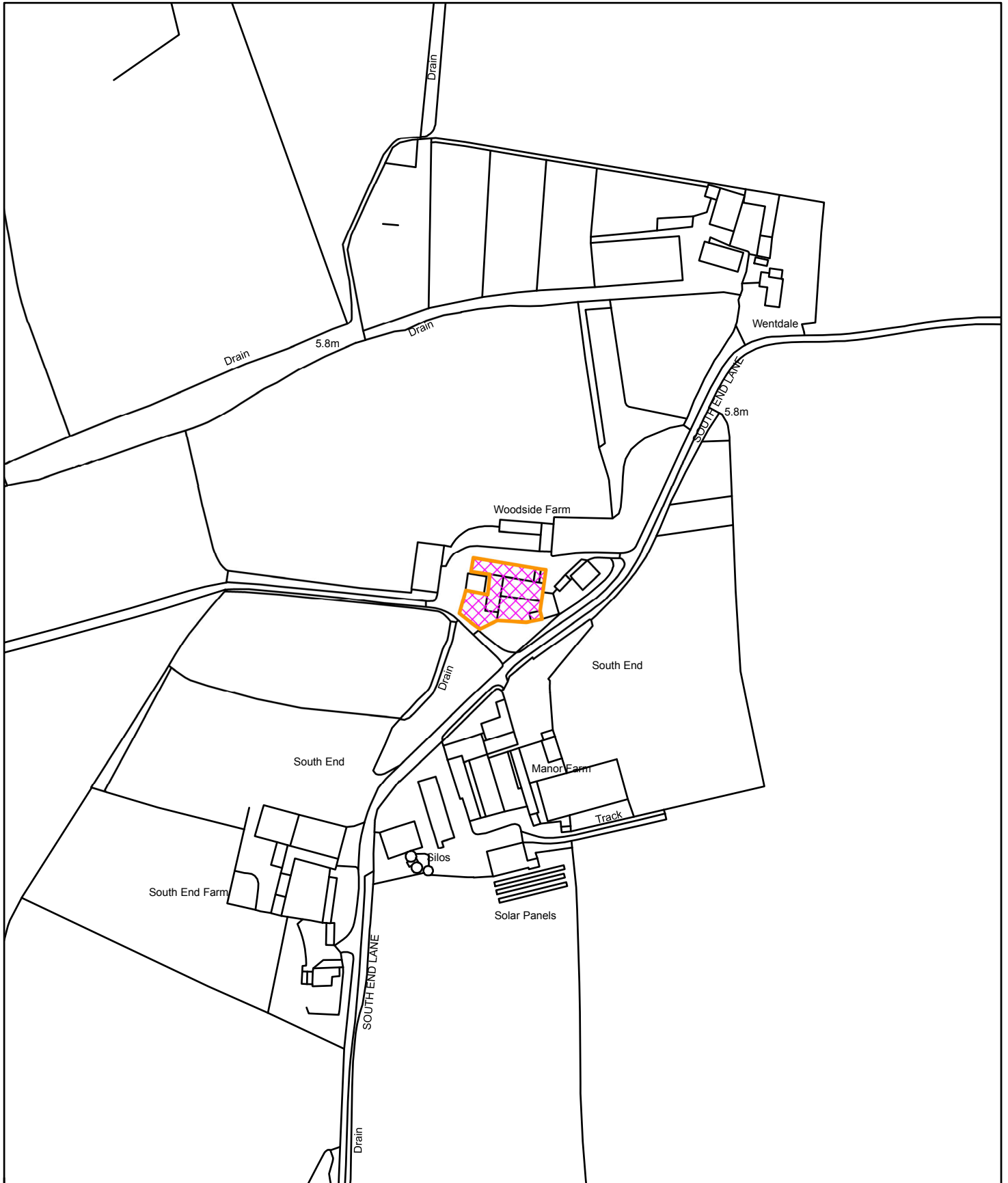
**Contact Officer:** Josh Turner, Planning Officer  
[jturner@selby.gov.uk](mailto:jturner@selby.gov.uk)

**Appendices:** None

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# Agenda Item 5.6

Woodside Farm, South End Lane, Balne  
2022/0019/FUL

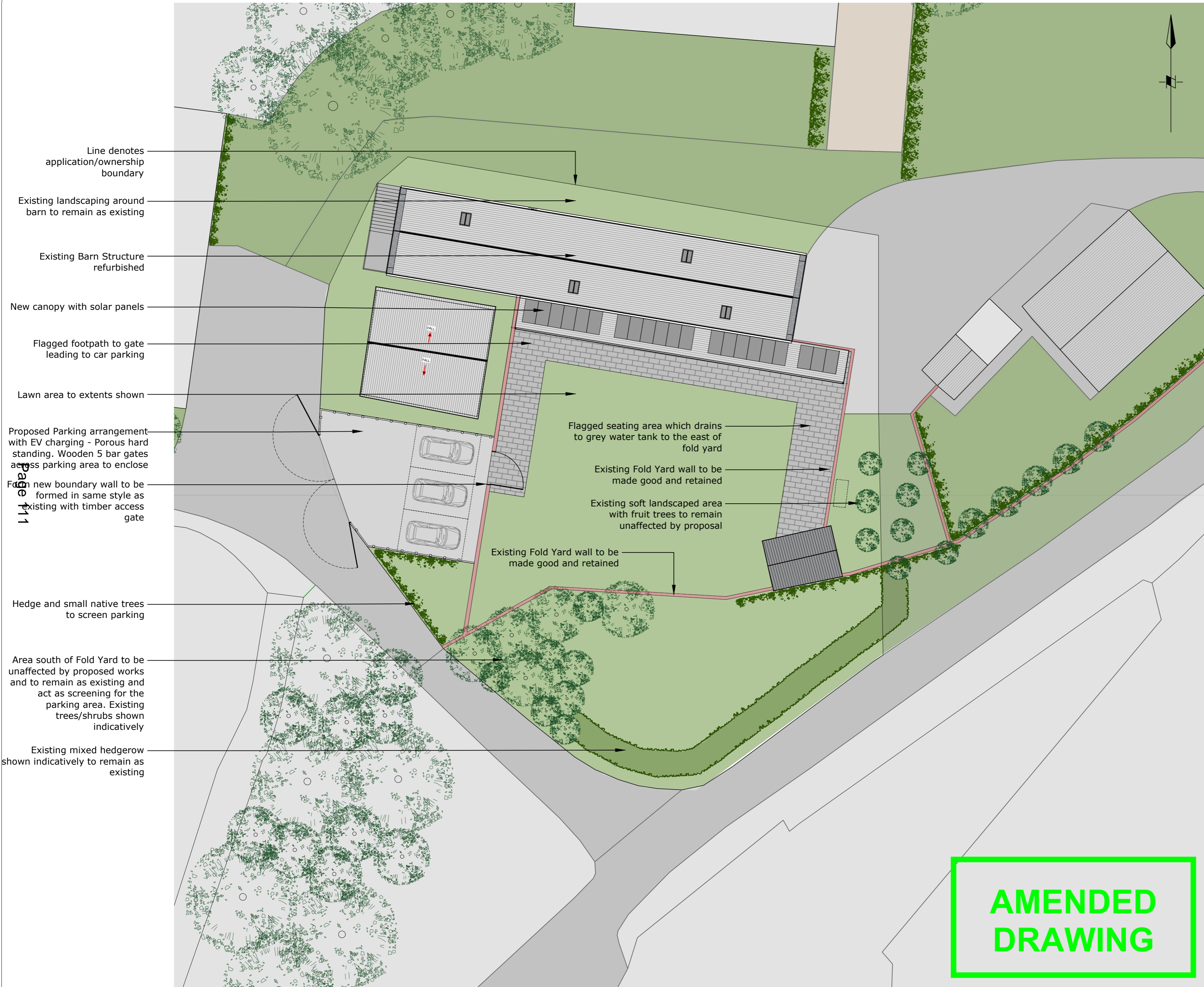


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- Line denotes application/ownership boundary
- Existing landscaping around barn to remain as existing
- Existing Barn Structure refurbished
- New canopy with solar panels
- Flagged footpath to gate leading to car parking
- Lawn area to extents shown
- Proposed Parking arrangement with EV charging - Porous hard standing. Wooden 5 bar gates access parking area to enclose
- Form new boundary wall to be formed in same style as existing with timber access gate
- Hedge and small native trees to screen parking
- Area south of Fold Yard to be unaffected by proposed works and to remain as existing and act as screening for the parking area. Existing trees/shrubs shown indicatively
- Existing mixed hedgerow shown indicatively to remain as existing

Flagged seating area which drains to grey water tank to the east of fold yard

Existing Fold Yard wall to be made good and retained

Existing soft landscaped area with fruit trees to remain unaffected by proposal

Existing Fold Yard wall to be made good and retained

- Notes:
1. Do not under any circumstances scale from this drawing for the purpose of tender or construction, use figured dimensions only.
  2. All dimensions are in mm unless otherwise stated and are, unless otherwise stated, to the face of unfinished plasterboard or similar (ie. does not include final skim and/or other decoration).
  3. This drawing is not to be used for the purposes of Tender or Construction except where specifically identified for such use in the Drawing Status section of this drawing.
  4. All existing dimensions are to be verified on site by the contractor before any work commences.
  5. All existing wall construction and other hidden elements are assumed and are to be verified on site by the contractor before any work commences.
  6. Any ambiguities, omissions or errors on this drawing are to be notified immediately to Indigo Architecture before work commences on site.
  7. This drawing is to be read in conjunction with all other relevant Architectural, Structural, Civils, M&E Services and any other specialist supplier drawings and specifications.
  8. All existing services are to be checked and confirmed on site by the contractor before any work commences.
  9. The contractor is not to commence any works on site until seeking and obtaining confirmation that all relevant pre-commencement conditions have been discharged appropriately.
  10. This drawing is the property of Indigo Architecture Ltd. and is issued strictly for use on the project for which it is provided and is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part, without the express written consent of Indigo Architecture Ltd.

- Key:
- Existing Brick Walls
  - Post and rail fence around parking area with five bar gates
  - Lawn/Soft Landscaping
  - Flagstone Paving

Rev:	Description:	By:	Date:

**Indigo Architecture**  
 Darley Abbey Stables, Abbey Yard, Darley Abbey, DE22 1DS  
 t: 0133 254 1691  
 e: hello@indigo-architecture.co.uk

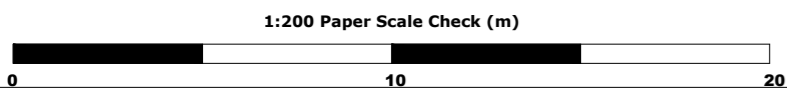
Project Title:  
**Woodside Barn**  
 South End Lane  
 Balne  
 Goole  
 DN14 0EQ

Drawing Title:  
**Landscaping Plan**

Drawing No: <b>0325-3-81-00</b>	Revision: -
Scale: <b>1:200</b>	Designed by: <b>AF</b>
Sheet Size: <b>A2</b>	Checked by: <b>CB</b>
	Date: <b>25.04.22</b>

Drawing Status:  
**PLANNING APPLICATION**

AMENDED DRAWING



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**Report Reference Number:** 2022/0019/FUL

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Emma Howson (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0019/FUL	PARISH:	Balne Parish Council
APPLICANT:	Julie Ronksley	VALID DATE: EXPIRY DATE:	18th January 2022 8 <sup>th</sup> June 2022
PROPOSAL:	Conversion of agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following demolition of existing shed and covered yard buildings		
LOCATION:	Woodside Farm South End Lane Balne Selby North Yorkshire DN14 0EQ		
RECOMMENDATION:	GRANT		

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

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises of a large red brick barn constructed in the 1800's. The barn is located on agricultural land adjacent to Woodside Farm, it is not a listed building but could be considered as a non-designated heritage asset due to its historical character and significance. A modern agricultural shed is attached to the southern elevation of the building with a further shed extending to the south and

forming a boundary with the existing fold yard to the south. A modern shed is also located adjacent to the building to the southwest and outside the red edge of the application site. This is used for storage and is to be retained. Agricultural buildings to the north and east of the site are also to be retained.

- 1.2 Vehicular access to the site is presently obtained using the access serving Woodside Farm to the north of the site with a second agricultural vehicular access to the south of the site opposite Manor Farm.
- 1.3 The application site is located outside Development Limits and is therefore in countryside on land designated as Green Belt.

### **The Proposal**

- 1.4 This application seeks permission for the conversion of the agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following the demolition of existing shed and covered yard buildings.

### **Relevant Planning History**

- 1.5 There is no relevant planning history

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways**

No objections subject to conditions.

### **2.2 Yorkshire & Humber Drainage Boards**

No objections subject to conditions.

### **2.3 Environmental Health**

Although the application site is in a rural location, there is a residential property to the northeast of the site that may be adversely affected by noise from construction work associated with the proposed application. It is therefore recommended that a condition is attached relating to hours of work during development.

### **2.4 Contaminated Land Consultant**

Due to potential contamination on site from the agricultural use conditions in relation to land contamination are recommended.

### **2.5 Public Rights Of Way Officer**

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – recommend informative.

### **2.6 County Ecologist**

The main barn was found to support two separate day roosts, each used by a single bat (one a Brown Long-eared Bat, the other an unknown species). Although all bat

roosts are protected by law, day roosts are of lower conservation significance and their loss can be compensated for by standard mitigation measures (in this case the incorporation of purpose-built bat boxes/tubes into the brick work of the gables of the refurbished barn). On this basis, it is considered that the proposed development meets the 'favourable conservation status' test set out in the Conservation of Habitats & Species Regulations 2017. Should Selby District Council be minded to approve this application, a Condition is recommended to adhere to the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.

## **2.7 Balne Parish Council**

No objections raised to this application.

## **2.8 Publicity**

The application has been publicised by a press notice and the posting of site notices on 26.1.2022. No representations have been received as a result.

## **3 SITE CONSTRAINTS**

### **Constraints**

- 3.1 The application site is located outside defined Development Limits in open countryside that is designated Green Belt. A Public Right of Way runs adjacent to the site. The site is located in flood zone 1 (low probability).

## **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.

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

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

### **Selby District Core Strategy Local Plan**

4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP3 – Green Belt  
SP15 – Sustainable Development and Climate Change  
SP18 – Protecting and Enhancing the Environment  
SP19 – Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development  
ENV2 - Environmental Pollution and Contaminated Land  
H12 – Conversion to residential use in the Countryside  
T1 – Development in Relation to the Highways Network  
T2 – Access to Roads

### **National Planning Policy Framework**

4.8 The relevant sections of the NPPF are:

2 – Achieving sustainable development  
4 – Decision-making  
5 – Delivering a sufficient supply of homes  
9 – Promoting sustainable transport  
11 – Making effective use of land  
12 – Achieving well designed places  
13 – Protecting Green Belt Land  
15 – Conserving and enhancing the natural environment  
16 – Conserving and enhancing the historic environment

## **5. APPRAISAL**

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

- Principle of Development
- Green Belt policy including whether the proposal would be inappropriate development
- Open character and visual amenity of Green Belt and local area
- Design

- Residential Amenity
- Highway Safety
- Flood Risk, Drainage and Climate Change
- Ecology
- Contamination

### **Principle of Development**

- 5.2 Saved Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.3 The application site is located outside the defined development limits of any settlements and is located within the countryside on land that is designated as Green Belt.
- 5.4 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building.
- 5.5 Core Strategy SP2 sets out the Council's hierarchical spatial strategy that seeks to direct development to existing towns and larger villages in order to deliver sustainable development. Under SP2A(c) and (d) seeks to restrict development in countryside and Green Belt respectively.
- 5.6 Policy H12 of the Local Plan (adopted 2005) stipulates the criteria in which conversions of rural buildings will be permitted. Criteria 1 of Policy allows proposals for the conversion of rural buildings to residential uses provided "*it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". The proposal does not meet this criteria and is therefore contrary to the requirements of the Development Plan. However, the approaches taken by Core Strategy Policy SP2A and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12(1), with paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 5.7 The proposal would re-use an existing rural building that is located in countryside designated as Green Belt. It sits close to other properties in the immediate locality and so is not isolated. However, as the site lies within Green Belt, the more restrictive policies set out in Core Strategy Policies SP2A(d) and SP3 and in the NPPF need to be applied.

## Green Belt Policy

- 5.8 Policy SP2A(d) of the Core Strategy states, “In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”. Saved Policy SP3B of the Core Strategy states, “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”.
- 5.9 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 5.10 The guidance within the NPPF paragraph 149 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” other than for specified exceptions including [amongst other things] “the extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the original building”.
- 5.11 Paragraph 150 of the NPPF states that “Certain other types of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it” including [amongst other things]: (d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and (e) material changes in the use of land.
- 5.12 There is no definition of openness in the NPPF. National Planning Practice Guidance advises that the courts have held that the following matters can be taken into account in assessing openness, though is not limited to these considerations: a spatial and visual impact assessment; the duration of the development and its remediability; and the degree of activity likely to be generated.
- 5.13 The proposed alterations and extensions would not result in a disproportionate addition over and above the size of the original building. This element of the proposals would therefore be considered to be appropriate development in the Green Belt in accordance with paragraph 149 of the NPPF.
- 5.14 The proposal involves the change of use of an existing building and the surrounding land to residential use. As set out in 5.8, these forms of development are not inappropriate providing they preserve openness and are in line with Green Belt purposes.
- 5.15 The application is supported by a structural survey. This concludes that the building is of permanent and substantial construction but does set out some repair and improvement works, which would be required if the building were to be converted to residential use.



- 5.16 The proposed change of use would retain the overall appearance of the building and the residential curtilage would be restricted to the area within the existing fold yard, with the exception of a small parking area adjacent to the agricultural shed to be retained. This area is already an area of hardstanding in relation to the agricultural use of the site. There is a small building to the rear of the site which would be within the domestic curtilage. There are no plans to change the appearance of the curtilage building and it is anticipated this will continue to be used for storage but in relation to the residential use rather than the existing agricultural use.
- 5.17 In terms of duration of the development and remediability, the site is unlikely to be returned to an agricultural use as it is presently disused but the additional boundary treatments to be installed are limited and could easily be removed if no longer required. By removing the permitted development rights in relation to the site, this removes the ability to construct additional structures which would impact on the openness of the site without further consideration by the Local Planning Authority.
- 5.18 The proposal is to create 1 no. residential unit and it is not considered that this would significantly increase the activity on the site compared to the agricultural use and as such there would be no harm to openness due to activity levels associated with the proposal.
- 5.19 It is considered that as the proposal is contained to the existing site and development, the conversion and extension of the building, creation of a residential curtilage and parking area, are considered to preserve the openness of the Green Belt and the purposes of including land within it in accordance with paragraphs 149 and 150 of the NPPF. These elements of the proposals would not constitute inappropriate development in the Green Belt. In accordance with paragraph 150 of the NPPF. Officers recommend that, should Members grant planning permission, permitted development rights should be removed for the property and curtilage to ensure that the openness of the Green Belt will not be harmed. The proposal is therefore considered adhere to both the local and national planning policies.
- 5.20 Having regard to the above, the proposals are considered to be appropriate development in the Green Belt in accordance with Policies SP2A (d) and SP3B of the Core Strategy and national planning policy contained within the NPPF (specifically paragraphs 145 and 146).

### **Suitability of the building for re-use**

- 5.21 Criterion (3) and (4) of Local Plan Policy H12 require that “the building is structurally sound and capable of re-use without substantial rebuilding” and “the proposed reuse or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension”.
- 5.22 In terms of Criterion (3), it is noted that a structural survey has been submitted with the application. This concludes that the building is structurally sound and capable of re-use without substantial re-building but does set out some repair and improvement works which would be required if the building were to be converted to residential use. On this basis it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.23 In terms of Criterion (4), the proposals would involve a new internal floor, new staircases and works to the roof structure, a proposed extension would create a

garden room to the rear which would create 15sq m of additional floorspace. The proposed canopy would replace the existing lean-to agricultural canopy which is presently in situ. However, read in the context of the building to be converted, it is considered that the proposals would not result in extensive extensions and the proposals would generally take place within the fabric of the existing building. The repair and improvement works would not be considered to be extensive and would be those reasonably required to convert the building to residential use. On this basis, it is considered that the proposal would comply with Criterion (4) of Policy H12.

- 5.24 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report. Having regard to the above, the proposals are considered to be acceptable in principle taking account of saved Policy H12 of the Selby District Local Plan, Policy SP2 of the Core Strategy and national policy contained within the NPPF (specifically paragraph 79).

### **Impact on the open character and visual amenity of Green Belt and local area**

- 5.25 Further to Green Belt policy set out above, saved SDLP policies ENV1(1) and Core Strategy Policy SP18 are relevant to the consideration of the impact on the open character and visual amenity of the Green Belt, landscape and the local area.
- 5.26 SDLP Policy ENV1 states that development will be permitted provided a good quality of development would be achieved. SDLP Policy ENV1(5) requires the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area to be considered.
- 5.27 CS Policy SP18 seeks to sustain the high quality and local distinctiveness of the natural and manmade environment, this includes through the conservation of those historic assets which contribute most to the distinct character of the District (CS Policy SP18(2)) Whilst the building is not a listed building, it is a building of historic interest and could be considered as a non-designated heritage asset.
- 5.28 Further, CS Policy SP19 expects new development to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. CS Policy SP19(b) sets a key requirement for development to positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.29 The application has been amended during the application process to alter the level of changes required to the building and to reduce the impact on the conversion on the open character by keeping the curtilage within the existing fold yard. This has involved the removal of a round window to the gable end of the building which was considered to be out of character with the building and would have impacted on the amenity of the neighbouring property. Alterations to the design of the canopy and the proposed window openings to ensure that the historic character of the building was not lost but enhanced by the proposed development, along with alterations to the layout including the position of the car parking to reduce the overall landscape impact. The fold yard is surrounded by low level walling and these boundaries are to be retained and repaired and an additional area of walling is proposed. The car parking area is to be bounded by post and rail fencing and gate which retains the agricultural character of the site.

- 5.30 Officers are of the view that the proposal would not adversely impact on the open character of the area or the visual amenity of the local area and thus would accord with Paragraph 150 of the NPPF and Policy SP3 of the Core Strategy.

### **Design**

- 5.31 Saved policy ENV1 of the Local Plan, Core Strategy SP19 and chapter 12 of the NPPF seek to achieve well designed places. The application seeks to convert the existing rural building to residential use. The barn was constructed in the 1800's and retains many of its original features. The proposal has been amended during the process to reduce the number of new openings and the revised design has been reviewed by the Councils Conservation Officer.
- 5.32 The application is supported by a structural survey and plans showing the extent of demolition and rebuild required to enable the conversion to be undertaken. The level of rebuild work shown on these plans is very limited and it is recommended that a condition is added to any approval which restricts the element of demolition and rebuild to those shown on the provided plans should Members resolve to grant planning permission.
- 5.33 Officers are of the view that the revised design of the works to the building are appropriate and conserve both its agricultural and historical heritage whilst enabling the building to be brought back into use. It is however recommended that all permitted development rights are removed from the building for further alterations and extensions to ensure that the overall character of the building is not affected by future works.
- 5.34 It is also recommended that all replacement windows are to be constructed of timber as these would be the most appropriate materials for the use in a building of this type and that the materials to be used in the repair and extension of the building match those used in the existing building.
- 5.35 The curtilage arrangement also impacts on the overall character and appearance of the building and local area and again it is recommended that any approval is conditioned to ensure the retention of the existing boundary walls and to remove permitted development rights for any alterations to the boundaries. The submitted landscaping plan provides a layout for planting but does not provide any details relating to species, density of planting or external hard landscaping materials. It is recommended that a condition is required requiring these additional details.

### **Residential Amenity**

- 5.36 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) of the Local Plan. It reflects policy in the NPPF at paragraph 130(f), which seeks a high standard of amenity for existing and future users.
- 5.37 The application site is situated in close proximity to the property Woodside Farm, which is the applicant's property. The site presently has vehicular access from both Woodside Farm and the agricultural entrance to the site. The submitted plans show that vehicular access to the site and parking would be from this second access point and thus any disturbance from vehicular movements would be restricted from affecting the residents of Woodside Farm.

- 5.38 There have been no objections received however, officers have worked with the applicant to revise the plans omitting the opening proposed to the gable end of the building which would have faced directly on to the amenity space of the existing property and thus there are no longer any openings which would overlook any other residential property.
- 5.39 The curtilage is bounded by existing fold yard walls and the existing property is orientated so that overlooking would not occur into the garden of the converted barn thereby protecting the amenity of the future residents.
- 5.40 The remaining agricultural buildings on the site are used for storage and not for the housing of animals and thus the adjacent use of the site would not create issues in terms of smell. There would be some impact from the vehicular access which serves both the application site and the agricultural storage buildings, but any impact would be limited due to the lack of openings and the fold yard walls.
- 5.41 Environmental Protection Team have raised concerns in relation to the impact on the amenity of the neighbouring property during construction works and it is therefore recommended that a condition is attached to any approval relating to the control of the hours of work during development.
- 5.42 It is considered that the proposed development would have not have an acceptable impact on residential amenity and would therefore comply with Policy ENV1(1) of the Local Plan and paragraph 130 of the NPPF.

### **Highway Safety**

- 5.43 Policies ENV1(2) and saved policy T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.
- 5.44 The proposed development uses an existing access and would provide parking for three vehicles. NYCC Highways Officers have been consulted on the application and have raised no objections subject to the imposition of conditions should Members resolve to grant planning permission.
- 5.45 A public right of way runs along the access to the site and it is recommended that an informative is added to any approval to ensure that the public right of way is not obstructed during construction.

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

- 5.46 Relevant policies in respect to flood risk, drainage and climate change include saved Policy ENV1(3) of the Local Plan and Policy SP15 of the Core Strategy.
- 5.47 The site lies within Flood Zone 1, which has a low probability of flooding. Surface water is proposed to be disposed of via a soakaway and no details are provided with regards to the disposal of foul sewerage. No issues have been identified in relation to the drainage of the site, however it is considered appropriate to require further details of the proposed foul drainage alongside full details of the drainage design of surface water disposal to be provided, including Soakaway tests to ensure that the site can be adequately drained.

- 5.48 The conversion works also include the provision of solar panels on the roof of the proposed canopy which would create a sustainable approach to the energy use of the building and is considered acceptable and meets with the requirements of Chapter 14 of the NPPF.

### **Ecology**

- 5.49 Core Strategy Policy SP18 (1) and (3) seek to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats.
- 5.50 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles:  
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities in the exercise of their functions to the purpose of conserving biodiversity by having regard to the relevant key policies and legislation which includes local policy, Chapter 15 of the NPPF, planning practice guidance, EIA, The Town and Country Planning Act along with the (Draft) Environment (Principles and Governance) Bill (2019/2020) (England and Wales) and the Wildlife and Countryside Act (1981) (as amended).
- 5.51 The application is supported by Ecological Surveys which identify the main barn as supporting two separate day roosts, each used by a single bat (one a Brown Long-eared Bat, the other an unknown species). Although all bat roosts are protected by law, day roosts are of lower conservation significance and their loss can be compensated for by standard mitigation measures (in this case the incorporation of purpose-built bat boxes/tubes into the brick work of the gables of the refurbished barn). On this basis, it is considered that the proposed development meets the 'favourable conservation status' test set out in the Conservation of Habitats & Species Regulations 2017. A condition is recommended to adhere to the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.
- 5.52 Subject to adherence with the mitigation strategy the proposal would comply with both national legislation and Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

### **Contaminated Land**

- 5.53 Saved Local Plan Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.54 Due to potential contamination on site from the former agricultural use it is recommended that conditions are attached to any planning approval in relation to land contamination as recommended by the Land Contamination Officer.

## **6. CONCLUSION**

- 6.1 The application seeks permission to convert and extend an existing rural building to provide 1 no. residential unit, including the change of use of the surrounding land to provide domestic curtilage, parking and the change of use of an existing building within the curtilage to provide domestic storage.
- 6.2 It is considered that the proposal meets the exceptions set down in paragraph 149 and 150 and thus the proposal is not considered to be inappropriate within the Green Belt and would accord with both national and local Green Belt policy.
- 6.3 The proposed development, subject to the recommended conditions would not create harm to openness or to the rural character of the building or the wider visual appearance of the local area.
- 6.4 Whilst the proposal effectively is contrary to policy H12 criteria 1 which requires a sequential approach to considering the re-use of buildings in rural areas to a business use in the first instance, this is superseded by the Core Strategy and the NPPF, both of which are considered to be more up to date than the local plan policy H12 and as such limited weight is attached to the preference for business use and the proposal meets with all other criteria contained in policy H12. The Government objective is to significantly boost the supply of homes and as such the proposal is considered to be acceptable.
- 6.5 Subject to relevant conditions it is considered that the proposal would not create an adverse impact on residential amenity; land contamination; highway safety or ecology and would accord with Policies ENV1, ENV2, H12 and T2 of the Selby District Local Plan, Policies SP1, SP2, SP3, SP15, SP18 and SP19 of the Core Strategy and the NPPF and as such is recommended accordingly

## **7. RECOMMENDATION**

This application is recommended to be GRANTED subject to conditions:

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

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

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

0325-1-00-00 Location Plan  
0325-3-81-00 Landscaping Plan  
0325-3-21-02A Elevational Plan  
0325-3-11-04A Roof Plan  
0325-3-11-02 H Ground Floor Plan  
0325-3-11-03 H First Floor Plan

Reason:  
For the avoidance of doubt

03. The level of demolition and rebuild of the barn to enable conversion shall be restricted to that shown on the submitted plans listed below:

0325-3-00A-GA Demolition Ground Floor  
0325-3-09-01A-GA Demolition First Floor  
0325-3-09-02-GA Demolition Roof Plan  
0325-3-09-03-GA Demolition Elevational Plan

Reason:

In the interests of protecting the character and appearance of the existing building and to accord with Saved Local Plan Policy H12

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

Reason:

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

05. Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

06. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

07. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

08. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

09. The development hereby approved shall be undertaken in accordance with the Mitigation Strategy set out in section 6 of the Bat emergence and activity survey produced by BJ Collins Protected Species Surveyors Ltd and dated October 2021.

Reason:

In the interests of protecting and enhancing biodiversity and to comply with Core Strategy Policies SP18 (1) and (3) Saved Local Plan Policy ENV1(5).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, porches, roof, dormer windows, or flues other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further openings shall be inserted in the dwelling hereby approved, without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further hardstandings shall be created and no other boundary



treatments other than those approved shall be installed, without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape Character of the local area and the openness of the Green Belt and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12.

13. The window frames of the development hereby permitted shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and to protect the character of the building

14. The doors and door frames shall be constructed of timber and shall be maintained and retained as such for the lifetime of the development.

Reason:

In the interests of visual amenity and to protect the character of the building

15. The materials to be used in the construction or repair of all external walls and roofs shall match those of the existing building.

Reason:

In the interests of visual amenity and to protect the character of the building

16. Prior to the first occupation of the building details of the proposed landscaping including species, planting densities, external landscaping materials shall be provided to the Local Planning Authority for approval. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and to protect the character of the building and the openness of the Green Belt

17. Prior to the commencement of any external walling or roofing, full details of the proposed method of drainage for both foul and surface water drainage shall be provided to the Local Planning Authority for approval, including soakaway tests should this method of surface water drainage be proposed. The drainage shall be undertaken in accordance with the details approved.

Reason:

To ensure adequate drainage of the site and to avoid groundwater flooding

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

Reason:

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

Informatives:

01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF..
02. There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.
  - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
  - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
  - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
  - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
  - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
  - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

## **8 Legal Issues**

### **8.1 Planning Acts**

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

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

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

### 8.3 Equality Act 2010

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

### 9 **Financial Issues**

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

### 10 **Background Documents**

**Planning Application file reference 2022/0019/FUL and associated documents.**

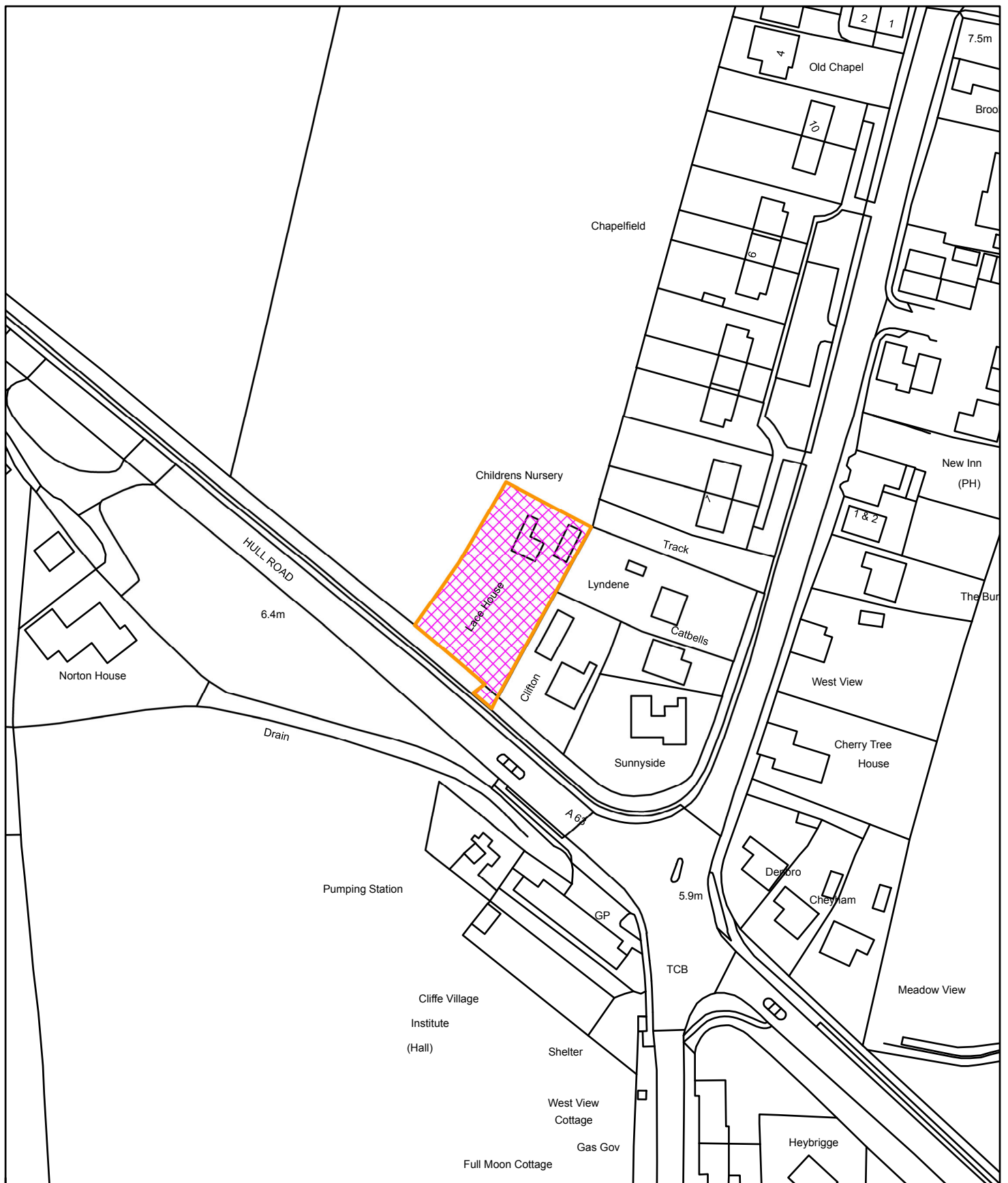
**Contact Officer:** Emma Howson (Planning Officer)  
[ehowson@selby.gov.uk](mailto:ehowson@selby.gov.uk)

**Appendices:** None

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# Agenda Item 5.7

Lace House, Hull Road, Cliffe  
2022/0341/FUL



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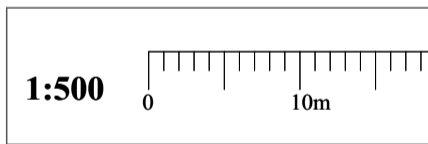
Siteplan (Existing)

1:500



Siteplan (Proposed)

1:500



  
**NEIL HARRISON**  
 Planning & Construction Drawings Ltd.

<b>CLIENT:</b>	
Mr. & Mrs. A. Eccles	
<b>PROPOJECT:</b>	
Proposed development at Lace House, Lund Road, Cliffe. YO8 6PF	
<b>DRAWING:</b>	
Planning Siteplans 1-500	
<b>DATE:</b>	<b>SCALE:</b>
Sept-21	As shown @ A3
<b>DWG NO &amp; REV:</b>	
0011-2 B	
<b>AMENDMENTS:</b>	
A Oct'21 General update.	
B Oct'21 General update.	

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**Report Reference Number:** 2022/0341/FUL

**To:** Planning Committee  
**Date:** 1 June 2022  
**Author:** Irma Sinkeviciene (Senior Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0341/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr & Mrs A Eccles	VALID DATE: EXPIRY DATE:	30th March 2022 25th May 2022
PROPOSAL:	Erection of new detached dwelling and garage to the south of		
LOCATION:	Lace House Hull Road Cliffe Selby North Yorkshire YO8 6PF		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the Ward Councillor for the area where the proposal lies requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list stating the following reasons which are considered to be valid material planning reasons:

- a) The proposal is sustainable development as it is for one dwelling within walking distance of the nearest convenience store, public house and other local facilities; and
- b) The proposal does not conflict with policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 contrary to that stated by the Planning Officer concerned

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located on the western edge of the Cliffe village, to the northwest of the junction of Hull Road and York Road and is adjacent to Hull Road

on its southwest. There are residential properties adjacent to the site on the east and southeast and open fields to the north and west.

- 1.2 The site contains a detached two-storey dwelling with a detached garage both located within the northeast part of the site set back from Hull Road and sitting adjacent to the northeast site boundary. There is a private rear garden space within the north-western corner of the site and a substantial front garden area to the southwest of the dwelling. The access to the site is within its southern corner and the driveway extends up to the garage along southeast boundary of the site.

### **The Proposal**

- 1.3 The application is for the erection of new detached dwelling and garage within the front garden area to the south of property known as 'Lace House'. The existing access to Lace House is proposed to be utilised and would be shared by the existing and the proposed new dwelling.

### **Relevant Planning History**

- 1.3 The following historical applications are considered to be relevant to the determination of this application:

Application CO/1993/0366 (8/17/230/PA) for the proposed erection of a two-storey extension to the rear of Lace House, Hull Road, Cliffe was approved in September 1993

Application 2021/1332/FUL for the erection of detached dwelling and garage to the south of Lace House, Hull Road, Cliffe was refused in March 2022 for the following reason:

*01. The proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. Additionally, it does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.*

## **2. CONSULTATION AND PUBLICITY**

### **2.1 Cliffe Parish Council**

No comments have been received during the statutory consultation period

### **2.2 NYCC Highways**

There are no local highway authority objections to the proposed development. However, conditions are recommended relating to the construction requirements for the new and altered private access or verge crossing and provision of approved access, turning and parking areas.

### 2.3 **Yorkshire Water Services Ltd**

No comments have been received during the statutory consultation period

### 2.4 **Ouse & Derwent Internal Drainage Board**

The Board noted that the site sits within the Drainage Board's district, advising that the Board has assets in the wider area in the form of Oldmill Field Drain. This watercourse is known to be subject to high flows during storm events. The Board advised that Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:

- a) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e., via a third-party asset such as a mains sewer).
- c) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

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

The Board also notes that the applicant intends to use a soakaway for the disposal of surface water and the mains sewer for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. Accordingly, the Board recommends that any approval granted to the proposed development should include the condition requiring drainage works to be agreed.

### 2.5 **Contaminated Land Consultant**

The Screening Assessment Form states that the site (garden south of Lace House) is currently a holiday let caravan park. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended that the planning condition related to unexpected contamination is attached to any planning approval, in case unexpected contamination is detected during the development works.

### 2.6 **Publicity**

A site notice was erected on 20 April 2022. No representations were received as a result of this advertisement.

### **3 SITE CONSTRAINTS**

- 3.1 The site is located within the defined development limits of Cliffe which is identified as a Secondary Village in the Selby District Core Strategy 2013. The site is located within the Flood Zone 1.

### **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

#### **Selby District Core Strategy Local Plan 2013 (SDCS)**

- 4.6 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP5 - The Scale and Distribution of Housing
- SP9 - Affordable Housing
- SP15 - Sustainable Development and Climate Change

- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

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

4.7 The relevant Selby District Local Plan Policies are:

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

### **National Planning Policy Framework**

4.8 Relevant sections include:

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

## **5 APPRAISAL**

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

- 1) The Principle of the Development
- 2) Access to Facilities and Locational Sustainability
- 3) Design and Impact on the Character and Appearance of the Area
- 4) Impact on Residential Amenity
- 5) Impact on Highway Safety
- 6) Flood Risk and Drainage
- 7) Nature Conservation and Protected Species
- 8) Land Contamination
- 9) Affordable Housing

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

5.2 The application site is located within the defined development limits of Cliffe, which is a Secondary Village as identified in the SDCS. Therefore, policies SP1, SP2 and SP4 of the SDCS are relevant in this instance.

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

- 5.4 SDCS policy SP2 is a broad spatial strategy policy which sets out the Council's main cascade of appropriate settlements for new development. Secondary villages sit somewhat down this hierarchy, below Selby, the Local Service Centres and Designated Service Villages. SP2(b) describes that "limited" development will be allowed within the settlement limits of secondary villages such as Cliffe and then only where it will "enhance or maintain the vitality of rural communities" and "conform to the provisions of policy SP4 and policy SP10".
- 5.5 SDCS describes Secondary villages as "less sustainable" or are otherwise constrained in terms of the development they can sustainably support. Planned growth is said not to be appropriate although "some housing" in defined circumstances is said to be permitted "where it will enhance or maintain the vitality of rural communities". No further guidance is given in relation to what will "enhance or maintain the vitality of rural communities". This is therefore a matter left to judgement; however, this is similar to the wording of paragraph 79 of the NPPF which states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."*
- 5.6 An example is given later within NPPF [79] that "where there are groups of smaller settlements, development in one village may support services in a village nearby." Accordingly, there is no requirement for a village to have its own services and a decision-maker can look at whether the day to day needs of future residents can be met by a group of settlements within a reasonable travel distance.
- 5.7 This proposed redevelopment of the site for one dwelling would therefore be capable of at least maintaining the current vitality of Cliffe and might assist with some small additional spend within Selby. The policy does not require enhancement and therefore maintenance of the status quo is sufficient. Therefore, it is not considered that potential conflict in relation to this issue exists with SP2 as the wording of the policy is clear that maintenance of the vitality of rural communities is sufficient. However, Policy SP2 of the SDCS also requires proposals to conform to the provisions of policies SP4 and SP10. Although policy SP10 is not considered relevant in this instance due to the proposal not being for rural housing exception sites, it must conform with policy SP4 of the SDCS.
- 5.8 Policy SP4 '*Management of Residential Development in Settlements*' of the SDCS allows for development in principle in secondary villages through the following:
- 1) Conversions;
  - 2) Replacement dwellings;
  - 3) Redevelopment of previously developed land;
  - 4) Filling of small linear gaps in otherwise built up residential frontages; and
  - 5) Conversion/redevelopment of farmsteads.
- 5.9 The key assessment is therefore whether the proposal falls within any of the categories identified above. The Development is described as erection of one dwelling and garage and would be sited within the front garden area of Lace House, Hull Road, Cliffe. Plainly, this is not a conversion or a farmstead development and is not a 'replacement dwelling'. Nor it is considered that it falls within any of the other categories as discussed further in this section.
- 5.10 The site is not a previously developed land. NPPF definition explains that it is the space occupied by the current buildings on the site and goes on to clarify that

residential gardens in built up areas are not considered to be PDL. The Development is therefore not the 'redevelopment of previously developed land'.

- 5.11 It is also not considered that the Development can be described as the 'filling of a small linear gap in an otherwise built-up residential frontage'. The proposal includes the erection of one dwelling and garage within the front garden area of the existing residential property. The existing property is significantly set back from the Hull Road thus having a substantial front garden area where the development is proposed. However, its driveway and a garage are adjacent to the common boundary with the neighbouring residential property to the southeast, and the north west boundary borders with open countryside and there are therefore no frontage gaps which can be infilled. The development is therefore not within an existing gap within the frontage facing Hull Road and thus falls outside this category.
- 5.12 This is emphasised by the supporting text to policy SP4 of the SDCS. Paragraph 4.55 states that policy SP4 is intended to "avoid...the worst excesses of garden grabbing particularly in smaller settlements". Further, paragraph 4.58 contrasts the position in larger settlements where greenfield and garden development is permissible with the situation envisaged for secondary villages where residential development will be "more restricted so that development on garden land will be resisted..." It is therefore considered that the plan seeks to prevent greenfield, garden development in secondary villages.
- 5.13 The policy is aimed at infilling pre-existing gaps in frontages where development would 'make sense' in the context of the existing densities. The stated purpose of the spatial strategy in relation to secondary villages is set out within paragraph 4.53 of the SDCS as being to "recognise...some scope for continued growth in villages to help maintain their viability and vitality. However, this must be balanced with concerns about the impact of continued residential infilling on the form and character of our villages, particularly through the practice of developing on garden land...and redeveloping existing properties at higher densities.". In this context, it is considered that the Core Strategy and SP4 seek to prevent developments such as this current proposal where the development will be wholly on front garden land and will increase the density of the site.
- 5.14 The Applicant's Agent provided an example of a dwelling approved under application 2017/1068/OUT in Camblesforth which is also identified as a Secondary village in the Core Strategy. However, this case is not comparable to current application in Cliffe due to the approved outline application for a dwelling in Camblesforth being considered at the time as small linear infilling at the cul-de-sac location due to the lane leading to this site with two plots already completed being considered a built-up frontage. Furthermore, each application has to be assessed on its own merits and as such the provided example is therefore not afforded any weight.
- 5.15 SDCS Policy SP4 criteria c) then states that in all cases proposals will be expected to protect local amenity, preserve and enhance the character of the local area and comply with normal planning considerations, with full regard taken of the principles contained within Design Codes (e.g., village design statements). Also, SP4 criteria (d) states that appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy. This is assessed further in the character section of the report.

- 5.16 Having taken into account all of the above, it is therefore considered that the proposal is in conflict with Policy SP4 of the SDCS and is therefore in conflict with the overall special strategy for the district.

### **Access to Facilities and Locational Sustainability**

- 5.17 The Design & Access Statement submitted with the application outlines that Cliffe is a fairly sustainable settlement, with many services and facilities such as preschool and primary school, village store, butchers, pub, a few small businesses, play area, sports field and tennis club. It also states that there is access to a main road network and with a local public transport connection and close links to Osgodby and Hemingbrough which provide further services, and some limited growth would benefit and support local services. The D&A Statement further outlines that the site is within a 3-minute walk to the local shop, 4-minute walk to the pub and a 10-minute walk to the local primary school and concludes that the creation of one additional dwelling within such close proximity of existing services would enhance the viability of the settlement.
- 5.18 Although the information within the D&A Statement is noted, Cliffe is identified in the Core Strategy as Secondary Village and villages identified as such are less sustainable with very limited services and facilities and there is also nothing to suggest that Cliffe would be capable of meeting the everyday needs of the new occupants. Also, given the location and size of the village it is highly likely that the public transport services are very limited and the level of service provision within a reasonable walking distance of the site is also limited. As such, the presence of a small convenience shop, a pub and a primary school within the walking distance in itself is not considered sufficient in order for the Cliffe village and the site itself to be considered as sustainable location for the erection of a dwelling. Having taken into account all of the above, it is highly likely that travel outside the village would be necessary. As such, it is highly likely that the future occupants would be reliant on the car for travelling to more sustainable settlements given the separation distance between the site and more sustainable settlements such as Hemingbrough, Osgodby and Selby and given limited public transport services. As such, it is considered that the development would not provide a suitable site for housing in terms of its access to everyday facilities and a reliance on the private car.
- 5.19 On the basis of the above, it is considered that conflict exists with the wider sustainability objectives within the NPPF and policy SP1 of the SDCS.

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

- 5.20 In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors that can impact on the character of the area. These are governed by policies by SDCS policies SP4 c) and d) SP19 and policy ENV1 of the SDLP. Section 12 of the NPPF also puts significant emphasis on good design.
- 5.21 Policy SP19 of the SDCS requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:



- A) make the best, most efficient use of land without compromising local distinctiveness, character and form;
- B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

- 5.22 SDLP policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. SDLP policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.23 Policy SP4 (d) of the SDCS states that "appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy" and policy SP4 (c) states that "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations".
- 5.24 The proposal is for the construction of one dwelling within the front garden area of Lace House. The application site is located within the defined development limits of Cliffe, which is a Secondary Village as identified in the SDCS. The proposal is for a construction of one dwelling within the front garden area of Lace House. The application site comprises a two-storey dwelling with a detached garage both located within the northeast part of the site, a driveway running up to the garage along the southeast boundary of the site and a substantial front garden area to the front of the dwelling.
- 5.25 The boundary treatments currently consist of a low (approx. 1.2) close boarded timber fence along the southeast boundary of the site increasing to a height of approximately 1.8 metres towards north, a brick boundary wall of approximately 1.2 metres increasing to 1.5 metres towards north along its northwest boundary and a mature hedge of similar height along the southwest boundary adjacent to Hull Road.
- 5.26 To the east and southeast of the application site are residential properties, while there are open fields to the north and northwest of it and across Hull Road to the south. There are further residential properties further northeast of the site. The application site is located on the edge of predominantly residential area, with residential properties within the immediate vicinity of the application site comprising of a mixture of bungalows and two storey dwellings, predominantly detached of varying size and design. Furthermore, external materials used on residential properties within the vicinity of the application site are predominantly red and brown brick with some examples of rendered buildings.
- 5.27 The proposed dwelling would be a detached two-storey building with two wall dormer features in the front elevation and would have a single storey link detached garage to the rear. The proposed building would have lower ridge and eaves height than that of a two-storey dwelling sited within the far end of the plot and a higher ridge height than that of the neighbouring bungalow to the southeast. The proposed dwelling would be sited very close to the southwest boundary of the site which is adjacent to a public pathway and Hull Road beyond it and would utilise the existing vehicular access in the southern corner of the site.
- 5.28 In terms of the size of the plot and the layout of the proposed dwelling, it is noted that the surrounding properties within the street scene mostly occupy smaller plots and are sited closer to the highway. As such, it is considered that the proposed layout of

the plot itself is commensurate with the properties located within the vicinity of it. The relationship of the proposed dwelling with a highway would be similar to that of the existing properties along this stretch of Hull Road. Therefore, the plot size, frontage and position of the dwelling within the plot would be in accordance with the prevailing character of the locality.

- 5.29 In terms of scale and appearance, the proposed dwelling would be a detached two-storey building with a double pitched roof and a single garage to the rear attached to the main building via a link. The property would face a highway with its eaves and there are two wall dormer features and an open porch proposed in the front elevation of the dwelling. Although there are no examples of wall dormers within the vicinity of the site, those features would be of a small size and scale, would respect the proportions, symmetry and fenestration details on the front elevation of the house and would therefore not appear out of character. As such, the overall design and appearance of the building is considered to respect the character of the locality.
- 5.30 It is also noted that the height of the proposed dwelling would be lower than that of a two-storey dwelling to the northeast but slightly higher than that of a bungalow to the south east and as such, the proposed dwelling would satisfactorily integrate into the street scene.
- 5.31 The submitted application form states that the external construction of the proposed dwelling would be brick and tiles for the walls and the roof and UPVC for windows of a colour as agreed with the Local Planning Authority. As such and given that very limited details were provided, it considered that this matter can be reasonably dealt with via a condition.
- 5.32 In terms of landscaping and boundary treatments, the submitted proposed layout plan on the drawing No 0011-3 B seems to replicate the existing boundaries of the site which is considered acceptable and can be secured via a condition. It also shows a 1.8-metre-high close boarded fence to the north east of the proposed dwelling which would provide the internal boundaries between the plots. Such type of fencing is not considered inappropriate when viewed within the context of residential areas and as such is considered acceptable.
- 5.33 There was no landscaping plan submitted with the application, but this issue can be adequately dealt with via a condition.
- 5.34 Subject to the aforementioned conditions, it is therefore considered that the proposed dwelling is acceptable in terms of its scale, siting, height and design and would not have a significant or detrimental impact on the character and form of the locality. The proposal is therefore considered acceptable in accordance with policy ENV1 (1) and (4) of the SDLP, policies SP4 (d) and SP19 of SDCS and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.35 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include policy ENV1 (1) of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.36 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties,

overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.

- 5.37 In terms of the provision of amenity space for the proposed new dwelling, it is considered that the proposal would enable the provision of an adequate amount of usable external amenity space for the occupiers of the proposed dwelling. Furthermore, the existing dwelling known as Lace House, would retain an adequate amount of usable external amenity space for the occupiers of that dwelling.
- 5.38 There is an existing dwelling within the site to the northeast of the proposed new dwelling and another dwelling to the southeast of the site which could potentially be affected by the proposed development and the impacts on those are assessed in turns further in this section of the report. Although it is noted that the rear boundary of the property to the east is adjacent to the site, this is significantly distanced from the proposed development and as such it is not considered that this or any other properties not mentioned above would be affected by the scheme.

#### Assessment of impacts on Lace House to the Northeast

- 5.39 The distance between the single storey garage forming the rear elevation of the proposed dwelling and the front of the existing dwelling known as 'Lace House' is approximately 13.7 metres. The distance between the two-storey part of the proposed dwelling and the front of the existing dwelling is approximately 19.5 metres. The separation distance is considered to be reasonable to not create adverse effects on the outlook of the existing property within the site.
- 5.40 There are no first-floor windows in the northern elevation of the proposed dwelling which can be controlled via a condition. The natural light to the first-floor rooms would be gained via roof lights and windows in other elevations. As such, it is therefore not considered that any adverse effects of overlooking would be created as a result of the proposal.
- 5.41 The proposed new dwelling would be sited to the southwest of the existing and such has potential to overshadow the front garden of the existing dwelling during certain times of day in certain month. However, given the size, scale and design of the proposed dwelling and its distance from the existing, this effect would be periodic and less apparent during warmer months of the year and as such it is not considered that potential impacts of overshadowing would be detrimental.
- 5.42 As such, it is therefore not considered that any adverse impacts of overlooking, overshadowing or overbearing would be caused to the existing dwelling to the northeast known as 'Lace House'.

#### Assessment of impacts on bungalow to the Southeast

- 5.43 The distance between the southeast gable end (side elevation) of the proposed dwelling and the side elevation of the existing bungalow to the south east of it is

approximately 19 metres which is considered to be an acceptable distance between the side elevations and reasonable to not create adverse effects on the outlook of the existing bungalow.

- 5.44 There are two windows serving bedrooms proposed in the first-floor level and two smaller lounge windows at the ground floor level of the southeast gable end facing the bungalow. The boundaries between the bungalow and the proposed dwelling consist of a low timber fence and as such it is therefore considered that some impacts of overlooking of the ground floor windows of the existing bungalow could be caused as a result of the proposal. However, given the position of the proposed new dwelling in relation to the bungalow, the separation distance between them, and having taken into account the presence of the garage and driveway area running along this elevation of the bungalow, it is not considered that impacts of overlooking would be detrimental.
- 5.45 The proposed new dwelling would be sited to the northwest of the existing bungalow and would be reasonably distanced from it. As such and given the separation distance between them as well as size, scale and design of the proposed new dwelling, it is not considered that any adverse impacts of overshadowing or loss of light would be caused to the occupiers of the bungalow to the southeast.
- 5.46 As such, it is therefore not considered that any adverse impacts of overlooking, overshadowing or overbearing would be caused to the bungalow to the southeast.

#### Summary

- 5.47 Having regard to the above, it is considered that the proposals are on balance acceptable in terms of impacts on residential amenities and would not conflict with policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

#### **Impact on Highway Safety**

- 5.48 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF.
- 5.49 The application proposes to utilise the existing vehicular access onto Hull Road to serve the proposed dwelling. In terms of car parking, the house would have 4 bedrooms and the minimum requirement for such dwellings is 3 car parking spaces. There would be a link detached single garage and an area of hardstanding to the front of it providing further two parking spaces with a small area of hardstanding for an additional parking space for visitors within the southeast corner of the plot.
- 5.50 North Yorkshire County Council Highways raise no objections to the proposal, subject to conditions and informative relating to the construction requirements for the new and altered private access or verge crossing and condition related to the provision of approved access, turning and parking areas. Given the location, scale and nature of the proposal, it is considered reasonable and necessary to impose conditions recommended by the NYCC Highways Officer.
- 5.51 Having regard to the above and subject to above conditions, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in

accordance with policies ENV1 (2), T1 and T2 of the SDLP and the advice contained within the NPPF.

### **Flood Risk and Drainage**

- 5.52 The application site is located within Flood Zone 1. Flood Zone 1 is assessed as having a less than 1 in 1,000 annual probability of flooding. Given the application site is located within Flood Zone 1, an area at the lowest risk of flooding and the area of the site is less than 1 ha, no Flood Risk Assessment would be required, and no sequential test or exception test is necessary.
- 5.53 In terms of drainage, the submitted application form sets out that surface water would be disposed of via soakaway and that foul drainage would be disposed of via mains sewer. The Ouse & Derwent IDB and Yorkshire Water have been consulted on the proposal.
- 5.54 Whilst Yorkshire Water have not provided any comments, Ouse & Derwent IDB raised no objections to the proposals in principle and recommending a condition requiring agreeing drainage work prior to commencement of the development.
- 5.55 As such, subject to aforementioned condition, the proposal would be acceptable in terms of flooding, drainage and climate change in accordance with policy ENV1 (3) of the SDLP, policies SP15 and SP19 or the SDCS and the advice contained within the NPPF.

### **Nature Conservation and Protected Species**

- 5.56 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include policy ENV1 (5) of the SDLP and policy SP18 of the SDCS.
- 5.57 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 5.58 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with policy ENV1 (5) of the SDLP, policy SP18 of the SDCS and the advice contained within the NPPF.

### **Land Contamination**

- 5.59 The application is supported by a planning application form and a contaminated land screening assessment form. The proposed use would be vulnerable to the presence of contamination, as the site would be for residential purposes.
- 5.60 The Screening Assessment Form sets out that that the site is currently occupied by a static caravan park and prior to this it was used as agricultural land. It also outlines that no fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present.

- 5.61 The application has been reviewed by a Contaminated Land Consultant who concluded that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, the Contaminated Land Consultant recommended that a planning condition related to reporting of unexpected contamination is attached to any planning approval in case unexpected contamination is detected during the development works
- 5.62 Given all of the above and subject to a condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with policy ENV2 of the SDLP, policy SP19 of the SDCS and the advice contained within the NPPF.

### **Affordable Housing**

- 5.63 SDCS policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 64:
- 5.64 *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.*
- 5.65 Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of one dwelling and as such in the light of the West Berkshire Decision and paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by policy SP9 C can be sought on an application for one dwelling.

## **6. CONCLUSION**

- 6.1 The application seeks approval for the erection of new detached dwelling and garage within the front garden area to the south of property known as ‘Lace House’.
- 6.2 The proposal for a dwelling within the front garden area of existing dwelling does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Additionally, the proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and reliance on the private car. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.
- 6.3 It is considered that the proposed scheme would cause no significant harm to the surrounding area or living conditions of neighbouring occupiers and the proposals are considered to be acceptable in respect of highway safety, flood risk, drainage, nature conservation and contamination.

## 7. RECOMMENDATION

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

01. The proposal for a dwelling within the front garden area of existing dwelling does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Additionally, the proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and reliance on the private car. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.

## 8 Legal Issues

### 8.1 Planning Acts

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

### 8.2 Human Rights Act 1998

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

### 8.3 Equality Act 2010

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

## 9 Financial Issues

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

## 10 Background Documents

Planning Application file reference 2022/0341/FUL and associated documents.

**Contact Officer:** Irma Sinkeviciene (Senior Planning Officer)  
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**Appendices:** None

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

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1099/HPA	Mr Robin Attrill	Lock House Haddlesey Flood Lock Main Street West Haddlesey Selby North Yorkshire YO8 8QA	Erection of a single and two storey extension to existing detached dwelling to create additional living accommodation	REFUSED 22 Apr 2022	Jac Cruickshank
2021/0551/FUL	John Shears	Pumping Station Wand Lane Hensall Selby North Yorkshire	Erection of employment units and associated works and infrastructure on land	PERMITTED 28 Apr 2022	Emma Howson
2021/0964/HPA	Mr Blake	1 West End Ulleskelf Tadcaster North Yorkshire LS24 9DL	Garden room extension to rear with new patio	PERMITTED 22 Apr 2022	Bethany Harrison
2021/1034/HPA	Ms Jones	29 Willow Bank Brayton Selby North Yorkshire YO8 9SR	Single storey rear extension	PERMITTED 26 Apr 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1073/COU	Scalm Park Leisure	Caravan Park Scalm Park Wistow Selby North Yorkshire YO8 3RD	Holiday use Change of use of holiday use static to permanent use staff accommodation with 11/12 month occupation	PERMITTED 21 Apr 2022	Hannah Blackburn
2021/1200/HPA	Mr Richard Archer	Manor House Old Lane Hirst Courtney Selby North Yorkshire YO8 8BQ	Formation of a 1 bedroom self-contained residential annex within the existing garage for use by a family member of the main dwelling, and replacement of ground floor window and door with bi-fold doors to the west elevation (part retrospective)	PERMITTED 26 Apr 2022	Ellis Mortimer
2021/1217/DOC	Mr & Mrs J Grayson	The Orchards Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Discharge of conditions 03 (construction management plan), 07 (drainage) and 10 (contamination) of approval 2019/0108/FUL Proposed conversion of redundant agricultural buildings to provide two detached residential units (Use Class C3), with associated amenity, parking and garden space at land adjacent	CONDITION DECISION 3 May 2022	Irma Sinkeviciene
2021/1357/TPO	Ms Ruth Lebreton	3 Glebe Close Bolton Percy Selby North Yorkshire YO23 7HB	Application for consent to reduce canopy by 10% to 1no Oak tree (T1) covered by TPO 5/1977 and to crown reduce and remove deadwood for 1no Maple (T2)	REFUSED 9 May 2022	Bethany Harrison
2021/1366/HPA	Mrs Jan Healey	Camelot Poole Row Burton Salmon Selby North Yorkshire LS25 5JX	Part two storey/part single storey side extension, conversion of an existing garage to a granny annex, a single storey car port and an additional car parking space.	PERMITTED 29 Apr 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1379/HPA	Matthew Shipley	Oakleaf House Main Street Cliffe Selby North Yorkshire YO8 6NL	Demolition and re-build of existing side garage extension. Single storey rear extension. Single storey front porch extension	PERMITTED 29 Apr 2022	Josh Turner
2021/1487/HPA	Mr Robert Burnell	6 Oaklands Camblesforth Selby North Yorkshire YO8 8HH	Erection of rear extension to extend the existing bungalow length by 1.65m including extension of loft space room to form a two storey dwelling	PERMITTED 5 May 2022	Ellis Mortimer
2021/1505/HPA	Kevin Buckthorpe	16 Maple Close South Milford Selby North Yorkshire LS25 5NP	Single storey front extension and detached garage	PERMITTED 9 May 2022	Ellis Mortimer
2021/1508/HPA	Mr Andrew Brown	4 Northfield Terrace Church Fenton Tadcaster North Yorkshire LS24 9RQ	Installation of new vehicular access	PERMITTED 22 Apr 2022	Bethany Harrison
2021/1522/HPA	Mr Clement Swaby	Fernlea Caudle Hill Fairburn Knottingley North Yorkshire WF11 9JQ	Alterations to dormers at rear, new side extension and new garage	PERMITTED 22 Apr 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1547/COU	Mr Sammy Smith	Land adjacent to Carlton Equestrian Centre Hirst Road Carlton Goole East Yorkshire	Change of use from Agricultural to Business Use for horse training services (retrospective)	PERMITTED  3 May 2022	Emma Howson
2022/0015/HPA	Mr Jim Barry	15 Carrs Meadow Escrick Selby North Yorkshire YO19 6JZ	Internal alterations and the erection of a single storey extension to the rear to provide additional living accommodation	PERMITTED  22 Apr 2022	Josh Turner
2022/0028/FULM	Rebecca Hailey	Land at Bishopdyke Road Sherburn In Elmet North Yorkshire	Continuation of use of land for outdoor storage up to 8 metres in height together with access and new boundary treatment	PERMITTED  27 Apr 2022	Yvonne Naylor
2022/0035/HPA	Mr Sean Duggan	1 School House Bungalow Church Hill Stillingfleet Selby North Yorkshire YO19 6SA	Formation of new access and parking with post and rail fencing	PERMITTED  29 Apr 2022	Jac Cruickshank
2022/0036/HPA	Mr S Wilkinson	Fairview Newland Drax Selby North Yorkshire YO8 8PS	Erection of single storey extension and entrance porch	PERMITTED  22 Apr 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0057/CPE	Mr Cleary	Land at A63-A1 Junction 42 Selby Road Monk Fryston North Yorkshire	Lawful development certificate for existing use of land for standing of 27 residential caravans, use of land for standing of 27 vehicles, use of land for standing of 10 portaloos and use of land for storage of hardcore, road scalpings and gravel	REFUSED 29 Apr 2022	Diane Holgate
2022/0061/LBC	Nun Appleton Farm	Nun Appleton Hall Nun Appleton Appleton Roebuck York North Yorkshire YO5 7BG	Listed building consent to re-build porch extension to west elevation above service wing	PERMITTED 6 May 2022	Irma Sinkeviciene
2022/0075/COU	Andrew Birdsall	4 Ouston Villas Ouston Lane Tadcaster North Yorkshire LS24 8DP	Change of use of domestic dwelling for short-term lets (retrospective)	PERMITTED 26 Apr 2022	Irma Sinkeviciene
2022/0076/HPA	Mr Nicholas Bowles	The Crest South Duffield Road Osgodby Selby North Yorkshire YO8 5HW	Installation of a new vehicular access	PERMITTED 10 May 2022	Josh Turner
2022/0132/S73	Mr M Keogh	Kings Lodge Silver Street Fairburn Selby North Yorkshire WF11 9JA	Section 73 application to vary condition 02 (drawing) of approval 2020/1206/HPA Erection of front extension and attached garage	PERMITTED 22 Apr 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0137/REM	Mr L Morrall	4 Sutton Lane Byram Selby North Yorkshire WF11 9DL	Reserved matters application including appearance, landscaping, layout, scale and access of approval 2018/0415/OUT Outline planning application for residential development of 6 no. houses (All Matters Reserved)	PERMITTED 10 May 2022	Emma Howson
2022/0148/DOC	Mr Steve Carrie	The Maltings Turpin Lane South Milford Selby North Yorkshire LS25 5FP	Discharge of Condition 07 (surface water) of approval 2018/0190/FULM Proposed construction and operation of an animal feed bulking facility and associated infrastructure	CONDITION DECISION 3 May 2022	Hannah Blackburn
2022/0151/HPA	Richard Hill	1 Lilac Oval Hillam Selby North Yorkshire LS25 5HQ	Two storey front and side extension with render to facades, raised patio area, replacement of existing conservatory with single storey extension and alterations and additions to fenestrations	PERMITTED 27 Apr 2022	Ellis Mortimer
2022/0169/HPA	Mr & Mrs Stronach	101 Leeds Road Selby North Yorkshire YO8 4JG	Demolition of existing single storey rear conservatory, existing garage and existing side/rear extension. Two storey side extension, single storey front extension and single storey side/rear extension	PERMITTED 3 May 2022	Jac Cruickshank
2022/0172/HPA	Mr Ryan Moore	Beechcroft Went Edge Road Kirk Smeaton Pontefract West Yorkshire WF8 3JS	Erection of 3 bay pitched roof garage and covered garden structure	PERMITTED 4 May 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0176/HPA	Mr & Mrs Hillam	Tir Na Nog Pinfold Hill Wistow Selby North Yorkshire YO8 3UN	Two storey rear extension	PERMITTED 21 Apr 2022	Jac Cruickshank
2022/0179/HPA	Suzanne Leppington	4 Marigold Close Selby North Yorkshire YO8 9RF	Erection of a single storey rear extension	PERMITTED 21 Apr 2022	Jac Cruickshank
2022/0180/S73	Mr Mark Butler	Nun Appleton Hall Nun Appleton Appleton Roebuck York North Yorkshire YO5 7BG	Section 73 application to vary condition 02 (plans) of approval 2016/0089/FUL Works to reintroduce a cupola and viewing platform to roof, repairs to exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works	PERMITTED 6 May 2022	Irma Sinkeviciene
2022/0194/S73	Mr Addy	Hunters Lodge 6 Fox Lane Thorpe Willoughby Selby North Yorkshire	Section 73 application to vary condition 02 (approved plans) of approval 2020/0223/FUL Proposed demolition of existing bungalow/detached garage and construction of a new sustainable bungalow with an integral garage and a hydrotherapy pool	PERMITTED 29 Apr 2022	Diane Holgate
2022/0203/DOC	Ms Rachel Morgan	21 Springfield Crescent Kirk Smeaton Pontefract West Yorkshire WF8 3LE	Discharge of condition 03 (materials) of planning permission 2021/0608/HPA Side and rear extensions and increasing roof pitch and ridge to provide accommodation in loft space together with erection of detached garage and formation of new driveway onto existing dropped kerb	CONDITION DECISION 26 Apr 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0223/FUL	Selby Town Council	Recreational Ground Bondgate Selby North Yorkshire	Erection of a memorial in memory of those who were injured or killed mining in the area, the proposal consists of a brick and stone plinth supporting half of a winding wheel, diameter of 3.9m, the winding wheel is original and will be repainted, bricks will have the option to be engraved with the names of people who contributed to the memorial	PERMITTED  9 May 2022	Linda Drake
2022/0239/HPA	Mr Robert Triffit	10 West Park Selby North Yorkshire YO8 4JL	Erection of side and rear single storey extension for utility/home office and store area, replacing garage	PERMITTED  3 May 2022	Jac Cruickshank
2022/0244/DOC	RBLC Rusholme Ltd	Rusholme Hall Rusholme Lane Newland Selby North Yorkshire YO8 8PW	Discharge of Conditions 04 (materials), 06 (render), 07 (layout plan) and 10 (surface water drainage) of approval 2021/0101/FUL Restoration of Rusholme Hall back to Residential Use (Use Class C3)	CONDITION DECISION  6 May 2022	Fiona Ellwood
2022/0245/TPO	Mr Eddie Allen	118 High Street South Milford Selby North Yorkshire LS25 5AQ	Crown reduce by 3 metres to balance trees and removal of any dead wood within the canopy to 2 No Sycamores (T1 and T2) protected by TPO 12/2005.	REFUSED  9 May 2022	Ellis Mortimer
2022/0247/COU	Mr Simon Broadist	Foxhills Boarding Kennels Market Weighton Road Barlby Selby North Yorkshire YO8 5DA	Change of use from equestrian menage to dog exercising area (retrospective)	PERMITTED  21 Apr 2022	Jac Cruickshank



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0248/COU	Mr Andy Waller	Walden Meadows Pinfold Lane Kirk Smeaton Pontefract West Yorkshire WF8 3JT	Change of use of agricultural land to domestic curtilage (retrospective)	PERMITTED  5 May 2022	Emma Howson
2022/0253/TPO	Hope Sentamu Learning Trust	Barlby High School York Road Barlby Selby North Yorkshire YO8 5JP	Application for consent to crown lift/remove epicormic growth to provide 2.5 - 3m ground clearance and clear fence/sheds by a minimum of 1m and crown clean to remove all significant dead wood and branch stubs and sever Ivy where present to 5No Lime trees (T46, T47, T49, T50 & 52) and 1No Cut-Leaved Beech tree (T54), crown thin 4No Lime trees (T46, T47, T50 & T52) by 20%, pollard 1No Lime tree (T48) to main union and fell 1No Lime tree (T51) covered by TPO 9/1992	SPLIT DECISION FOR TREES  26 Apr 2022	Linda Drake
2022/0260/DOC	Mr Shaun O'Brien	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Discharge of Condition 14 (remediation) of approval 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	CONDITION DECISION  28 Apr 2022	Jenny Tyreman

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0263/HPA	Ms V Burke	19 Hawthorn Close Tadcaster North Yorkshire LS24 9UD	Demolition of existing conservatory and the erection of a single storey sun room	PERMITTED 6 May 2022	Bethany Harrison
2022/0272/HPA	Leanne Beal	Linley House Main Street Barkston Ash Tadcaster North Yorkshire LS24 9PR	Erection of two storey side and two storey rear extension with alterations to fenestrations and removal of chimney	PERMITTED 5 May 2022	Bethany Harrison
2022/0295/DOC	Mr Neil Lineham	Land at White House Farm 115 Main Road Hambleton Selby North Yorkshire YO8 9JD	Discharge of conditions 13 (materials) and 14 (boundary treatment) of approval 2021/0179/FUL Erection of 4 detached houses and associated works, including change of use of part of site to domestic garden, following demolition of existing buildings	CONDITION DECISION 3 May 2022	Elizabeth Maw
2022/0296/HPA	Mr Livsey	19 Croftway Camblesforth Selby North Yorkshire YO8 8JJ	Erection of rear single storey flat roof extension (retrospective)	PERMITTED 3 May 2022	Ellis Mortimer
2022/0304/DOC	Mr Craig Lee	42 Fox Lane Thorpe Willoughby Selby North Yorkshire YO8 9NA	Discharge of condition 04 (materials) of approval 2021/1212/HPA Proposal: Demolition of existing garage, erection of ground and first floor extensions and alterations to existing dwelling	CONDITION DECISION 10 May 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0309/COU	Selby Town Council	The 1811 Learning Centre New Lane Selby North Yorkshire YO8 4QB	Change of use to convert listed building into a food bank at ground floor level and office use at first floor (retrospective)	PERMITTED 5 May 2022	Linda Drake
2022/0353/TCA	Mr James Reid	Cheviot Back Lane Bilbrough Selby North Yorkshire YO23 3PL	Application for consent to fell 1No Hawthorn tree in the conservation area	PERMITTED 3 May 2022	Bethany Harrison
2022/0365/TCA	Mrs Steph Lyons	Nether Farm 20 Church End Cawood Selby North Yorkshire YO8 3SN	Application for consent to reduce the overall shape of 1No Yew tree by 40% in the conservation area	PERMITTED 21 Apr 2022	Jac Cruickshank
2022/0366/TCA	Mrs Rickard	Bangram Hill Farm 16 York Road Riccall Selby North Yorkshire YO19 6QG	Application for consent to fell 2No Silver Birch trees (T1 & T6), 1No Robinia tree (T2) and 1No Larch tree (T4), reduce 1No Silver Birch tree (T3) by 30% and 1No Sycamore (T5) by 35% in the conservation area	SPLIT DECISION FOR TREES 3 May 2022	Jordan Fairclough
2022/0393/MAN2	Mr Steven Greenwood	Hill Farm Road From Hull Road To Green Lane Cliffe Selby North Yorkshire YO8 6PF	Non material amendment of 2018/0571/HPA Proposed demolition of existing conservatory and erection of a 2 storey extension and one storey infill extension	PERMITTED 21 Apr 2022	Josh Turner

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0398/TCA	Mr Richard Hill	1 Lilac Oval Hillam Selby North Yorkshire LS25 5HQ	Application for consent to remove 2no Maple trees	REFUSED  5 May 2022	Elizabeth Maw

# Glossary of Planning Terms

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

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

## **Curtilage:**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 106 Agreement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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	Charles Richardson, Vice Chair  Conservative	Camblesforth and Carlton Ward	<a href="mailto:crichardson@selby.gov.uk">crichardson@selby.gov.uk</a>	-
	Keith Ellis  Conservative	Appleton Roebuck and Church Fenton	<a href="mailto:kellis@selby.gov.uk">kellis@selby.gov.uk</a>	01937 557111
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	Don Mackay  Independent	Tadcaster	<a href="mailto:dbain-mackay@selby.gov.uk">dbain- mackay@selby.gov.uk</a>	01937 835776

# Substitute Councillors 2022-23

	Chris Pearson Conservative	Hambleton	<a href="mailto:cpearson@selby.gov.uk">cpearson@selby.gov.uk</a>	01757 704202
	Richard Musgrave Conservative	Appleton Roebuck and Church Fenton	<a href="mailto:rmusgrave@selby.gov.uk">rmusgrave@selby.gov.uk</a>	-
	Tim Grogan Conservative	South Milford	<a href="mailto:tgrogan@selby.gov.uk">tgrogan@selby.gov.uk</a>	07375 676804
	David Buckle Conservative	Sherburn in Elmet	<a href="mailto:dbuckle@selby.gov.uk">dbuckle@selby.gov.uk</a>	01977 681412
	Keith Franks Labour	Selby West	<a href="mailto:kfranks@selby.gov.uk">kfranks@selby.gov.uk</a>	01757 708993
	Stephanie Duckett Labour	Barlby Village	<a href="mailto:sduckett@selby.gov.uk">sduckett@selby.gov.uk</a>	01757 706809
	John McCartney Selby Independents	Whitley	<a href="mailto:jmccartney@selby.gov.uk">jmccartney@selby.gov.uk</a>	01977 662558