



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 7 DECEMBER 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, 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.

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 - 12)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 9 November 2022.

5. **Planning Applications Received (Pages 17 - 18)**
 - 5.1. **2022/0918/OUT - 7 Low Street, Sherburn In Elmet (Pages 19 - 44)**
 - 5.2. **2022/0484/OUT - The Bungalow, 10 Old Vicarage Lane, Monk Fryston (Pages 45 - 64)**
 - 5.3. **2022/1106/OUT - Field House, School Lane, Bolton Percy (Pages 65 - 92)**
 - 5.4. **2020/0183/FUL - Land at The Paddocks, York Road, North Duffield (Pages 93 - 114)**
 - 5.5. **2022/0622/FUL - Stones4homes Ltd, Riccall Airfield (Pages 115 - 130)**
6. **East Yorkshire Solar Farm - Nationally Significant Infrastructure Project (Pages 131 - 140)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 11 January 2023
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Enquiries relating to this agenda, please contact Democratic Services on democraticservices@selby.gov.uk.

Recording at Council Meetings

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

Agenda Item 4



Minutes

Planning Committee

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

Date: Wednesday, 9 November 2022

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch and D Mackay

Officers Present: Hannah Blackburn, Planning Development Manager, Glenn Sharpe, Solicitor to the Council, Emma Howson, Senior Planning Officer, Elizabeth Maw, Senior Planning Officer. Irma Sinkeviciene, Senior Planning Officer and Gina Mulderrig, Democratic Services Officer

Public: 5

33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor John Duggan.

34 DISCLOSURES OF INTEREST

Councillor Ashton declared a non-pecuniary interest in agenda item 5.2 as she was Ward Councillor for the area and a member of Fairburn Parish Council. Councillor Ashton confirmed that she would not leave the meeting during consideration thereof.

Councillor also Ashton declared a non-pecuniary interest in agenda items 5.3, 5.4 and 5.5 as she was Parish Council Clerk for Biggin Parish Council. Councillor Ashton confirmed that she would not leave the meeting during consideration thereof.

35 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and

was available to view alongside the agenda on the Council's website.

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

36 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 5 October 2022.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 5 October for signing by the Chairman.

37 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

38 2022/0852/OUT - ROYAL OAK INN, HIRST COURTNEY

Application: 2022/0852/OUT

Location: Royal Oak Inn, Main Road, Hirst Courtney

Proposal: Outline application with all matters reserved for erection of up to 7 dwellings.

The Senior Planning Officer presented the application which had been brought before Planning Committee on 5th October at the request of the Ward Councillor, on the following grounds: that the site of the former public house has been disused for a lot of years and is an eyesore for the village, which needs addressing; and, that there is a public house close by and this application will much improve the character and appearance of the village.

The application was deferred for a site visit, which was undertaken on the 31st of October 2022. Further to this, the application was brought back before Planning Committee.

Members noted that the application was for an outline application with all matters reserved for erection of up to 7 dwellings.

The Committee asked the Senior Planning Officer to clarify whether Policy SP4 of the Selby District Local Plan referred only to development on non-allocated sites within Development Limits of Secondary Villages. Members also asked when the Development Limits were last reviewed and why the car park is not included as part of a 'brownfield' site.

The Senior Planning Officer confirmed Policy SP4 only referred to land within Development Limits. The Senior Planning Officer explained that the Development Limits follow the built form of the settlement and do not necessarily include land that goes beyond the built form. It was explained that the car park did constitute previously developed land as per the NPPF

definition. The assessment was whether the land could be developed as the presumption to develop in the NPPF, it should not be assumed that it should. The current Development Limits were being reviewed as part of the current Local Plan review.

PDL definition in NPPF. Assessment of whether should be developed, presumption that can, but shouldn't be assumed that it should

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application further noting that, contrary to the claims of the Planning Agent, the application does not comply with Policies SP2Ac or SP4 of the Selby District Core Strategy Local Plan and the site is outside the linear Development Limits set by the Planning Inspector. It was also noted that the report stated that insufficient evidence had been submitted regarding the marketing of the site to avoid the loss of a community facility and is therefore contrary to Policy S3B of the Selby District Local Plan.

The Committee also noted that Hirst Courtney and the surrounding area contained three licensed premises serving a population between 250 and 300 residents and that the Royal Oak had been closed for a decade meaning its redevelopment represented no loss of a community facility. Support was shown to approve the application.

It was proposed and seconded that the application be GRANTED against the Officer recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee and the completion of a legal agreement to cover financial contributions towards public open space provision and waste/recycling. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee and a planning agreement to cover financial contributions towards the provision of public open space and to provide for waste/recycling services.

39 2021/1501/FUL - CARU, BECKFIELD LANE, FAIRBURN

Application: 2021/1501/FUL

Location: Caru, Beckfield Lane, Fairburn

Proposal: Erection of 1 No dwelling following demolition of existing garage.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as more than 10 letters of representation have been received, including 10 letters of support. The letters raised material planning considerations and officers are recommending the application to be

determined contrary to the 10 letters of support.

Members noted that the application was for the erection of 1 No dwelling following demolition of the existing garage.

The Committee questioned the Senior Planning Officer on the location of the residences of the objectors. They also noted that the site entrance was in use for the existing garage and asked how the proposed development would alter this use and for detail on why North Yorkshire County Council Highways had objected to the proposal.

The Senior Planning Officer showed the Committee the location of the objectors on the Site Location Plan. The Senior Planning Officer acknowledged the site entrance was currently in use but stated that this was not ideal due to limited visibility and that the proposal would mean the use of the entrance would be more intensive and exacerbate the risk. The Senior Planning Officer explained that North Yorkshire County Council Highways required 2 metre by 2 metre visibility splays for each parking space and they objected as this had not been achieved. The Senior Planning Officer displayed the area on Google Maps and Google Streetview at the request of the Members for further context.

Members sought clarification as to whether officers or North Yorkshire County Council Highways had contacted the Applicant regarding the objection and potential alterations to solve the issue. The Members also questioned the proximity of the dwellings of the objectors to the site and whether minimum standards were met.

The Senior Planning Officer stated that the Agent was aware there were objections from North Yorkshire County Council Highways but no alternative proposals had been received. The Senior Planning Officer explained there was no set guidance on minimum distances between developments but, as the site was 30 metres from the dwellings of the objectors, it was judged there would be no adverse impact on the objectors.

The Committee questioned the feasibility of the plan given the restrictions in size and the steep slopes and multiple levels of the site.

The Senior Planning Officer stated the development would have to comply with the plans which includes details of making the site level and usable.

Mr Gerald Swaby was in attendance to represent the Applicant and spoke in favour of the application.

Members debated the application and understood the requirement of the applicant for suitable housing but also stated the objection from North Yorkshire County Council Highways was a significant reason for refusal. Members also questioned the compliance of the proposal with Policy SP4 of the Selby District Local Plan.

The Committee supported the proposal in principle but stated the access issue would need to be resolved before anything could be approved. The Committee questioned whether the plan could be revised to concur with the 2m splay distance required by North Yorkshire County Council Highways.

The Senior Planning Officer stated that Planning Agent was aware of the objection from North Yorkshire County Council Highways but that the discussions during the application had been mainly about the principle of the development.

It was proposed and seconded that the application be DEFFERED to provide an opportunity for the Applicant and Agent to address the objections from North Yorkshire County Council Highways. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be DEFFERED.

40 2022/1028/COU - OXMOOR LODGE, MEADOW'S EDGE, BIGGIN

Application: 2022/1028/COU

Location: Oxmoor Lodge, Meadow's Edge, Biggin

Proposal: Change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective).

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective change of use of grassland to domestic garden in connection with Oxmoor Lodge.

The Committee questioned the Senior Planning Officer about the influence of the change of use to the character of the open countryside given that the site

was surrounded by woodland preventing it being viewed by the public. The Committee also asked for clarification on the size of the extended land and queried what would happen if the Committee agreed with the recommendation to refuse.

The Senior Planning Officer responded that the visual impact is not the only consideration when assessing the impact of developments on the wider countryside. Although the Planning Statement stated that the proposals would not visually harm the area, the argument that extended garden area would be out of public view would not be compelling in principle as it could be repeated too often to the overall detriment of the character and appearance of the countryside. It was confirmed the area was 0.1 hectares in size. The Planning Development Manager stated that, if the proposal was refused, it would be sought through enforcement to ensure the land was returned to its previous condition including the removal of the existing buildings and the reinstatement of the fencing between the permitted development and the application site. The fences between properties and the existing landscaping would be permitted to remain but the cessation of use for residential purposes would be required.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application and noted that the permitted garden was small compared to the size of the house but acknowledged this was caused by the developer when outline planning for the house was approved in 2015. Members argued allowing development of the application site would result in improvement with the applicant further investing in landscaping and maintenance of the land.

The Committee asked for what practical controls Selby District Council would have on development of the application area and specifically whether structures could be erected on the site. Members also questioned the frequency of inspection to ensure schemes were complying with enforcement.

The Senior Planning Officer stated the Council would use enforcement to ensure all structures were removed, boundaries were reinstated, and all domestic use of the site be ceased and the land would be returned to grassland. The Planning Solicitor addressed the Committee to advise that the practical powers of Selby District Council were very limited in terms of enforcing the restrictions.

The Planning Development Manager stated that were the application approved, the Committee would be advised to apply a condition preventing any further structures being constructed under permitted development in line with Policy H15 in the Selby District Local Plan and that the existing structures may be subject to a retrospective planning application. The Planning

Development Manager responded to a query on enforcement inspections to explain that Enforcement Officers are visiting sites in the District but that referrals are also received from Ward Councillors and interested parties prompting investigation.

It was proposed and seconded that the application be APPROVED against the Planning Project Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.

41 2022/1027/COU - FENTUNE HOUSE, MEADOW'S EDGE, BIGGIN

Application: 2022/1027/COU

Location: Fentune House, Meadow's Edge, Biggin

Proposal: Change of use of grassland to domestic garden in connection with Fentune House (retrospective).

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective change of use of grassland to domestic garden in connection with Fentune House.

The Committee asked the Senior Planning Officer if the open sided shed pictured in the report was within the current permitted curtilage and she confirmed that it did.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members debated the application referencing the similarity to item 5.3 and same consensus of support for the proposal with conditions.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.

42 2022/1026/FUL - FENTUNE HOUSE, MEADOW'S EDGE, BIGGIN

Application: 2022/1026/FUL

Location: Fentune House, Meadow's Edge, Biggin

Proposal: Erection of a single storey storage building required for maintenance of paddock/grassland land (retrospective)

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the Ward Councillor for the area where the proposal lies had requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list. The following reasons for Committee consideration were noted, which were considered to be valid material planning reasons:

1. The proposals were similar to other applications which the Council had approved recently, such as the application in North Duffield which was approved by Committee in December 2021 (ref 2020/1391/FUL).
2. It is important to provide reasonable private amenity space with properties, provided that the proposal would not have any significant adverse impact on the residential amenities of the occupiers of any neighbouring residential properties and there was no significant adverse effect on the character and appearance of the surrounding countryside. Having assessed the proposals, I consider that these proposals met this test and are therefore compliant with Policy ENV1 (1) and H15 of the Selby District Local Plan and the NPPF.

Members noted that the application was for the retrospective erection of a single storey storage building required for maintenance of paddock/grassland land.

The Committee questioned the Senior Planning Officer on the material of the storage building, how it is accessed and whether it is inside permitted

development dimensions.

The Senior Planning Officer stated that the storage building is a steel structure and is accessible through the rear garden of Fentune House. The Senior Planning Officer explained that the structure was outside the permitted curtilage of the property so there were no permissible dimensions for the storage building.

Members questioned the contents of the storage building and the Senior Planning Officer responded that the interior had not been available for inspection but that the application was for machinery of a domestic nature to maintain the paddock land at Fentune House and Oxmoor Lodge.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Planning Agent Sam Dewar was in attendance and spoke in favour of the application.

Members expressed approval of the structure as it is in keeping with its surroundings but questioned whether the residential nature of the building would have any impact on the surrounding land which was categorised for agricultural use.

The Planning Development Manager stated that, were the application approved, it was advised that a condition be added to preclude the use of the building for domestic use and, that should the building remain, it be used solely in connection with agricultural use of the adjacent land.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.

43 2022/0880/COU - OAKVIEW STABLES, DAW LANE, APPLETON ROEBUCK

Application: 2022/0880/COU

Location: Oakview Stables, Daw Lane, Appleton Roebuck

Proposal: Change of use for temporary siting of a static caravan.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as more than 10 letters of representation had been received, which raised material planning considerations and Officers

would otherwise determine the application contrary to these representations.

Members noted that the application was for the change of use for the temporary siting of a static caravan.

Members noted the Officer Update Note which explained that, contrary to the evidence expected prior to the Committee meeting, a letter from the Applicant's Accountant had been received advising that they were not yet in a position to prepare the accounts for the year ending 31 March 2022. The letter from the Accountant expressed support for the application and confirmed that the Applicant had run the business successfully for almost 30 years and that, in their opinion, it was successful and viable.

The Committee acknowledged that the Agricultural Consultant had not identified an essential need for the siting of a static caravan for financial reasons but questioned whether reasons such as animal husbandry or security had been considered. Members also asked the Senior Planning Officer whether the existing hard standing had planning permission and whether any temporary structures had occupied the area previously.

The Senior Planning Officer concurred that the Agricultural Consultant had not identified sufficient financial need for the siting of a static caravan and added that the Agricultural Consultant had considered animal welfare and security but had concluded that business case for a permanent presence was not currently justified but further detail and evidence from the Applicant could potentially affect this conclusion. The Senior Planning Officer stated that the only lawful use of the existing land and hardstanding was for agriculture and that no structures were currently on the proposed site.

Members questioned whether any future applications seeking a dwelling on site would be prejudiced were this application approved.

The Planning Development Manager explained that the application was for a temporary siting of a static caravan and that an application for a permanent dwelling following approval of this application would be considered separately but that the identification of essential need would have been established.

Ward Councillor Richard Musgrave was in attendance and spoke in favour of the application.

Applicant Ms Becky O'Neill was in attendance and spoke in favour of the application.

Members debated the application expressing support for the need of an on-site presence for animal welfare and security reasons. Members agreed the business was well established and viable but acknowledged the omission of complete financial evidence.

Support for the temporary siting of a static caravan for three years was expressed by Members with the point made that any application for a

permanent dwelling would be subject to a separate application process and criteria.

Members asked what conditions would be imposed apart from a restriction on three years if the application were approved.

Officers stated that they would recommend further conditions regarding the residential curtilage to serve the caravan and details of the caravan colour and finish.

It was proposed and seconded that the application be APPROVED against the Senior Planning Officer's recommendation subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be APPROVED subject to conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee.

The meeting closed at 4.32 pm.

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Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you 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 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. Only **ONE** person may register to speak for each category of speaker, per agenda item - i.e., one objector, one parish representative, one ward member

and either the applicant, agent or their representative. Registering to speak is on a 'first come, first served' basis.

9. The following speakers may address the committee for **not more than 5 minutes each in the following order**:
 - (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).**

10. 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).
11. 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.
12. 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.
13. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
14. 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.
15. 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.
16. 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.
17. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.

18. 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.
19. 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.
20. This is a council committee meeting which is open to the public.
21. 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
22. The arrangements at the meeting may be varied at the discretion of the Chairman.
23. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
24. Please note that the meetings will be streamed live on YouTube and are recorded as a matter of course for future viewing.
25. These procedures are being regularly reviewed.

Contact: Democratic Services
Email: democraticservices@selby.gov.uk

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Agenda Item 5

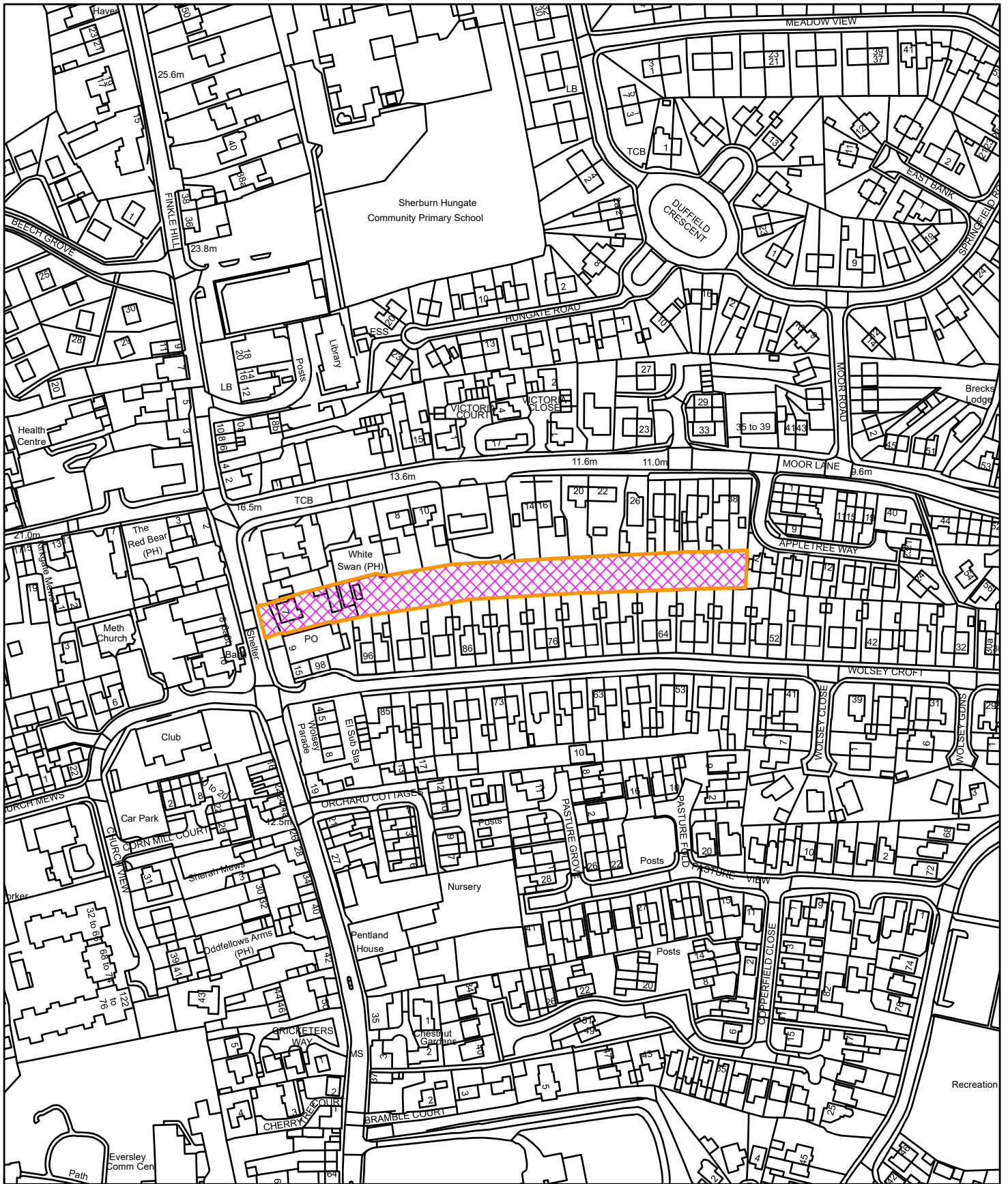
Items for Planning Committee – 1 June 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2022/0918/OUT	7 Low Street Sherburn In Elmet Leeds North Yorkshire LS25 6BG	Outline application for development of 5 new detached houses including access, appearance, layout and scale (all other matters reserved) (amended plans) on land to the rear.	Emma Howson	19 - 44
5.2	2022/0484/OUT	The Bungalow 10 Old Vicarage Lane Monk Fryston Selby North Yorkshire LS25 5EA	Outline consent for demolition of existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered.	Emma Howson	45 – 64
5.3	2022/1106/OUT	Field House, School Lane, Bolton Percy, Tadcaster, North Yorkshire, YO23 7BF	Outline application with all matters reserved for erection of detached dormer bungalow with garage and associated domestic curtilage on land adjacent to Mote Hill House and Oak View.	Yvonne Naylor	65 - 92
5.4	2020/0183/FUL	Land At The Paddocks York Road North Duffield Selby North Yorkshire	Proposed erection of dwelling with integral garage and construction of access road on land to the west.	Diane Holgate	93 - 114
5.5	2022/0622/FUL	Stones4homes Ltd Riccall Airfield Market Weighton Road Barlby YO8 5LD	Continued use of land for the storage, bagging and sale of building aggregates and landscaping products (e.g. paving stones) and retention of processing building and offices. (retrospective)	Jac Cruickshank	115 - 130

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Agenda Item 5.1

7 Low Street, Sherburn in Elmet
2022/0918/OUT



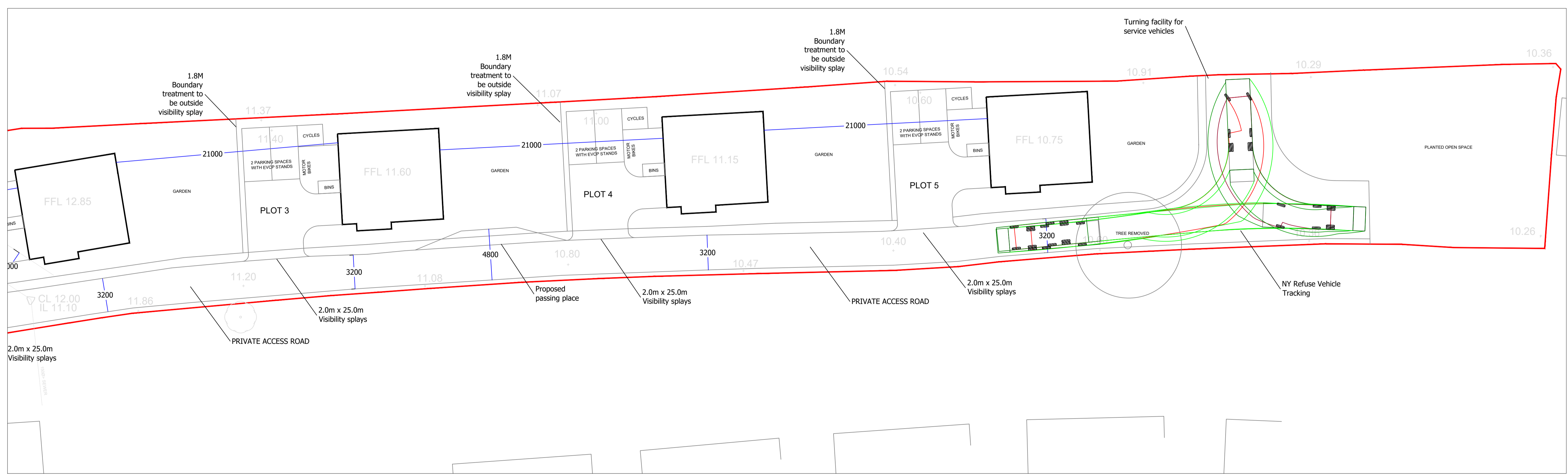
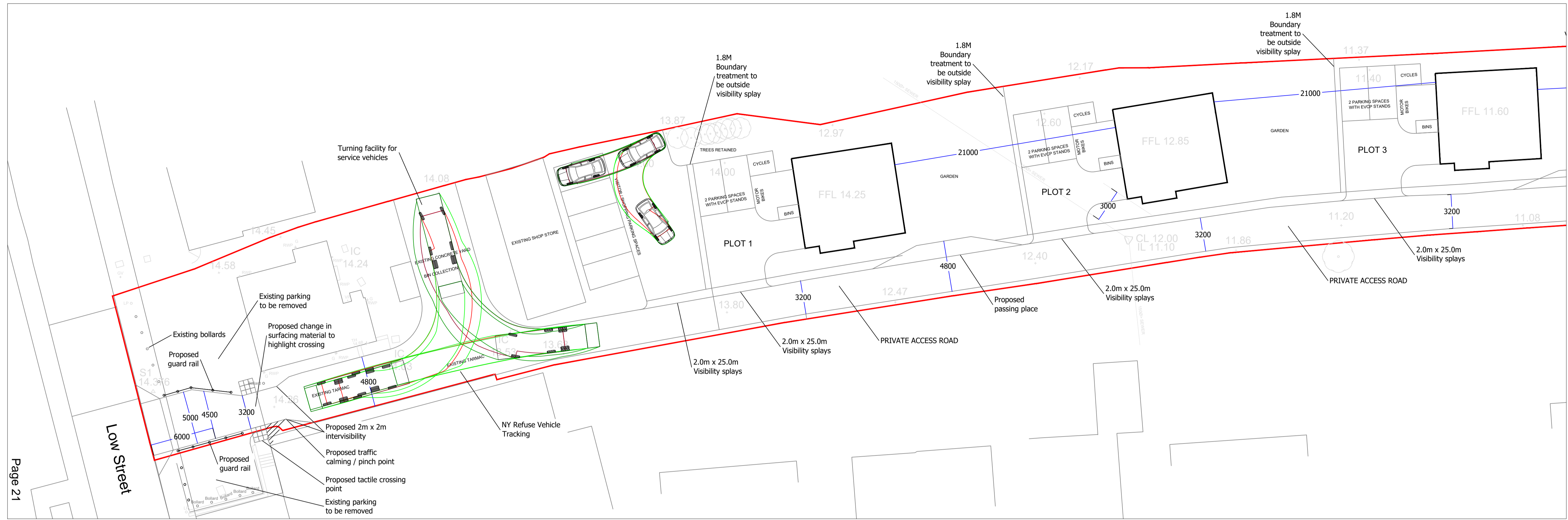
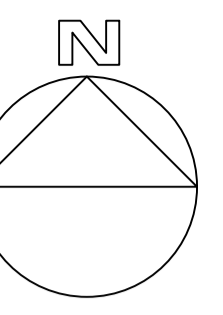
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GENERAL NOTES
 This drawing shows the provisional design only and is subject to Local Authority approval. This drawing should not be scaled for setting out purposes unless specified.
 This drawing is based on a topographical/ordnance survey provided by others.

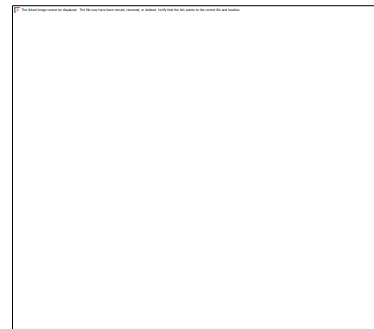


Page 21

C	28.10.2022	ADDITIONAL TRACKING ADDED
PROJECT	7 LOW STREET, SHERBURN-IN-ELMET	
TITLE	PROPOSED SITE LAYOUT	
SCALE	1:200 @ A1	
DRAWING	1954-102C	
DATE	28.10.2022	

AMENDED DRAWING

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Report Reference Number 2022/0918/OUT
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Emma Howson (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0918/OUT	PARISH:	Sherburn In Elmet Town Council
APPLICANT:	Taylor Property Developments (Yorkshire) Ltd	VALID DATE: EXPIRY DATE:	9th August 2022 4th October 2022
PROPOSAL:	Outline application for development of 5 new detached houses including access, appearance, layout and scale (all other matters reserved) (amended plans) on land to the rear of		
LOCATION:	7 Low Street Sherburn In Elmet Leeds North Yorkshire LS25 6BG		
RECOMMENDATION:	GRANT subject to a S106 Agreement for Recreational Open Space and Waste/ Recycling Contributions		

This is a ‘minor’ application for development of land for housing that has been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there has been more than 10 letters of representation received that raise material planning considerations and where officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site relates to an area of land to the rear of No. 7 Low Street, Sherburn in Elmet. No. 7 (previously Jacksons the Butchers) is a commercial property with a number of outbuildings, located within the commercial centre of Sherburn and fronting Low Street. The site comprises a narrow strip of land that includes No.7 at its western end and extends to the east, which is sandwiched between the rear boundaries of existing residential development. The north of the site is bounded by the rear gardens of domestic properties on Moor Lane. An existing access sits to the west between no. 7 and no. 9 Low Street (Spar). To the south the site bounds the rear gardens of

the residential properties on Wolsey Croft. Residential properties on Appletree lie to the east of the site.

- 1.2 The site is within the defined development limits of Sherburn in Elmet.

The Proposal

- 1.3 The application seeks outline consent for the erection of 5 no houses on the site and includes the matters of access, appearance, scale and layout (landscaping is a reserved matter). The application has been amended during the determination process as the original application did not include appearance as a matter for consideration.

Relevant Planning History

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

Application Number: 2020/0665/OUT

Description: Outline application for development of 6 new detached houses including access, layout and scale (all other matters reserved) on land attached to the rear of 7 Low Street, Sherburn In Elmet

Decision: WDN, Date: 09-OCT-20

Application Number: 2020/1140/OUT

Description: Outline application for development of 5 new detached houses including access, layout and scale (all other matters reserved) on land to the rear of 7 Low Street, Sherburn In Elmet,

Decision: REF, Date: 24-FEB-22

2. CONSULTATION AND PUBLICITY

- 2.1 **HER Officer** - recommends an archaeological mitigation recording.
- 2.2 **Sherburn in Elmet Parish Council** – Object to the proposal on the following grounds:
- Highway Safety
 - Adverse effect on the character and appearance of the site.
 - Detrimental impact on residential amenity.
 - Loss of car parking to frontage and inaccessible parking to rear of site No clear efforts to achieve net gain in biodiversity.
 - Original plan for Wolsey Croft development at the time of planning consent was for the land in question to be maintained as a dividing strip.
- 2.3 **NYCC Highways** - The Highway Authority has no objections to the proposed development as the site is not to be adopted and subject to conditions. recommend conditions.
- 2.4 **Yorkshire Water Services Ltd** – Recommend conditions.
- 2.5 **Selby Area Internal Drainage Board** - As this proposal is located slightly outside the Board's district, Selby Area IDB have no comment.

- 2.6 **Contaminated Land Consultant** - The report does not include a summary of the site history or historical maps of the site. No site walkover survey was conducted and no preliminary human health risk assessment or conceptual site model is provided. Historical tanks are noted bordering the site, and other potential contamination sources are recorded within 250 m of the site. The Landmark report does not constitute a Phase 1 preliminary contaminated land risk assessment report. Potential contamination sources, namely historic tanks, are identified within a potentially influential distance of the site, however no risk assessment has been carried out nor conceptual site model produced. Other valuable sources of information, such as the site walkover and historical map review, are not included. As a minimum, a Phase 1 Preliminary Contaminated Land Risk Assessment report will need to be submitted. Conditions recommended.
- 2.7 **County Ecologist** – From the location and examined maps and aerial photography, the likelihood of protected/important species or significant habitats being present is very low. There would be no impact on protected wildlife sites. On this basis, an ecological assessment is not warranted. However, the applicant does need to demonstrate that they could deliver net gains for biodiversity in line with the requirements of the NPPF. This might include, for example, native-species tree planting and using native-species hedgerows as garden boundaries. The DEFRA Small Sites Metric (The Small Sites Metric - JP040 (naturalengland.org.uk) is useful for sites like this, though the applicant may benefit from professional advice in using this tool. Biodiversity Net Gain is not always easy to deliver in urban locations where most of the developed site would be within domestic curtilage. It may therefore be useful if the applicant can show, in outline, that they have considered this.
- 2.8 **Waste and Recycling** –Collection vehicles will not normally access private drives or use them for turning but in this case as a presentation point at the junction of the main road is not possible, the location of this area is suitable provided that the Council are not held liable for any ongoing repairs of maintenance to the access road. As there are more than 4 properties, the developer will be required to pay for the waste and recycling containers.
- 2.9 **Publicity** – The application has been advertised and readvertised following changes to the application by site notices.

There have been 100 representations received raising objections to the application on the following grounds:

- Loss of parking
- Overdevelopment
- Damage to trade
- Lack of accessibility
- Poor access
- Residential Amenity – Overlooking, overshadowing, parking, loss of privacy, outlook, noise and disturbance
- Impact on village
- Highway Safety
- Wrong location for housing
- Drainage
- Materials
- Ecology
- House Values (not a material planning consideration)
- Lack of notification as residents did not receive letters

- Lack of infrastructure
- Original refusal reasons still stand
- Noise from pub
- Not the required housing type

One letter of support has been submitted on the following grounds:

- Good use of derelict land
- Still provides parking
- Limited impact

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located within the defined development limits of Sherburn in Elmet and within Flood Zone 1, an area with the lowest probability of flooding.

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".

- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.

- 4.3 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)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.

- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in

2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.

- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan

- 4.7 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 – Scale and Distribution of Housing
SP6 – Managing Housing Land Supply
SP8 – Housing Mix
SP9 – Affordable Housing
SP12 – Access to Services, Community Facilities and Infrastructure.
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
H2 Location of New Housing Development
H2B Housing Density
T1 Development in Relation to the Highway Network
T2 Access to Roads
VP1 Vehicle Parking Standards

Minerals and Waste Joint Plan (Adopted by NYCC February 2022)

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

S01 – Safeguarded Surface Mineral Resources
S02 – Developments proposed within Safeguarded Surface Mineral Resource areas
S07 – Consideration of applications in Consultation Areas
D13 – Consideration of applications in Development High Risk Areas

National Planning Policy Framework

- 4.10 The relevant sections of the NPPF are:

2 Achieving sustainable development
4 Decision-making

- 5 Delivering a sufficient supply of homes
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 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
- 17 Facilitating the sustainable use of minerals

Other Policies/Guidance

4.11 The other relevant documents are noted as follows:-

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- Sherburn in Elmet Village Design Statement (2009)

5. APPRAISAL

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

- Principle of Development
- Housing Mix
- Design and Impact on Character and Appearance of the Area
- Residential Amenity
- Access and Highway Safety
- Impact on Biodiversity
- Minerals and Waste
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Contaminated Land
- Impact on Heritage Assets
- Affordable Housing
- Open Space
- Other Issues

Principle of Development

5.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

5.3 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints." Sherburn in Elmet is a designated Local Service Centre where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement. Proposals on non-allocated sites such as this must meet the requirements of Policy SP4 of the Core Strategy.

- 5.4 Policy SP4 a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits." For Sherburn In Elmet, SP4 a) sets out that the redevelopment of greenfield land (amongst other things) is acceptable in principle.
- 5.5 The application site is a greenfield site in line with the NPPF definition as it is an area of open space within a built-up area. The site sits within the settlement limits of Sherburn in Elmet and is therefore acceptable in principle given that the Council's spatial strategy allows for growth within the settlement of an appropriate scale.
- 5.6 Core Strategy Policy SP4 (c) states "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."
- 5.7 To conclude, whilst the development of the site is acceptable in principle, it will be subject to the considerations of the area character in addition to impacts on residential amenity, biodiversity, drainage, and on the public highway as detailed below.

Housing Mix

- 5.8 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. Policy H4A of the local plan states that, subject to respecting the character of the area and site suitability, new housing development will be required to provide an appropriate mix of dwelling types and sizes in order to: 1) avoid the creation of large areas of housing of similar characteristics, 2) help create mixed and inclusive communities, and 3) assist in redressing shortages of particular types of dwelling as may be indicated by housing needs assessment and annual monitoring of housing provision.
- 5.9 The Housing and Economic Development Needs Assessment (HEDNA) October 2020 is the most up to date assessment. Chapter 10 sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2- and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.
- 5.10 The HEDNA does not specify smaller sub-areas, i.e. per village. The need for 2-3 bed homes is across the Selby District North and East area and whilst there is some difference between areas it is not substantial enough to suggest a mix of housing as being needed in different areas. There is also a need for bungalow type of accommodation, however there is no quantitative data as to the extent of need in the District.

- 5.11 The properties proposed are modest sized bungalows with rooms in the roofspace (no dormers) and are shown on the layout as 3 bedrooms. As such, it is considered that the proposed development would be appropriate in terms of housing mix.

Design and Impact on Character and Appearance of the Area

- 5.12 Relevant policies in respect to design and impact on the character and appearance of the area include saved Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant guidance within the NPPF which relate to design include Section 12 which seeks to achieve well-designed places.
- 5.13 Sherburn in Elmet has a mixture of housing styles in the area with a mixture of traditional architecture and post war developments. The Village Design Statement for the area sets out a summary of design characteristics which define the village and are expected to be utilised in future development within the area to improve the character and appearance of the area.
- 5.14 The properties to the north of the site on Moor Lane are a mixture to the detached and semi-detached post war properties with generous gardens. To the south are smaller plots including brick build bungalows. To the east is the commercial area of Sherburn with a mixture of shops and a public house with parking on the front courtyard area. The access to the site is situated between no. 7 and no. 9 Low Street.
- 5.15 The site is a linear piece of land to the rear of the gardens of the properties on Moor Lane to the north and the access from Low Street to the south. The design of the properties has been amended during the application process to remove the proposed dormer windows and replace with velux windows.
- 5.16 The revised layout infills the gap between Moor Lane and Wolsey Croft and it is considered that the overall layout of the site would not harm the character of the area. The proposed materials are render with ashlar cast stone quoins and black slate roof tiles. There is a mixture of different materials in the area including those stated within the application and it is considered that the proposed materials would be acceptable.
- 5.17 The proposal would lead to the loss of an area of car parking to the shop frontages. The level of car parking in this area does not add to the overall appearance of the streetscene and replacing the car parking with car parking within the site would lead to an overall visual improvement to the main shopping frontage, and the streetscene.
- 5.18 In light of the above, the proposal is considered to be acceptable in terms of its design and impact on character and appearance of the area and therefore accord with the aims of Policy ENV1 of the Local Plan and SP19 of the Core Strategy.

Residential Amenity

- 5.19 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 1) and 4) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.20 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking, overshadowing of neighbouring properties and

whether dominance and enclosure would result from the size, scale and massing of the dwelling proposed.

- 5.21 The proposed dwellings are shown on plans to be positioned in closer proximity to the rear (northern) boundary with a separation distance of at least 18m to the residential properties on Moor Lane. The properties are 7.3m in height and have velux windows in the northern elevation. These are however shown to be set at 1.9m above the floor and thus would be for light and ventilation only as an average person would be unable to look out of the windows at this height. The remaining windows to the rear elevation are at ground floor level and would not overlook the properties to the north due to the existing boundary treatments. Further, the proposed properties are shown to be off set from the properties on Moor Lane to avoid any direct views between the properties. Given the above, the separation distance between the properties and those on Moor Lane is considered to be acceptable to avoid any undue loss of privacy to the existing dwellings.
- 5.22 As the properties are situated to the south of the properties on Moor Lane, there is the potential for overshadowing, however this is limited by the height of the proposed properties and the offset arrangement.
- 5.23 The proposed dwellings are situated a minimum of 20m from the properties on Wolsey Croft, which is considered to be an acceptable separation distance, and again the buildings are off-set from the existing dwellings. The proposed dormer window to the front elevation has been omitted from the design of the dwellings and replaced with a velux window which is again positioned at 1.9m above floor level and therefore would not create an issue with overlooking or loss of privacy.
- 5.24 The proposed layout, which lays out the properties in a position offset from the existing dwellings, would allow outlook to be retained for the existing dwellings as well as those proposed. Whilst this may be reduced by the physical built form, there are sufficient gaps between the properties to allow views through the site from both Moor Lane and Wolsey Croft.
- 5.25 The access arrangement follows the rear boundaries of Wolsey Croft and replacement parking is proposed to the rear of the commercial property. The proposal provides 5 no. car parking spaces – 1 per dwelling. There is an element of disturbance at the western end of the site associated with the commercial vehicle movements associated with the business use of the site. However, as there would be the potential for additional disturbance to the properties on Wolsey Court from the new access road it is considered expedient that any planning approval should require the installation of acoustic fencing to the rear of the property boundaries on Wolsey Court to minimise the level of disturbance that could be caused by vehicle movements to the rear of their gardens.
- 5.26 The application does not include landscaping as a matter for consideration and thus the reserved matters application for landscaping details would be required by condition to include these details. It is considered that suitable landscaping could be accommodated in the scheme, particularly at the site's eastern end where a planted area is proposed.
- 5.27 A turning head has been provided at the end of the site, however the plots have sufficient parking and turning adjacent to the properties that this would only be required to be used by larger vehicles such as the waste and recycling lorry and thus any disturbance would be limited.

- 5.28 The proposed properties are approximately 21m apart and have 1.8m high boundary fencing shown on the layout plan, which would provide a suitable level of amenity from each other. The gable end windows only serve bathrooms and thus would not create issues of overlooking between the properties. It is however considered expedient to condition these windows to be obscure glazed and be retained as such. It is also considered expedient to impose a condition to ensure no additional windows are inserted in future which could give rise to new overlooking.
- 5.29 The properties meet the required minimum separation distances and thus, due to the constrained nature of the site, it would also be considered appropriate to condition the removal of permitted development rights to the properties for extensions, additional windows, dormer windows or outbuildings which could compromise the residential amenity of the neighbouring properties if not controlled.
- 5.30 Due to the proximity of the neighbouring properties, it is considered expedient to restrict the times of the development works to ensure that residential amenity is not unduly compromised.
- 5.31 It is therefore considered that the proposed layout, scale and appearance would not have a significant adverse impact on the residential amenity of both existing and future occupiers subject to conditions and would therefore accord with Policy ENV1 of the Local Plan; Policy SP18 of the Core Strategy and paragraph 130 of the NPPF.

Access and Highway Safety

- 5.32 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and Core Strategy Policy SP15. The aims of these policies accord with paragraph 110 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.33 Two previous applications 2020/0665/OUT and 2020/1140/OUT relating to the site have been withdrawn and refused respectively due to concerns over highway safety. To address these issues, a full highway survey has been submitted with the application. The parking area to the frontage of the site is removed and replaced with 5 no. car parking spaces to the rear of the commercial premises.
- 5.34 Concerns have been raised by the public over the safety of the proposal, however by removing the parking to the frontage of the commercial properties and the provision of railings to the area, this would reduce the number of vehicle/vehicle conflicts and vehicle/pedestrian conflicts associated with the area. The proposal restricts pedestrian access to a particular crossing point which is in full visibility of drivers accessing and egressing the site.
- 5.35 Whilst the access into the site and the car parking area is restricted at this point, this serves to reduce traffic speeds as only one vehicle can use this access point at one time. The parking area provides a suitable turning area for vehicles so that the vehicles are able to remain forward facing when accessing and egressing the site.
- 5.36 The plans have been considered by NYCC Highways who raise no concerns to the proposal subject to conditions including one of the provision of signage giving priority

to those accessing the site over those egressing the site to reduce any likelihood of vehicles backing up on to the highways.

- 5.37 The proposal is therefore considered to accord with Policies ENV1(2), T1 and T2 of the Local Plan, Core Strategy Policy SP15 and paragraph 111 of the NPPF.

Impact on Biodiversity

- 5.38 NYCC Ecology Officer has considered the information provided and examined maps and aerial photography, the likelihood of protected/important species or significant habitats being present is very low. There would be no impact on protected wildlife sites. On this basis, an ecological assessment is not warranted.
- 5.39 In line with the NPPF, it is important to demonstrate that the proposal could deliver net gains for biodiversity. The landscaping scheme for the site is a reserved matter and is not included within this application for consideration. It is possible for a net gain in terms of biodiversity could be provided by a suitable scheme which might include, for example, native-species tree planting and using native-species hedgerows as garden boundaries.
- 5.40 The application site also includes an area of 'open space' to the western edge of the site, which the applicant has confirmed would be managed by a landscape management company. A condition would be required to provide a detailed plan for the management of this area. The landscaping scheme would include this area which provides an area where biodiversity net gain can be maximised.
- 5.41 It is therefore considered that subject to a suitable landscaping scheme being provided, that the site is capable of providing a biodiversity net gain in line with the NPPF.

Minerals and Waste

- 5.42 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Limestone. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Referral Area to which Policy D13 applies.
- 5.43 However, the site relates to a strip of land sitting within an existing built-up settlement that is enclosed by existing housing development. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the location of the site, it is unlikely that this site would be considered as a suitable or appropriate site for mineral resource extraction and therefore needs to be safeguarded for the future. The proposal is not considered to sterilise the mineral or prejudice future extraction.
- 5.44 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Referral Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies Sherburn in Elmet as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.

- 5.45 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.
- 5.46 Turning to local waste management, whilst waste collection vehicles would not normally access private drives or use them for turning, in this case as a presentation point at the junction of the main road is not possible, the location of this area within the site is considered to be suitable provided that the Council are not held liable for any ongoing repairs of maintenance to the access road.
- 5.47 The Council is seeking to ensure that adequate provision is designed into all new dwellings and building conversions to housing units for waste storage, separation of recyclables and access for collection. The Council's SPD on Developer Contributions sets out the requirement for a developer to provide adequate waste bin provision on developments providing 4 or more residential units. As the proposed development will provide 5 no. units the waste and recycling contribution would be paid under the Section 106 Agreement/Unilateral Undertaking in accordance with Developer Contributions.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 5.48 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 of the Core Strategy.
- 5.49 The site is situated within Flood Zone 1 which has a low probability of flooding. The use is a more vulnerable flood risk classification, which is appropriate in Flood Zone 1. The application form states that surface water will be disposed of via SUDS and that foul sewerage will be disposed of via Mains Sewerage.
- 5.50 Yorkshire Water have recommended a condition in relation to the provision of a suitable scheme for the discharge of surface water from the site and that development should provide separate systems for foul and surface water drainage.
- 5.51 Given the location of the site within an existing built-up area and the likelihood that a drainage solution for the site can be found, it is considered expedient to add these conditions to any consent to ensure that the site can be adequately drained to meet the aims of saved Policy ENV1(3) of the local plan and Policy SP15 of the Core Strategy.
- 5.52 It is also considered expedient that any approval for residential development should also include a condition for the provision of electric vehicle charging points in line with the NPPF.

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 It is not considered that the application has been submitted with adequate information to enable confidence that the site is not contaminated and thus it is recommended

that any approval on the site includes pre-commencement conditions relating to land contamination. Subject to such conditions, the application accords with the aims of national and local planning policy.

Impacts on Heritage

- 5.55 NYCC Archaeology has been consulted on the application and offer the following comments:

The development site is within the historic core of the medieval settlement of Sherburn in Elmet. The development plot itself is a long, narrow strip, typical of a medieval layout. The front of the plot would be occupied by the principal buildings of a small farmstead or business premises with the long plot to the rear being used for outbuildings, light industry, waste disposal, small scale agriculture and stock rearing. Archaeological work in advance of construction of Pasture View and its associated cul-de sacs, a short distance to the south, revealed evidence of well-preserved medieval deposits. These were found to overlay both Iron Age and Neolithic features demonstrating human activity in the area for over 4,000 years.

In terms of significance the types of features expected in this environment would be of local or regional interest and would be very unlikely to preclude development at the site. There is also likely to have been some degree of damage in the 19th and 20th centuries.

- 5.56 It is therefore advised that any approval includes a condition requiring a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

Affordable Housing

- 5.57 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.
- 5.58 However, the NPPF is 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'.
- 5.59 Major development is defined in the NPPF as, for housing, development where 10 or more homes are provided or the site has an area of 0.5 hectares or more. As the application proposes the erection of five dwellings on a site which has an area of less than 0.5 hectares, it is not considered to be major development. Having regard

to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application would not require an affordable housing contribution.

Open Space

- 5.60 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.
- 5.61 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.
- 5.62 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.
- 5.63 Sherburn in Elmet Town Council have confirmed that they would prefer a contribution towards existing space in the locality and are willing to provide details of a scheme that the monies can be used towards. 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, Sherburn in Elmet Town 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 parishes 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.

Other Issues

Parish Council Query

- 5.64 The parish council has raised a query with regards to the fact that this strip of land was to be maintained as a dividing strip as part of the Wolsley Court development. The Officer is not aware of this and should this land be restricted for development purposes this would most likely be found as a legal covenant with regards to the land registry. However, any existence of restrictive covenants are not material to determination of a planning application.

Parking area outside the Spar

- 5.65 With regards to the parking area outside the Spar, this land is not within the application site 'red edge' but the application would remove access to this area of

land for parking. The applicant has confirmed that there is no right of access to this land from the application site.

Accessibility

- 5.66 A number of objections have been received objecting to the loss of the car parking area due to difficulties for those with mobility issues. Whilst this is appreciated there are a number of other parking areas in the nearby area and parking is being provided to the rear of the site. The Highways Authority raise no objection to the loss of the parking provision.

6. CONCLUSION

- 6.1 The application seeks outline consent for the erection of 5 no houses on the site and includes the matters of access, appearance, scale and layout (landscaping is a reserved matter).
- 6.2 The site is located within the defined development limits of Sherburn in Elmet and is considered to be acceptable in principle.
- 6.3 The design of the scheme has been amended during the application process to enable a safe form of access can be achieved from the site and that the proposed dwellings meet all the recommended separation distances and window positioning has been amended to protect the amenity of the neighbouring properties.
- 6.4 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.
- 6.5 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

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:

1. Applications for the approval of the reserved matters referred to in No.2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

2. Approval of the details of the (b) landscaping, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

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

Location Plan – LOC01 submitted to the LPA 28th July 2022

Elevations and Sections – RAS220707/BR3 submitted to LPA 3rd October 2022

Layout and Floorplan – RAS220707/P2 Rev A submitted to LPA 3rd October 2022

Site Blockplan and Layout – RAS220707/P1 Rev B submitted to LPA 20th October 2022

Site Layout – 1954-102C submitted to LPA 31st October 2022

Visitors Parking – 1954-103 submitted to LPA 31st October 2022

Access Arrangements – 1954-101E submitted to LPA 31st October 2022

Reason:

For the avoidance of doubt

4. No work relating to the development hereby approved, including works of 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.

5. A) No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording

2. Community involvement and/or outreach proposals

3. The programme for post investigation assessment

4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.

6. 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.

7. 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.

8. 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.

9. In the event that unexpected land 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.

10. There must be no access or egress by any vehicles between the highway and the application site at 7 Low Street, Sherburn In Elmet, Leeds until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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 and to accord with SDLP Policies T1 and T2.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at 7 Low Street, Sherburn In Elmet, Leeds 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 accord with SDLP Policies T1 and T2.

12. No development must 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. restriction on the use of the access for construction purposes;
2. wheel 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. details of site working hours; 6. 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 and to accord with Saved Policy ENV1 of the Local Plan.

13. No part of the development must be brought into use until signage giving priority to vehicles entering the site, over those existing the site, have been installed on site to advise of priority at the pinch point on the access road.

Reason:

In the interests of safety and the general amenity of the development.

14. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external walls and roof of the dwellings, hereby permitted, 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 accord with Policy ENV1 of the Local Plan and Policy SP19 of the Core Strategy.

15. The reserved matters application for landscaping shall include details of biodiversity net gain within the site.

Reason:

In the interests of enhancing biodiversity and to accord with the NPPF.

16. The reserved matters application for landscaping shall include details of acoustic fencing to be installed along the boundary with Wolsey Croft. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of residential amenity and to accord with Saved Local Plan Policy ENV1.

17. Prior to the first occupation of the dwellings hereby approved, a scheme for the landscape management of the site shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented and maintained in accordance with the approved details.

Reason:

In the interests of residential amenity and biodiversity.

18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage

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

Reason:

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

20. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance

with approved details and are operational. The charging point installed shall be retained thereafter.

Reason: In the interests of providing opportunities for sustainable transport and to improve air quality across the District.

21. Notwithstanding the provisions of Classes A, B, C, E and G of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions, outbuildings, roof windows, chimneys or dormer windows shall be erected or inserted without the prior written consent of the Local Planning Authority.

Reason:

In the interests of preserving the residential amenity of the neighbouring properties and to accord with Saved Local Plan Policy ENV1 and the NPPF.

22. 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 first floor of the dwellings 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 character and appearance of the Conservation Area and to comply with Policies ENV1, ENV25 and H12 of the Local Plan and Policy SP19 of the Core Strategy.

23. The first-floor gable windows of the dwellings hereby approved shall be obscure glazed to Pilkington Level 3 or above and shall be maintained as such for the lifetime of the development.

Reason:

In the interests of preserving the residential amenity of the neighbouring properties

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 2022/0918/OUT and associated documents.

***Contact Officer:* Emma Howson (Senior Planning Officer)**

Appendices: None

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T01
Existing tree has TPO.
To be retained.

PLOT INFORMATION

PLOT A: 4 Bedroom House
 Plot size = 307 sqm
 House footprint (GEA) = 69 sqm
 Internal floor area (GIA) = 58 sqm per floor
 Single Garage = 20 sqm
 Amenity / garden area = 218 sqm

PLOT B: 4 Bedroom House
 Plot size = 391 sqm
 House footprint (GEA) = 69 sqm
 Internal floor area (GIA) = 58 sqm per floor
 Amenity / garden area = 322 sqm

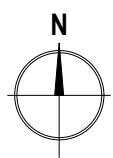
PLOT C: 4 Bedroom House
 Plot size = 360 sqm
 House footprint (GEA) = 69 sqm
 Internal floor area (GIA) = 58 sqm per floor
 Single Garage = 20 sqm
 Amenity / garden area = 271 sqm

SITE AREA = 1357 sqm

Road / Hardstanding area = 257 sqm
 Gravel driveway area = 203 sqm
 Building combined footprint = 267 sqm
 Garden / landscaping area = 630 sqm

**AMENDED
DRAWING**

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Pl: Plot B parking updated.	10.09.22
Pl: Plot B garage and drive updated.	05.09.22
Pl: Plot B driveway increased.	08.08.22
Pl: Car turning indications added.	29.07.22
Pl: Site layout updated following comments from Highways authority.	26.07.22
Pl: Turning head added for Plot B, Plot B house set back.	19.07.22
Pl: Updated following Planning comments.	14.07.22
Pl: Updated following comments from the Planners.	27.06.22
Pl: Tree with TPO added.	06.05.22
Pl: Updated for planning.	14.04.22
Pl: First issue for review.	09.02.21
Rev:	Date/Checked

WAYMAN
ARCHITECTS

NEW DWELLINGS
Ms Jean Sharp
10 Old Vicarage Lane, Monk Fryston.

PROPOSED SITE PLAN

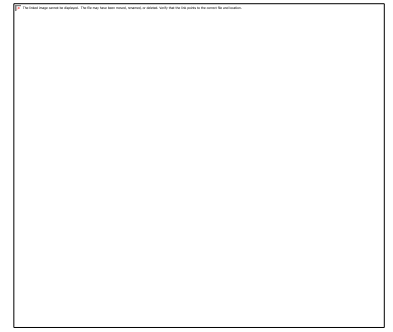
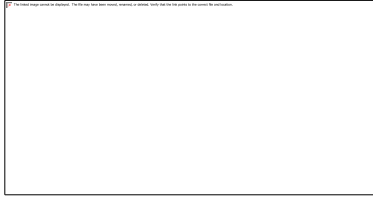
Issue Purpose: **SCHEME**

Drawn by: CW Checked by:

Scale @ A3: 1:500 Date: December 2021

CAD ref: 176-001 Day no.: 176-010 Rev: P11

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Report Reference Number 2022/0484/OUT
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Emma Howson (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0484/OUT	PARISH:	Monk Fryston Parish Council
APPLICANT:	Mrs Jean Sharp	VALID DATE:	6th May 2022
		EXPIRY DATE:	1st July 2022
PROPOSAL:	Outline consent for demolition of existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered.		
LOCATION:	The Bungalow 10 Old Vicarage Lane Monk Fryston Selby North Yorkshire LS25 5EA		
RECOMMENDATION:	GRANT		

This ‘minor’ application has been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there have been more than 10 letters of representation received which raise material planning considerations and where officers recommend determination contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of an existing three bedroomed dormer bungalow in a large plot situated off Old Vicarage Lane, Monk Fryston.
- 1.2 Residential properties surround the site which is situated within the defined development limits of Monk Fryston and within 100m of Monk Fryston Conservation Area. A tree covered by a Tree Preservation Order (TPO 6/2007) is located in the north western corner of the site.
- 1.3 The application has been revised during the process to reduce the number of dwellings proposed from 4 to 3 and to alter the proposed access and parking

arrangements, following concerns raised by the Planning Case Officer and the Highways Officer.

The Proposal

- 1.4 Outline consent for demolition of an existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered.

Relevant Planning History

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

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – No objections. Conditions recommended.

Landscape Consultant - No Landscape objection to the general principle of the proposed development subject to a suitable landscape scheme being secured by condition. There is a TPO tree on the site, which is proposed to be retained. The Tree Officer has made recommendations for tree protection conditions, which are supported.

Waste And Recycling Officer - Collection vehicles will not access private drives or use them for turning and so a bin presentation point should be identified at the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day. External bin store should also be identified at each new property and should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal. Finally, as there are 4 properties, the developer will be required to pay for the waste and recycling containers.

Yorkshire Water Services Ltd – Recommend conditions

Selby Area Internal Drainage Board - As this proposal is located slightly outside the Board's district, Selby Area IDB have no comment.

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 – informative advised.

Tree Consultant - No arboricultural objection. The scheme does not include tree loss and the TPO tree can be protected by conditions (recommended below). The application lacks a landscape scheme to include tree planting and the density of the scheme. Recommended conditions.

Monk Fryston Parish Council - The Parish Council opposes this application. The number of houses raises concerns around infrastructure, congestion, and has a negative impact on the visual, architectural, and historical qualities of the landscape which are not in keeping with the rural community. The council requests that SDC gives careful consideration to the number and design of any development on this site. and rejects permission for this application of four houses.

Publicity – The application has been advertised by site notice. The original proposal for 4 houses received 20 letters of representation – 19 in objection and one neutral comments. The grounds for objection raised are:

- Loss of open aspect
- Residential amenity – privacy and overlooking
- Overdevelopment
- No public benefit
- Highway Safety and Parking
- Constrained access
- Impact on public footpath
- Impact on Conservation Area and local character and appearance of area
- Proximity to play park and school
- Impact on trees
- Capacity of sewers
- Disruption during construction

The application has been re-advertised following the reduction in the number of dwellings to 3. No further comments have been received.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within defined development limits. This site falls outside though abuts the Monk Fryston Conservation Area along its northern boundary and is therefore within the 100m buffer zone. A tree covered by a TPO is also located within the site.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan 2013

- 4.7 The relevant Core Strategy Policies are:

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Development Strategy
SP4	Management of Residential Development in Settlements
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 2005

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Protection and Contaminated Land
ENV25	Control of Development in Conservation Areas
H2	Location of new housing development
H2B	Housing Density
T1	Development in relation to the highway network
T2	Access to roads
T8	Public Rights of Way

Minerals and Waste Joint Plan (Adopted by NYCC February 2022)

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

S01	– Safeguarded Surface Mineral resources
S02	– Developments proposed within Safeguarded Surface Mineral Resource areas

S07 – Consideration of applications in Consultation Areas
D13 – Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF) 2021

4.10 The relevant sections of the NPPF are:

- 2 Achieving sustainable development
- 4 Decision Making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 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
- 17 Facilitating the sustainable use of minerals

Other Relevant Guidance/Policy

4.11 The other relevant documents are noted as follows:-

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- Monk Fryston Conservation Area Appraisal (June 2021)

5. APPRAISAL

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

- Principle of Development
- Housing Mix
- Impact on Heritage Assets and Character and Appearance of the area
- Access and Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Trees and Ecology
- Land Contamination
- Affordable Housing
- Minerals and Waste

Principle of Development

5.2 Core Strategy Policy SP1 reflects the presumption in favour of sustainable development established by national policy in the NPPF. Policy SP2(A) of the Core Strategy adopts a spatial development strategy to direct future development to the most sustainable and accessible locations.

5.3 The application site is situated within the defined development limits of Monk Fryston, which is identified as a Designated Service Village that under Policy SP2(A) is considered to have some scope for additional residential development which conform to the provisions of Policy SP4 and SP10 of the Core Strategy.

- 5.4 SP4a lists those types of development that would be acceptable in principle in Designated Service Villages, including replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land). SP4d sets out that appropriate scale will be assessed in relation to density, character and form of the local area the appropriate role and function of the settlement. In all cases, development proposals are expected to protect local amenity, preserve and enhance the character of the local area and comply with normal planning considerations.
- 5.5 The proposal relates to outline consent for the erection of 3 no detached houses on an area of land which presently provides 1 no. dwelling with a large garden. SP4a allows for both the replacement of a dwelling and appropriate scale development on greenfield land (including garden land). Taking these together, it is considered that the proposal would replace the existing dwelling with another and provide two further dwellings within the large associated garden that would be commensurate with the size of the site in terms of density of development. Therefore, the development is acceptable in principle subject to no other material considerations outweighing the benefit of the provision of housing.

Housing Mix

- 5.6 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. Policy H4A of the Local Plan states that, subject to respecting the character of the area and site suitability new housing development will be required to provide an appropriate mix of dwelling types and sizes in order to: 1) avoid the creation of large areas of housing of similar characteristics, 2) help create mixed and inclusive communities, and 3) assist in redressing shortages of particular types of dwelling as may be indicated by housing needs assessment and annual monitoring of housing provision.
- 5.7 Chapter 10 sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2-and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.
- 5.8 The HEDNA does not specify smaller sub areas i.e. per village, whilst there is some difference between areas it is not substantial enough to suggest a mix of housing as being needed in different areas.
- 5.9 The proposal indicates that the properties will provide 3 no. 4 bedroom units however due to the scale of the proposal, it would not be necessary or reasonable to condition the housing mix in this particular case.

Impact on Heritage Assets and Character and Appearance of the Local Area

- 5.10 Section 12 of the NPPF sets out the need for 'the creation of high quality' places and that 'good design is a key aspect of sustainable development'. Paragraph 130 sets out how planning applications should be considered in relation to their impact on the local environment. This is addressed through Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.11 The application site is located within the 100m buffer of Monk Fryston Conservation Area and thus the proposal should also be assessed against Section 16 of the NPPF and SDLP ENV25.
- 5.12 The site comprises of a detached dormer bungalow situated in a large grassed plot. The existing property is considered to be in a poor state of repair by the applicant and the proposal is to replace this property with a four bedroomed detached property and to erect a further 2 no. detached four bedroomed properties within the existing garden area.
- 5.13 Whilst it is acknowledged that the plot provides an area of open space within this area of housing, the surrounding properties to the east, west and south are located on much smaller plots in a more close knit arrangement and form a mixture of two storey properties and dormer bungalows.
- 5.14 The original proposal for 4 no. houses on the site provided a very cramped appearance which was out of keeping with the grain of development of the area, the revised scheme of 3 no. houses creates a more appropriate layout which is in keeping with the local character of the area. The revised layout plan shows two of the properties, B and C, located side by side in the middle of the site , with plot A positioned perpendicular to these plots adjacent to the site entrance.
- 5.15 The position of the existing property restricts open views through the site to the large garden areas of the properties beyond from the existing access and highway and views into the site are restricted to the surrounding properties. The position of Plot C is very similar to that of the existing dormer bungalow and will therefore have a similar impact on views through the site. The large TPO tree in the north western corner of the site which is visible in the wider public realm remains unaffected by the proposed development as Plot B is proposed to be positioned outside its root protection area.
- 5.16 It is considered that the proposed layout is in keeping with the local grain of development and will not have a significant adverse impact on the character of appearance of the local area or the setting of Monk Fryston Conservation Area, subject to suitable details in terms of the outstanding reserved matters of scale, appearance and landscaping. As such, it accords with national and local planning policy in this regard.

Access and Highway Safety

- 5.17 Policies ENV1(2) and saved policies T1 and 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.
- 5.18 A large number of representations have been received with regards to the issues of highway safety, parking and access. The Highways Authority have been consulted

on the application which has led to a number of amendments to the internal access arrangement and parking provision within the site.

- 5.19 Each of the proposed properties has been shown with 3 parking spaces (some include the garage as the third space) with suitable turning arrangements to allow for safe access and egress from the site. The layout and access arrangement is now considered to be acceptable in highways terms subject to conditions. The proposal is therefore considered to comply with the aforementioned policies. Paragraph 111 of the NPPF states that planning permission 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.

Flood Risk and Drainage

- 5.20 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 of the Core Strategy and Paragraphs 159 to 169 of the NPPF.
- 5.21 The site is situated within Flood Zone 1 which has a low probability of flooding. The use is a more vulnerable flood risk classification, which is appropriate in Flood Zone 1. The application form states that surface water will be disposed of via soakaway with the foul sewage being directed into the existing sewer system.
- 5.22 Yorkshire Water have raised no objections to the proposal but recommend conditions to ensure that a suitable scheme for the discharge of surface water and foul sewerage is provided.
- 5.23 Given the location of the site within an existing built-up area and the likelihood that a drainage solution for the site can be found, there is no evidence to suggest that there are any critical drainage issues, it is considered expedient to add these conditions to any consent to ensure that the site can be adequately drained to meet the aims of saved Policy ENV1(3) of the local plan and Policy SP15 of the Core Strategy.
- 5.24 It is also considered expedient that any approval for residential development should also include a condition for the provision of electric vehicle charging points in line with the NPPF.

Residential Amenity

- 5.25 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.
- 5.26 Concerns have been raised with regards to the impact on amenity for the neighbouring properties. The application has been amended during the process to reduce the number of houses proposed, this allows for all suitable separation distances to be met between existing and proposed properties.
- 5.27 Plot C and Plot B have been slightly repositioned to avoid privacy issues for the neighbouring bungalow to the east and the large dormer window it has which overlooks the site. Views will remain unrestricted from this window but will only overlook the access and small front garden areas of the proposed properties to ensure that the privacy of the future residents is not compromised.

- 5.28 Each proposed properties benefits from a good-sized garden and provides a suitable level of amenity space for the future residents.
- 5.29 Concerns have been raised regarding the level of disturbance that may be created from the access to no 12 Old Vicarage Lane. The windows that serve this property and sit adjacent to the access are secondary and tertiary windows and whilst there will be an element of disturbance due to the increased number of vehicle movements, this is not considered to be significant as the property is protected by a fence and hedge along the boundary.
- 5.30 Concerns have also been raised by residents with regards to disturbance during construction, however there will also be an element of disturbance from development but it is considered appropriate to attach conditions restricting the hours of operation to ensure that this is kept to a minimum.

Trees and Ecology

- 5.31 Local Plan saved Policy ENV1(5) and Core Strategy Policy SP18(d) seeks to safeguard protected sites for nature conservation and produce a net gain in biodiversity where appropriate. Paragraph 180 of the NPPF establishes principles that local planning authorities should follow when determining planning applications to protect and enhance biodiversity and habitats. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.32 Within the application site is a large tree covered by a Tree Preservation Order. The Council's Tree Officer has assessed the impact of the proposed layout and considered that subject to conditions to ensure that the tree is protected during development.
- 5.33 The application also includes the demolition of the existing property. An ecological survey has been undertaken to confirm that there are no protected species within the building that would be affected by the works proposed.
- 5.34 Therefore, the proposal would not result in harm to trees or ecology and accords with the aims of national legislation and policy and local planning policy.

Land Contamination

- 5.35 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.
- 5.36 The application has been submitted with a desk top contaminated land report, which does not identify any significant potential contamination sources or historical uses. It is therefore considered that the likelihood of land contamination being present is limited however it is recommended that a condition is attached in case unexpected contamination is found during development. This would accord with Policy ENV2 of the Local Plan and the NPPF.

Affordable Housing

- 5.37 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.
- 5.38 The NPPF is 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'.
- 5.39 Major development is defined in the NPPF as, for housing, 10 or more homes or the site has an area of 0.5 hectares or more. As the application proposes the erection of three dwellings on a site which has an area of less than 0.5 hectares, it is not major development and as such Affordable Housing provision is not required. Having regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application is acceptable without an affordable housing contribution.

Minerals and Waste

- 5.40 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Limestone. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Referral Area to which Policy D13 applies.
- 5.41 However, the site relates to an existing dwelling and garden within an existing built-up settlement that is enclosed by existing housing development. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the location of the site, it is unlikely that this site would be considered as a suitable or appropriate site for mineral resource extraction and therefore needs to be safeguarded for the future. The proposal is not considered to sterilise the mineral or prejudice future extraction.
- 5.42 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Referral Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies Monk Fryston as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.
- 5.43 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

- 5.44 Turning to site specific waste management, the Council is seeking to ensure that adequate provision is designed into all new dwellings and building conversions to housing units for waste storage, separation of recyclables and access for collection. The Council's SPD on Developer Contributions sets out the requirement for a developer to provide adequate waste bin provision on developments providing 4 or more residential units. As the proposed development will provide 3 no. units, a financial contribution is not required.

6. CONCLUSION

- 6.1 This application seeks outline permission for the demolition of an existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered (all other matters are reserved).
- 6.2 The site is located within the defined development limits of Monk Fryston and is considered to be acceptable in principle.
- 6.3 The application has been amended during the determination process to reduce the number of units from 4. No dwellings to 3 no. dwellings and the layout has been amended due to residential amenity concerns.
- 6.4 Other material considerations such as the impact on the highway network, heritage assets, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national policy contained within the NPPF.
- 6.5 The proposal is therefore considered to be acceptable in planning terms and is recommended for approval subject to conditions.

7. RECOMMENDATION

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

1. Applications for the approval of the reserved matters referred to in No.2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

2. Approval of the details of the (a) appearance (including a schedule of all external materials) (b) landscaping and (d) scale, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

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

Location Plan – 176 submitted to LPA 20th April 2022

Proposed Site Plan – 176/010 P11 submitted to LPA on 12th September 2022

Visibility Splays – 176/011 P01 submitted to LPA on 20th April 2022

Reason:

For the avoidance of doubt

4. No work relating to the development hereby approved, including works of 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.

5. There shall be no access or egress by any vehicles between the highway and the application site at The Bungalow, 10 Old Vicarage Lane, Monk Fryston until splays are provided giving clear visibility of 43 metres measured along both vehicle tracks of the major road from a point measured 2 metres down the centre line of the access road. 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 and to accord with Saved Local Plan Policies T1 and T2 and paragraph 110 of the NPPF

6. No part of the development shall be brought into use until the access, parking, manoeuvring and turning areas for all users at The Bungalow, 10 Old Vicarage Lane, Monk Fryston 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 accord with Saved Local Plan Policies ENV1, T1 and T2 and paragraph 110 of the NPPF

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) of Plot A and C shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Saved Local Plan Policies ENV1, T1 and T2 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development and paragraph 110 of the NPPF.

8. No development shall commence on site before the developer has submitted for approval detail for root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason:

In the interests of the protection of a protected tree and local biodiversity and to accord with Policy SP18 of the Core Strategy and Chapter 15 of the NPPF

9. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered.

Reason:

In the interests of the protection of a protected tree and local biodiversity and to accord with Policy SP18 of the Core Strategy and Chapter 15 of the NPPF

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

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to accord with policy ENV1(3) of the Selby District Local Plan.

11. 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 and to accord with Policy ENV2A of the Selby District Local Plan

12. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external walls and roof of the dwellings, hereby permitted, 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 accord with Policy ENV1 of the Local Plan and Policy SP19 of the Core Strategy and Chapter 12 of the NPPF.

13. The reserved matters application for landscaping shall include details of biodiversity net gain within the site.

Reason:

In the interests of enhancing biodiversity and to accord with the paragraph 180 of the NPPF.

14. The reserved matters application for landscaping shall include details of the proposed boundary fencing and unbuilt areas. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of residential amenity and to accord with Saved Local Plan Policy ENV1 and Chapter 12 of the NPPF.

15. The development hereby approved shall be undertaken in accordance with Sections 8 and 9 of the Preliminary Roost Assessment Bat Survey Report (Crow Ecology dated 2nd November 2022)

Reason:

In the interests of protecting and enhancing biodiversity and to comply with Core Strategy Policies Sp18 (1) and (3) and Saved Local Plan Policy ENV1 (5) and Paragraph 180 of the NPPF.

16. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.

Reason: In the interests of providing opportunities for sustainable transport and to improve air quality across the District in accordance with Policy SP15 of the Core Strategy and paragraph 186 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 2022/0484/OUT and associated documents.

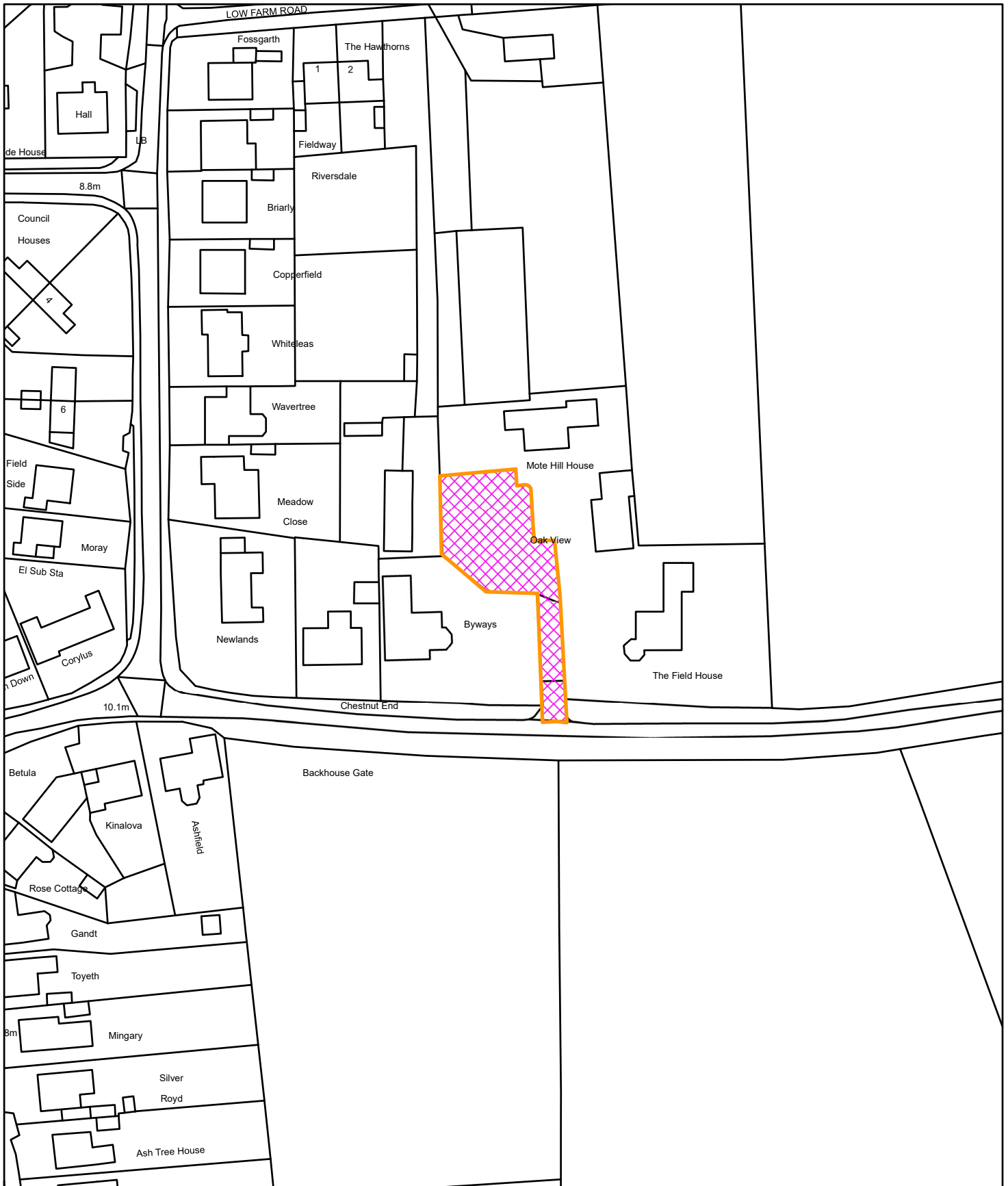
Contact Officer: Emma Howson (Senior Planning Officer)

Appendices: None

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Agenda Item 5.3

Field House, School Lane, Bolton Percy
2022/1106/OUT

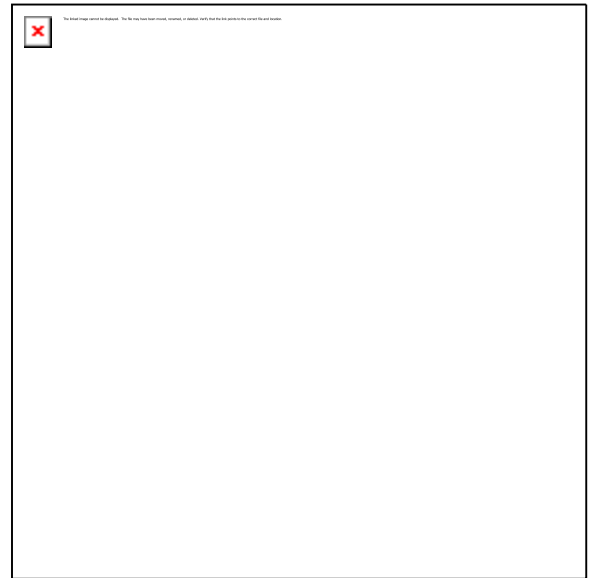
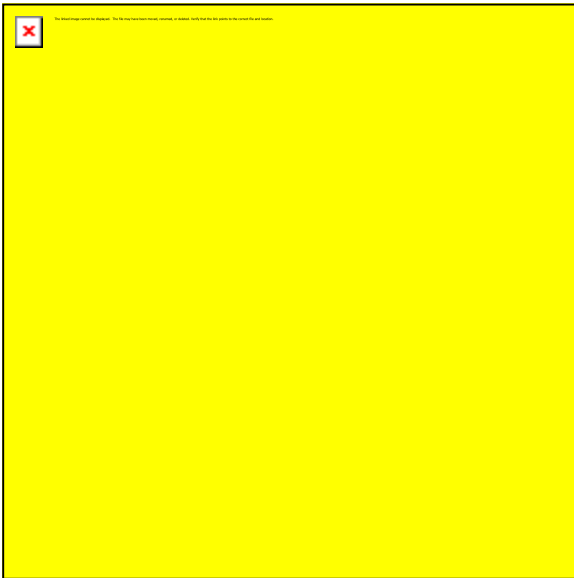


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Report Reference Number 2022/1106/OUT
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1106/OUT	PARISH:	Bolton Percy Parish Council
APPLICANT:	Mr & Mrs Musgrave & Woffinden	VALID DATE:	3 rd October 2022
		EXPIRY DATE:	28 th November 2022
PROPOSAL:	Outline application with all matters reserved for erection of detached dormer bungalow with garage and associated domestic curtilage on land adjacent to Mote Hill House and Oak View		
LOCATION:	Field House, School Lane, Bolton Percy, Tadcaster, North Yorkshire, YO23 7BF		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as one of the Applicants (Mr R Musgrave) is a Ward Councillor for Selby District Council and the Councils scheme of delegation requires for the application to be determined by the Planning Committee.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site lies off School Lane on the edge of the settlement of Bolton Percy. The red line includes the proposed access from School Lane and the plot proposed for the dwelling and has a site area of 0.07 hectares.

- 1.2 The site is accessed from School Lane via a single width access that currently serves three existing dwellings, namely Field House, Mote Hill House and Oak View.
- 1.3 The site is currently used as partly garden area associated with Mote Hill House and Oak View. as well as including the driveway that also serves Field House and these two dwellings.
- 1.4 There are also existing established boundaries to the southern and western boundaries formed largely by hedges with fencing behind.
- 1.5 To the west of the application site lies another residential dwelling known as “Byways” and to the southeast is a further dwelling known as Field House.

The Proposal

- 1.6 The application is an outline application for erection of a detached dormer bungalow with double garage and associated driveway with all matters reserved.
- 1.7 The application form notes that the application is for a “self build” dwelling”.
- 1.8 The red line for the application includes the current access road to School Lane, this has been done as the red line needs to be include land up to the adopted highway and the access road width is 4m. This equates to a site area of 0.0717 hectares.
- 1.9 In terms of the types of dwelling proposed for the site then the description of development states that proposed dwelling is to be a “detached dormer bungalow with a double garage, with associated driveway”. The Applicants have also indicated that the dwelling will be a self / custom-build dormer bungalow.
- 1.10 An indicative layout (5351-SK-200 Rev A) has been provided showing a footprint and ground floor layout, with parking shown to the front of the dwelling, although it has not been demonstrated that this is sufficient to allow for turning of a vehicle within the site to allow egress in a forward gear from the site nor any details being provided of the upper floor accommodation or any elevational details. The proposed indicative layout would rearrange the access arrangements to the existing dwellings to the north / northeast and remove the current bin storage area that is in situ for these dwellings to create the plot.
- 1.11 Surface water from the development is proposed to be dealt with via soakaway and foul water will be connected to main services which would need an agreement with Yorkshire Water.

Relevant Planning History

- 1.12 The following historical application is considered to be relevant to the determination of this application.
- 1.13 The site lies within the red line under Application 2015/0163/OUT (AltRef: 8/78/46F/PA) which was for outline consent with all matters reserved for the erection of two dwellings including the demolition of the existing building, which was granted on the 22nd October 2015. A subsequent Reserved Matters submission

was considered under 2016/1196/REM (AltRef: 8/78/46J/PA) which was consented on the 12th January 2017.

- 1.14 A further full application 2017/0090/FUL (AltRef: 8/78/46L/PA) for the erection of two detached dwellings with garages and associated access road following demolition of existing buildings, was consented on the 29th March 2017. There were subsequent non-material amendments to the scheme for the site under 2017/0594/MAN (AltRef: 8/78/46N/PA) to the garage for Plot 2 garage, removal of windows to the east and additional windows to the west elevation of approved application 2017/0090/FUL. In addition, two submissions have been considered and consented for the discharge of conditions on remediation (under 2018/0573/DOC) and for materials, piling, drainage and contamination (under 2018/0433/DOC).
- 1.15 As part of this consent the current application site was shown as providing the access to the garages for the two new dwellings and front garden area to the eastern of the two dwellings. In addition, the approved landscaping scheme showed the garden area to the eastern part of the plot as being defined by hedging and a 1100mm black painted parkland railing. The access was also shown on the landscaping schemes are being laid to 20mm gravel and provision of a bin store for the two dwellings on the edge of the access road in the southern part of the site, alongside revised landscaping to the garden of the eastern dwelling and a new defined landscaped boundary to the new dwelling.
- 1.16 The most recent application for the site was considered by the Council's Planning Committee on the 6th April 2022 under Application 2021/0871/OUT and was refused on the following basis

“The proposal is for the erection of one dwelling in the countryside, outside the defined Development Limits of the Secondary Village of Bolton Percy. Policy SP2A(c) adopts a Spatial Development Strategy for the location of future development within the District in order to deliver sustainable development, and in doing so restricts development in the countryside to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposal does not comprise any of the categories of acceptable forms of development set out above. As such, it would undermine the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Moreover, the proposed development would not amount to a sustainable form of development and would thus be contrary to Core Strategy Policies SP1 and Policy SP2 A(c). Furthermore, the proposal would result in a dwelling in the countryside for which there are considered to be no other material considerations amounting to special circumstances to justify approval as required by Policy SP2A(c).”

The application was recommended for approval by Officers, but this recommendation was overturned by Committee.

The submissions made in support of the application reference the Officers favourable recommendation on 2021/0871/OUT at the April 2022 Planning

Committee, but also sets out that in their view that since this decision “further material considerations have emerged that warrant reconsideration of the proposals”.

2. CONSULTATION AND PUBLICITY

2.1 Bolton Percy Colton and Steeton Parish Council – made the following comments on the application

- This is a resubmission of the application 2021/0871/OUT that was rejected by the Planning Committee on 6th April 2022. It contains no further material considerations and the attempts to the argue that the current Plans should be ignored.
- The Parish Council remain completely opposed to the above development

Principle of Development

- When planning for the existing two houses was approved, there was effectively no planning policy in place. Planning were told that there was no development plan up to date and so it should not be considered. As a result, a number of planning applications were granted outside the Development Limits. It was acknowledged that this was a difficult period. However, things have now changed and in today’s conditions all policies are in play and each application must be judged on merits in accordance with these policies. Specifically, the Selby District Core Strategy Local Plan 2013 and Selby District Local Plan 2005.
- Against Selby District Core Strategy Local Plan 2013:
 - 4.31 – Countryside development outside Development Limits should be resisted unless replacement, extension, reuse for employment, diversifying or affordable housing (referred to SP9) or SP10 (Rural Housing Exception Sites).
The application is outside the Development Limits and does not meet the other criteria.
 - 4.57 – Residential development in secondary villages – should be restricted to converting, replacement or redevelopment of previously developed land. Development on greenfield land including garden land will be resisted.
The application is on greenfield.
 - 4.58 – Residential development in secondary villages – development should be resisted unless in a small linear gap in an otherwise built up frontage.
The application is not in a small linear gap.
 - SP13 – Scale & Distribution of Economic Growth
The application does not improve the local economy.
- Finally, the letter containing the opinion of Stuart Andrew MP who was in the role for less than 5 months and then resigned from his position of Minister of State for Housing over 3 months ago is no longer relevant.

Cumulative Drainage Capacity Impact

- We are experiencing many complaints from local residents with raw sewage entering many properties and gardens in Bolton Percy due to the sewage pumps constantly breaking down with every rainfall. This issue has been reoccurring in Bolton Percy for over 10 years and is getting progressively worse. We are pursuing this with Yorkshire Water (via Zoe Burns-Shore – Director of Customer Experience and Sarah Robinson – Corporate Affairs Adviser) but any increase to the footprint of Bolton Percy is now a material consideration to the environmental welfare of the village. Yorkshire Water are currently testing the existing sewage system and we are awaiting their assessment.

- It has also been acknowledged by the Business & Environmental Services of NYCC, who have completed phase 1 of 'Replacement and upgrade of local infrastructure to reduce impact from local sewerage flooding' (C8/2020/1338/CPO) for Colton village but with Bolton Percy village as a phase 2 to be confirmed.

Cumulative Increased Flooding of Bolton Percy

- If approved, this would be the third house to have been developed around Field House, Bolton Percy in addition to a further 5 houses that have been built in Bolton Percy since 2016. The cumulative effect on surface water run off leading to flooding should now be deemed as a material consideration given Bolton Percy is now experiencing increased flooding each year. In 2020 a number of houses just avoided being flooded. Despite a volunteer flood group in Bolton Percy and increased use of pumps (three were critical to avoid further flooding this year), the flooding situation remains on a knife-edge and hence should be considered as a material consideration to reject this application.

The Parish Council have summarised their concerns as follows:-

- The application is proposed in the countryside, outside the development limits, on greenfield that does not comprise the filling of a small linear gap in an otherwise built-up frontage and furthermore does not improve the local economy.
- The material considerations of the application are insignificant compared to the significant breach of planning policy underlying the statutory development plan.
- Furthermore, it adds to the environmental impact of raw sewage overflow and adds additional flood risk to the village which is already on a flooding knife edge.

2.2 **NYCC Highways** – raised no objection to the application but notes that the existing access will need widening to allow tow way traffic to avoid conflict when entering/exiting the site, as such recommend that a condition is attached to any permission relating to the access and requiring that this is

- a) The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E50 and the following requirements.
- b) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
- c) Measures to enable vehicles to enter and leave the site in a forward gear; and
- d) that all works must accord with the approved details.

2.3 **Conservation Officer** - no response received in the statutory consultation period should comments be received before Committee then Members will be updated accordingly.

2.4 **Natural England** – Confirmed no comments on the application and referred Officers to the Standing Advice.

2.5 **County Ecologist** -. Advised that the Ecological Appraisal has demonstrated that the site is of low ecological value. The development as proposed will not impact upon protected habitats or species and as such no further survey work or specific mitigation is required. There are recommendations made within the report to enhance the site for species such as bats, birds and hedgehogs though inclusion of

roosting/nesting features and habitat planting. As such the County Ecologist advised that they support the recommendations as set out within the report.

- 2.6 **Yorkshire Wildlife Trust** – confirmed no comments on the application.
- 2.7 **Contaminated Land Consultant** – Advised that the “report provides a good overview of the site’s history, its setting and its potential to be affected by contamination. I am pleased to confirm that the report and the site investigation works are acceptable. If contamination is found during the development works, please note that appropriate investigation and potentially remedial action will be required to make the site safe and suitable for its proposed use.” On this basis they recommend the use of a condition on “unexpected contamination” only.
- 2.8 **Yorkshire Water Services Ltd** - no response received in the statutory consultation period should comments be received before Committee then Members will be updated accordingly.
- 2.9 **Ainsty Internal Drainage Board** – (1st October 2022) – confirmed that the site lies in the site sits close to the Drainage Board's district and that the Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. They also note that “There may also be an ordinary watercourse nearby which is not maintained by the Board and we assume remains with the riparian owner to maintain. However, the Board's consent is still required in certain instances”.
- Surface Water
In commenting on the application, the IDB also noted the findings of the Geo-Environmental Report and that the applicant intends to use a soakaway for the disposal of surface water. However, they note that the Geoenvironmental Appraisal dated August 2016 indicates that testing that has been carried out confirms that “it is considered that soakaways will not provide a suitable drainage solution for the discharge of surface water run-off at any location on the site and therefore there is likely to be a need for surface water balancing”. In this context the response from the IDB outlines their requirements for the design of the surface water management system, and how if this requires a connection to a watercourse this will be expected to be designed.
- Foul Water
The Board in their response not that the applicants are proposing to use the mains sewer for disposal of foul sewerage. They therefore have advised that “if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate flow, then the Board would have new objection to the new proposed arrangement”.
- In this context the IDB have noted a recommended condition requiring drainage works to be agreed prior to the commencement of development, so as to ensure that a satisfactory means of drainage is secured and to reduce the risk of flooding. They have also noted an informative relating to requirements for discharge consent from themselves should this be required.
- 2.10 **Leeds East Airport** – no response received in the statutory consultation period should comments be received before Committee then Members will be updated accordingly.
- 2.11 **Minerals and Waste Team – NYCC** – Have confirmed that a coal mining risk assessment would not be required for the application.

2.12 **Publicity** – the application was advertised by way of site and press notices, as a result submissions were received from seven parties (as of 21st November 2022), which in summary raised the following points:

Principle of Development

- The proposed application falls outside development limits and does not meet any of the above criteria in the Core Strategy policies as there was no previous building to replace, extend or reuse, and there is no intention to create affordable housing, or to build a property that would contribute to the local economy in any wider form.
- The scheme cannot be justified by other policies in the Local Plan (ENV1, H7 and SP4)
- The scheme is contrary to Core Strategy Para 4.57 as it is converting, replacement or redevelopment of previously developed land – it is development on greenfield land including garden land will be resisted.
- Under Para 4.58 of the Core Strategy residential development in secondary villages - development should be resisted unless in a small linear gap in an otherwise built-up frontage. The proposed development is in the corner of a plot of land and in no way qualifies an in-fill development. Indeed, a proposed development on Marsh Lane was turned down in recent years which would have filled in a gap between houses, because it was outside the area of permitted development (the village envelope).
- The addition of two substantial, detached dwellings approximately five years ago nearly doubled the number of dwellings located on this area of Oak Avenue/Chestnut Avenue. It significantly increased the number of people and vehicles using the narrow road servicing all dwellings on Oak Avenue/Chestnut Avenue. Another dwelling, of unknown proportions (other than being a 'dormer bungalow with garage') will considerably reduce the remaining green space in this area.
- The site is not previously developed and therefore erection of a dwelling on this Greenfield land should not be permitted – it is garden land.
- The proposed site is outside of the village envelope, and therefore development on this land is in contradiction with the Selby District Core Strategy Local Plan 2013
- Whether a future assessment of development limits would mean the site is in the limits is not a valid reason to support the application
- There is no overriding policy from the NPPF to not consider the limits to be any different and the proposal therefore is in the countryside and unacceptable for development
- The site is not infill and it is not previously developed land under the NPPF

Village Capacity / Infrastructure

- This village is at capacity - the road usage is rising exponentially and the effect on flood risk is still a huge issue and worry.
- To increase the number of properties here is not helpful to the current residents at all - increasing risk to children and the elderly.
- Although the proposed dwelling itself would not be susceptible to flooding, there are known issues within the village with flooding and overpowered sewage (owing to excess surface water).
- There is a permanent pump situated in the village, with The Environment Agency providing additional pumps to help manage the flooding situation, which is made worse by surface watering entering the waterways rapidly.

- A full assessment should be undertaken to measure the impact to adjacent property. The village already suffers from flooding and building works for residential property will simply exacerbate the current position without significant upgrade to prevent flooding

Design

- Very large houses have already been built on this site and there is very limited space for a further one.
- would constitute extreme over-development of the site.

Residential Amenity

- As immediate neighbour (Byways) notes “dismay at the thought of it being carried out”. The impact of the building of Mote Hill House and Oak View meant my family and I endured over a year of concentrated building disruption, with large lorries delivering materials, site noise, added dirt and dust, damage to grass verges, etc. From having a mainly open view of the countryside beyond the pre-existing barn and associated buildings, we now look out of our upper windows at a two-storey and a three-storey house. However, those houses are not so near as to directly overlook us and impact on our privacy; the proposed development would be.
- The boundary fence is approximately 7 metres from the end of our house and 4 metres from the end of our patio. This is our main area where we sit and relax, and has been private and secluded for the entire time our family has owned this house (nearly 42 years).
- The proposed building of a dormer bungalow just the other side of the fence would have a massive, and hugely detrimental, impact on our family life, throughout the year but particularly in the summer months.
- Anyone using our downstairs guest bedroom would potentially have to keep the curtains closed to ensure privacy from upstairs windows overlooking them over the fence.
- Can find no mention of the size of this 'dormer bungalow', other than it would have a double garage. Is this a dormer bungalow with two bedrooms? Or four, all with en-suite bathrooms? Dormers front, or back, or both?

Highways

- The main access into this village is single track, not a suburban highway.

Flood Risk

- This application is to build another house in a village prone to flooding. Whilst the site itself has never been, nor would be, in a primary flood zone, a number of properties in the centre of Bolton Percy are increasingly on high alert due to pressures on the system.
- The Environment Agency regularly provides extra pumps to augment the one purchased by the village some years ago, but new properties will inevitably contribute to extra water entering the sewage system. A new attenuation tank has been built at the pumping station in Colton, but the actual impact and success of this has yet to be shown in how much extra time it will give Bolton Percy when there is heavy and prolonged rainfall. Coupled with this, the pumping station in Bolton Percy is no longer able to cope with heavy demand placed on it at such times, and tankers have to be called out to take sewage directly to Tadcaster. Another property on the grid would not help this situation.

Second Application

- Surprised to see this application again, after being recently rejected in 2021. The opinions of the village have not changed in the interim, nor have the reasons for the original objections. All of our issues and worries still exist- they have not changed, even if planning policies may have.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site lies outside the development limits of Bolton Percy as defined by the Selby District Local Plan and therefore in the open countryside. The proposal is therefore considered as a Departure from the development plan.
- 3.2 The site is in Flood Zone 1 and there are no trees subject of tree protection orders within the site, nor is the site within the Conservation Area (or its buffer) or within close proximity to any listed buildings. There are TPO trees on School Lane and within the garden areas of properties to the south of the application site, but these would not be affected by the proposed development, nor are there any trees within the application site.
- 3.3 The application site is located within an area where policies on hydrocarbon development (Policies M16, M17 and M18) and within an area that is considered to be "high risk" in terms of coal operations within the Minerals and Waste Local Plan under Policy D13.
- 3.4 The site is also considered to be greenfield land against the definition in Annex 2 of the NPPF (2021) given it is currently garden land associated with the dwellings to the east as consented under 2017/0090/FUL (AltRef: 8/78/46L/PA) for the erection of two detached dwellings with garages and associated access road following demolition of existing buildings, was consented on the 29th March 2017.

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".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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).”

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan

- 4.7 The relevant Core Strategy Policies are:
- SP1 - Presumption in Favour of Sustainable Development
 - SP2 - Spatial Development Strategy
 - SP4 - Management of Residential Development in Settlements
 - SP5 - The Scale and Distribution of Housing
 - SP8 – Housing Mix
 - SP9 - Affordable Housing
 - SP15 - Sustainable Development and Climate Change
 - SP16 - Improving Resource Efficiency
 - SP17 – Low Carbon & Renewable Energy
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality

Selby District Local Plan

- 4.8 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land

Minerals and Waste Local Plan

4.9 The relevant Minerals and Waste Local Plan Policies are:

- Policies M16, M17 and M18 - Hydrocarbon
- Policy D13 - Consideration of Applications in Development High Risk Areas

National Planning Policy Framework

4.10 The relevant National Planning Policy Framework Chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Policies/Guidance

4.11 The other relevant documents are noted as follows:-

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007

5. APPRAISAL

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

- Principle of the Development
- Design and Impact on Character of the Area
- Residential Amenity
- Highway Safety
- Flood Risk, Drainage and Climate Change
- Heritage Assets
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Housing Mix
- Waste and Recycling
- Minerals and Waste
- Other Matters arising from Consultations

Principle of Development

5.2 The application site was part of land consented for residential development under 2015//0163/OUT. This consent was issued at a time when the Council did not have

a 5-year housing land supply, and as such weight was afforded to Paragraph 47 of the NPPF and Policies SP2 and SP5 were at that stage considered to be out of date. In this context Officers in assessing 2015/0163/OUT having applied the tests under Paragraph 14 of the NPPF concluded that benefits of the proposal in economic, social and environmental terms gave significant weight in favour of the proposal and the principle of development was supported. In terms of the later consent 2017/0090/FUL again this was considered by the Council in the context of there being no 5-year housing land supply.

- 5.3 As a result of the development of the site under the 2017/0090/FUL then the land subject of this latest application is surrounded by development on three sides but is still outside the development limits as defined by the Local Plan.
- 5.4 At present the Council had a confirmed five-year housing land supply figure of 6.1 years (based on assessment date of 31st March 2022). The fact of having a five-year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five-year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 5.5 The application Planning Support Statement refers to the site being for a “self build” dwelling, noting that

“It is the applicants’ eventual intention that the Site will be developed for a self / custom build dormer bungalow. SDC’s most recent Strategic Housing Market Assessment, prepared by GL Hearn in February 2019, states the Council should consider the potential role of bungalows as part of the future mix of housing and acknowledges that there is generally a high demand for such accommodation when it becomes available. However, it also notes that “bungalow accommodation is often not supported by either house builders or planners”.

The Planning Support Statement then notes that “this application will therefore help to address that unmet need in the District and contribute to the creation of a mixed community in Bolton Percy” and that it is the position that the “Applicants wish to agree with Planning Officers an appropriate mechanism to ensure that the proposed dwelling is implemented for self / custom build”.

- 5.6 The NPPF is a material consideration and states that sustainable development is about positive growth and that the Planning System should contribute to the achievement of sustainable development. The NPPF, taken as a whole, constitutes the Government’s view of what sustainable development in England means in practice for the planning system.
- 5.7 Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) 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.
- 5.8 Policy SP2 of the CS sets out the long-term spatial direction for the District and provides guidance for the proposed general distribution of future development across the District. The settlement hierarchy is ranked on the Principal Town of Selby, Local Service Centres, Designated Service Villages and smaller villages.

The CS identifies Bolton Percy as a 'secondary village'. Policy SP2 sets out that a limited amount of residential development may be absorbed inside Development Limits of secondary villages where it would enhance or maintain the vitality of rural communities and which confirm to Policy SP4 of the Core Strategy.

- 5.9 Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The site lies outside the development limits of Bolton Percy village. The proposal does not constitute any of the forms of development set out under SP2A(c). In light of the above policy context the proposals for residential development are contrary to Policy SP2 of the Core Strategy and should be refused unless material considerations indicate otherwise.
- 5.10 The submissions made in support of the application references the Officers favourable recommendation on 2021/0871/OUT at the April 2022 Planning Committee, which they considered to be a material consideration, a view that would not be supported by Officers, but also sets out that in their view that since this decision "further material considerations have emerged that warrant reconsideration of the proposals". The Applicants case in support of the application can be summarised as follows:
- Application is an opportunity to address the concerns which were raised by Planning Committee and the misunderstandings that arose during the debate stage of that meeting.
 - Although in outline an illustrative layout plan has been submitted and it is the intention to build a self / custom-build dormer bungalow on the site.
 - The Site is surrounded by residential properties and their associated curtilage which means that the proposed development would not extend development beyond that which has already been accepted under 2017/0090/FUL.
 - Mote Hill House and Oak View were granted planning permission in March 2017 under application reference 2017/0090/FUL and they replaced utilitarian buildings of differing design (totaling 2723 sq m in volume) with two high quality family homes; reducing the volume of building on the site by about 40%, significantly improving the visual amenity of the area, and creating a much more sympathetic interface with the surrounding countryside.
 - Objector to the previous scheme mistakenly stated that the site is not 'in the settlement'. In Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610, the Judge ruled that a "settlement" should be defined by the built development on the ground and may not necessarily be the same as the development limits of a settlement.
 - The NPPF makes no reference to Development Limits but instead guides against allowing isolated homes. The Site can in no way be described as isolated and is considered to be part of the settlement of Bolton Percy.
 - This application will help to address that unmet need for bungalows in the District and contribute to the creation of a mixed community in Bolton Percy.
 - it should be noted that one of the key reasons that SDC Full Council agreed unanimously, at its meeting in September 2019, to begin the process of writing a

new Local Plan was because the current Local Plan or parts thereof were even then considered to be out of date. The report states,

“The Core Strategy was adopted in October 2013 and therefore a review of the strategic policies contained in the document must be undertaken and is likely to highlight that a number of strategic policies must be reviewed. The evidence which underpinned many of these policies is now considered out of date, especially in relation to housing numbers and employment land requirements.”

The report and recommendations which were presented to Full Council in September 2019 are included in support of this application and lend significant weight to the view that SDC’s Local Plan policies which relate to the supply of land for residential development should now be considered out of date.

- Decisions at Park Farm Skipwith (2020/0343/FUL) and in Eggborough (2021/0965/FUL) support development outside development limits, and it is reasonable for the applicant to expect a similar outcome when similar material factors are considered.
- Decisions made by the Council have established that in principle SDC is willing to approve residential development outside of Development Limits when material considerations justify doing so.
- The development plan is outdated and it is unreasonable of the Council to give full weight to the Development Limits
- The SDC policies are silent on self build / custom build plots and the Self Build and Custom House Building Act 2015 requires LPAs to grant permission to enough suitable serviced plots of land to meet the demand for self / custom building in their area.
- The Self Build and Custom House Building Act 2015 is a material consideration
- One of the joint Applicants has been on SDC’s self-build register for more than 3 years and in that time SDC have been unable to suggest any plots available for self / custom build. In fact, correspondence from SDC relating to the Self Build Register has been limited to requesting confirmation that the joint Applicant wished to remain on the register. In addition, details of any provision for would be self or custom builder on SDC’s website is scarce. Approval of this application would help the Council meet the requirement to satisfy the need for self / custom build plots in the District.
- The dated nature of the Development Limits, and the failure of SDC to review them as promised, means that there is no land available for development within Bolton Percy.
- SDC’s planning policies which are most relevant to the determination of this application are either out of date (in respect of provision of land for residential development) or silent (for self / custom build proposals), and therefore the presumption in favour of sustainable development set out in Paragraph 11(d) of the NPPF is engaged so account should be taken of the economic, social and environmental benefits of the development .
- Economic benefits are noted as “The Site will provide a direct boost to the economy during the build phase and will offer opportunities for local trades people and suppliers. Once built the occupants will contribute via council tax and by supporting local services”.
- Social benefits are noted as “SDC’s SHMA recognises that there is a high demand for bungalow accommodation in the District when it is available but that it is rarely delivered by developers, resulting in an unmet housing need. This proposal will help to address that shortfall and to provide for a mixed community in Bolton Percy”.

- Environmental benefits are noted as “the Site is currently underutilised, being close mown lawn and driveway. Approval of the scheme will enhance the landscaping of the site and provided for enhanced wildlife habitat. The dwelling will be built in compliance with the most up-to-date Building Regulation standards to minimise environmental impact”.
- The proposal represents sustainable development in terms of the three pillars identified in the NPPF - economic, environmental, and social. The proposal helps to address identified unmet housing needs for bungalow accommodation and self / custom build plots.

- 5.11 Objectors to the application, including from the Parish Council, have stated that they consider the scheme to be contrary to the development plan being outside the development limits of the village, and the assumption should be that the scheme is unacceptable given its open countryside location. They have also commented on the approach of the Applicants to referencing what may happen in terms of development limits at a future review.
- 5.12 In some circumstances permission has been granted for small sale development outside of development limits, including pockets of greenfield land which project beyond the development limits. However, these have generally been in more sustainable locations such as Designated Service Villages where a number of other site specific or historic factors in addition to the sustainability of the location or the physical characteristics have additionally contributed towards the justification. However, in all cases the overriding consideration and starting point for determination is the development plan policy. which comprises the saved policies of the Local Plan and the Core Strategy. In terms of the emerging local plan and the commitment to review development limits at the present time this is at an early stage and little weight can be afforded to any progressing policy approach. The saved policies of the Local Plan and the Core Strategy remain the adopted development plan for the area for the purposes of Section 38(6) of the Town and Country Planning Act. This site lies outside the development limits of a secondary village. Bolton Percy is one of the smallest and least sustainable settlements within the district and as such the scheme is not acceptable.
- 5.13 In terms of the Development Limits, it is acknowledged that these were defined a number of years ago and whilst as part of the review of updating the existing Core Strategy then Development Limits will be reviewed, this has not included the review of the boundary around Bolton Percy. In addition, there is nothing within the NPPF which suggests that the definition of settlement boundaries is no longer a suitable policy response and that such policies are out of date. Whilst there are recent developments which have gone beyond the defined settlement boundaries, each case has been determined on its individual merits including the two referred to, where circumstances are materially different to this application. These do not bind the Council to approve this application.
- 5.14 Although Officers need to be minded of other recommendations and decisions, every case is assessed on its merits and against the Development Plan and taking full account of its context and characteristics and the associated material considerations. The scheme for Field House should be simply supported off the back of another decision even if some characteristics of the site are similar. In addition, Appeal Decisions for dwellings outside the development limits of Secondary Villages have been dismissed on the basis of sustainability and accessibility to services, facilities and employment.

- 5.15 As noted above and as a result of the development of the scheme approved under 2017/0090/FUL, the application site was to be access for the two new dwellings (as well as Field House) but was also shown to be garden to the eastern part of the plot with defined hedging and a 1100mm black painted parkland railing. The application site is being used as access for Field House, Mote Hill House and Oak View, and is site is currently used a partly garden area associated with Mote Hill House and Oak View.
- 5.17 Having considered the arguments made by the Applicants, it is the view of Officers that, although contrary to the development plan, there are material considerations to deviate from this position. In this case it is considered that development on the site can be supported as although the site outside the Development Limits of Bolton Percy is surrounded by other dwellings and would not extend development beyond that which has already been accepted under 2017/0090/FUL. As such the erection of a dwelling on the site would not encroach into open countryside and its development, although contrary to SP2, would not be so detrimental to warrant refusal and it does represent an acceptable form of development given the site context which is a significant material consideration.

Design and Impact on Character of the Area

- 5.18 Significant weight should be attached to saved Local Plan Policies ENV1 and ENV15 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design are set out in section 12 and include paragraphs 126 to 135.
- 5.19 The applicants have not provided any details of the design of the proposed dwelling, and all matters are reserved at this stage.
- 5.20 The application site comprises garden area to the dwelling to the east and is currently residential curtilage with adjacent residential units being a mix of design and height but largely detached in form.
- 5.21 The application seeks outline planning permission (all matters reserved) for a residential development. Notwithstanding this, an indicative proposed site layout plan (drawing no 5351-SK 200 Revision A) has been submitted with the application to demonstrate how the site could be laid out to accommodate a “3 / 4 bedroom dormer bungalow”. In addition, the description of development noted on the Application Form also states that the unit would be a “dormer bungalow”.
- 5.22 It is noted that development within the surrounding area is varied in terms of the type, size and design of the properties and the size, shape and location of the plots, with both linear and back land development evident. There are some concerns, without full details being provided, that the layout shown on the indicative layout plan could result in a cramped form of development at the site. However, it is noted that the indicative layout plan is for illustrative purposes only and full details of the layout, appearance, scale, access and landscaping of the proposed dwellings would need to be submitted at the reserved matters stage for consideration. Should the details not be acceptable at that stage, they would need to be amended or the reserved matters application refused to ensure no adverse impact on the character and appearance of the area. This may mean the number of dwellings proposed at the site needs to be re-considered.

- 5.23 Having regard to the above, it is considered that a scheme could be designed with an appropriate layout, appearance, scale, access and landscaping at the reserved matters stage to ensure that the proposed development would not have a significant adverse impact on the character and appearance of the area in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 (c) and SP19 of Core Strategy and national policy contained within the NPPF.

Residential Amenity

- 5.24 As set out earlier in this report, the application site is adjacent to other residential development, however the application seeks outline planning permission (all matters reserved) and only an indicative scheme has been provided. Careful consideration would be needed at the reserved matters stage regarding the layout of the development and should the details not be acceptable at that stage, they would need to be amended or the reserved matters application refused to ensure no adverse impact on the character and appearance of the area.
- 5.25 Comments made by third parties in terms of the impact of the building of the unit on amenity, then although there will be some impact arising from construction this is not considered to a reason to not support development on the site.
- 5.26 Overall, it is considered that a scheme could be designed with an appropriate layout, appearance, scale, access and landscaping at the reserved matters stage to ensure that the proposed development would not have a significant adverse impact on the residential amenities of the existing and proposed dwellings in accordance with Policy ENV1 (1) of the Selby District Local Plan and national policy contained within the NPPF.

Highway Safety

- 5.27 Access is a reserved matter on the application, albeit initially access was set out as a matter to be agreed, revisions to the submission during its lifetime removed this element from considerations. An indicative proposed site layout plan (drawing no 5351-SK 200 Revision A) has been submitted with the application to demonstrate how the site could be laid out to a dwelling with access serving the new dwelling and the existing dwellings from School Lane.
- 5.28 NYCC Highways have been consulted on the application and raised no objection and have recommend a condition be attached to any permission relating to the access and requiring that this cover
- a) The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E50 and the following requirements.
 - b) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
 - c) Measures to enable vehicles to enter and leave the site in a forward gear; and
 - d) that all works must accord with the approved details.
- 5.29 In terms of the access route from Oak Avenue into the application site, then the submitted indicative layout plan shows that the access is 4m in width, so 0.1m below that stated as being required by Highways Officers in their response when

access was being considered. Although the comments of the objector are noted it is considered that the discrepancy of 0.1m is di-minims and as such not so significant to warrant refusal of the scheme, as it is still considered an appropriate access could be created.

- 5.30 In terms of the indicative layout then this is just that and any scheme that was to come forward at a reserved matters stage would need to demonstrate that a satisfactory access can be provided and that the layout will enable vehicles to enter and leave the site in a forward gear. Although this has not been wholly demonstrated on the indicative layout Officers do consider that a scheme could be facilitated which allowed these requirements to be met.
- 5.31 Whilst a condition could be added to any outline consent to require “Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges” it is not considered that the other conditions suggested by NYCC Highways would be appropriate to attach at this stage, given they relate to matters which are reserved for subsequent consideration at the reserved matters stage and could be assessed and conditioned at that point in the process if necessary. In addition, it would be for the Reserved Matters submission to show that the scheme can provide an appropriate access within the red line as defined on any Outline consent.
- 5.32 Having regard to the above, it is considered that a scheme could be designed with an appropriate layout, appearance, scale, access and landscaping at the reserved matters stage to ensure that the proposed development would not have a significant adverse impact on highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk, Drainage and Climate Change

- 5.33 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. The application site is located in Flood Zone 1 (checked on latest maps) (low probability of flooding) and as such it is not at risk from flooding. In respect of surface water, it is proposed for surface water to be disposed of via soakaways. Foul water would be disposed of via the existing main sewer.
- 5.34 The concerns of the Parish Council in relation to problems with drainage are noted. However, the Internal Drainage Board do not raise any objections, subject to the inclusion of conditions and informatives requiring surface water drainage to be agreed prior to the commencement of development which would need to include evidence of current discharge from the site to the watercourse; soakaway testing, extent of run-off and the requirement to gain consent to discharge to an IDB owned watercourse should this become necessary.
- 5.35 Yorkshire Water have been approached for an updated view on the scheme, but this was not in place at the time of the collation of this report. On the earlier application of the site (2021/0871/OUT) they did however advise that that on basis of the application being for one dwelling with any foul water to public foul sewer network and surface water was stated as drainage to soakaway, therefore no observation comments have been provided. They have also advised that in terms of concerns raised about operational issues in the settlement that exist already, then they have advised that this is not something that they consider in responding

on Planning Applications, and those raising concerns should be reporting any sewer related problems.

- 5.36 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate to meet eight criteria set out within the policy. Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree and dependant largely on the nature and scale of the proposed development.
- 5.37 In respect of energy efficiency, no information is included in this application it is presumed that renewable materials would be utilised as far as possible. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.36 The proposal would not have a significant impact on flood risk, drainage and the sewerage system. Having had regard to the above and subject to the inclusion of conditions the proposed scheme is therefore considered acceptable in accordance with Local Plan Policy ENV1(3), Core Strategy Policies SP15 B) and SP16 and the NPPF with respect to flood risk, drainage and climate change.

Heritage Assets

- 5.38 Local Plan Policies ENV1 and ENV25, Core Strategy Policies SP18 and SP19 and the NPPF require proposals to take account of their impacts on heritage assets. The Local Plan Policies should be afforded significant weight. However as noted above the site is not within the Bolton Percy Conservation Area, and no objections / comments have been received from the Conservation Officer on the submission. Given the scheme is in outline with all matters reserved then detailed design comments can be attained at the Reserved Matters stage on the scheme.

Nature Conservation and Protected Species

- 5.39 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration. Core Strategy Policy SP18 and paragraphs 179 to 182 of the NPPF set out the considerations with regards to the impact of development on habitats and biodiversity.
- 5.40 NYCC Ecology Officers have confirmed that the Ecological Appraisal has demonstrated that the site is of low ecological value. The development as proposed will not impact upon protected habitats or species and as such no further survey work or specific mitigation is required. There are recommendations made within the report to enhance the site for species such as bats, birds and hedgehogs though inclusion of roosting/nesting features and habitat planting. As such the County Ecologist advised that they support the recommendations as set out within the report.
- 5.41 In light of the circumstances of the site and comments from the NYCC Ecology Officer, it is considered that the proposal is therefore in accordance with Policy ENV1 (5) and the advice contained within the NPPF with respect to nature conservation.

Land Contamination

- 5.42 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 183 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.43 A Geo-Environmental Appraisal has been submitted with the application, dated August 2016, and this has been considered by the Council's Contamination Consultant as noted above, who has confirmed that "The report provides a good overview of the site's history, its setting and its potential to be affected by contamination". As such the Consultant confirms that the report and the site investigation works are acceptable. However, it is noted that if contamination is found during the development works, please note that appropriate investigation and potentially remedial action will be required to make the site safe and suitable for its proposed use". As such a condition relating to the reporting of unexpected contamination is proposed.
- 5.44 As such the proposals, subject the condition, are therefore acceptable with respect to contamination in accordance with Local Plan Policy ENV2 k), Core Strategy Policy SP19 and the provisions of the NPPF.

Affordable Housing

- 5.45 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Housing Document (SPD) sets out the affordable housing policy context for the District.
- 5.46 Core Strategy Policy SP9 states that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District.
- 5.47 The NPPF is however a material consideration and states at paragraph 64 that
- "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)." 'Major development' is defined in Annex 2: Glossary as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more"*
- 5.48 The application proposes one dwelling and as such is not a major development. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the national policy contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Waste & Recycling

- 5.49 The Selby District Council Developer Contributions SPD requires that all new residential developments are to be designed to accommodate refuse bins and waste recycling facilities in a way that facilitates the collection of refuse and materials for recycling, without harming residential and visual amenity.

- 5.50 The SPD requires schemes of 4 or more dwellings to contribute financially towards waste and recycling facilities. As the proposal is for a single dwelling, no financial contribution would be required and the size of the site would be suitable to accommodate the necessary waste and recycling facilities.

Housing Mix

- 5.51 The 2009 SHMA will be used to assist the Council in the determination of planning applications, but it is also recognised that future studies will update this current evidence and thus the Core Strategy Policy SP8 is clear that the appropriate housing mix will be achieved in the light of local evidence.

- 5.52 Policy SP8 of the Core Strategy states that

“Proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality”.

- 5.53 This application is an Outline Application for the erection of a dormer bungalow, as stated in the description of development.

- 5.54 Although the applicants have not provided and evidence on whether the proposals accord with Policy SP8, Officers consider that the development of the site for this type of accommodation would add to the mix within the settlement and thus would provide a unit type that is appropriate for the locality and as such a condition should be utilised to ensure that the site developed for a dormer bungalow and no other type of accommodation. With this approach it is considered that the scheme is in accordance with Policy SP8 of the Core Strategy.

Minerals and Waste

- 5.55 The application site is located within an area where policies on hydrocarbon development (Policies M16, M17 and M18) and within an area that is considered to be “high risk” in terms of coal operations under Policy D13 within the Minerals and Waste Local Plan. The application is for outline consent for a single dwelling so Policies M16, M17 and M18 are not applicable in this case. In terms of Policy D13, NYCC Minerals and Waste Officers have confirmed that a Coal Mining Risk Assessment is not required. A distinction is made between the larger Coal Mining Reporting Areas and Development High Risk Areas on the Coal Authority Interactive Map. On this basis it is considered that the proposal is not contrary to the aims of the relevant policies in the Minerals and Waste Joint Plan.

Other Matters arising from Consultations

- 5.56 Objectors have raised concerns that a second application has been submitted so soon after the refusal of Application 2021/0871/OUT in April 2022. Under S70 of the Town and Country Planning Act then a Council may decline to determine a application for planning permission if within 2 years of the date of the receipt of the application an appeal has been refused for a similar application and in the opinion of the authority is that there has been no significant change since the refusal, or the determination of an appeal in the development plan, so as far as is material to the application, or in any other material considerations. In this instance there has been

no appeal considered against the refusal under 2021/0871/OUT and as such the Council is not able to decline a further application. In addition, in making the submission the Applicants have submitted further information and a further justification for the scheme considering the stated reasons for refusal on 2021/0871/OUT. As such, it would not be appropriate for the Council to decline to determine the current application.

6. CONCLUSION

- 6.1 The application site is outside the development limit of a Secondary Village and would not fall within any of the categories of acceptable forms of development set out in Policy SP2 A(c) and the development of the site would conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Moreover, the proposed development would not amount to a sustainable form of development and would thus be contrary to Core Strategy Policies SP1 and Policy SP2 A(c). As such development should be refused unless material considerations indicate otherwise.
- 6.2 In this case Officers consider that such material considerations exist and given that the development will not encroach beyond the boundary of the surrounding built form into adjacent countryside and the development of the site represents an appropriate form of development.
- 6.3 The submitted indicative layout demonstrates that the proposals could achieve an appropriate layout and access at reserved matters stage so as to respect the character of the local area and it is considered that a scheme could be brought forward for the development of the site that is appropriate in terms of the residential amenity. The development of the site is also acceptable in terms of the impact on flooding, drainage and climate change, protected species, affordable housing and contamination in accordance with policy.
- 6.4 As such Officers consider that the proposed development is acceptable having regard to the noted Local Plan policies, the Core Strategy and the policies in the NPPF, which makes provision for decisions to depart from an up-to-date development plan where material considerations indicated that the plan should not be followed.

7. RECOMMENDATION

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

01. Approval of the details of the (a) appearance, b) landscaping, c) layout, d) scale and e) access of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

02. Applications for the approval of the reserved matters referred to in No.1 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of

the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

- SK0201– Location Plan

Reason:

For the avoidance of doubt

04. The development hereby permitted shall be carried out in accordance with findings and mitigation measures outlined in the Ecological Appraisal by Wold Ecology dated May 2021

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

- 05 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage in accordance with Policy SP15 of the Selby District Core Strategy Local Plan.

06. Before the development hereby approved is commenced a scheme for the discharge of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be brought into use until the scheme for the discharge of foul or surface water has been implemented. The implemented scheme shall be retained for the lifetime of the development.

Reason:

In the interest of satisfactory and sustainable drainage in accordance with Policy SP15 of the Core Strategy Local Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors., in accordance with Policy SP18 of the Core Strategy Local Plan.

09. The development must not be brought into use until an agreed scheme for the provision to prevent surface water from the site/plot discharging onto the existing or proposed highway has been agreed and implemented, This must be maintained thereafter to prevent such discharges. All works must accord with the approved details.

Reason

To ensure a surface water is managed at the site entrance at the junction to the public highway in the interests of highway safety and the convenience of all highway users.

10. The proposed scheme shall only be a for a dormer bungalow.

Reason:

To ensure that proposals for housing contribute to the creation of mixed communities and having had regard to Policy SP8 of the Core Strategy.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

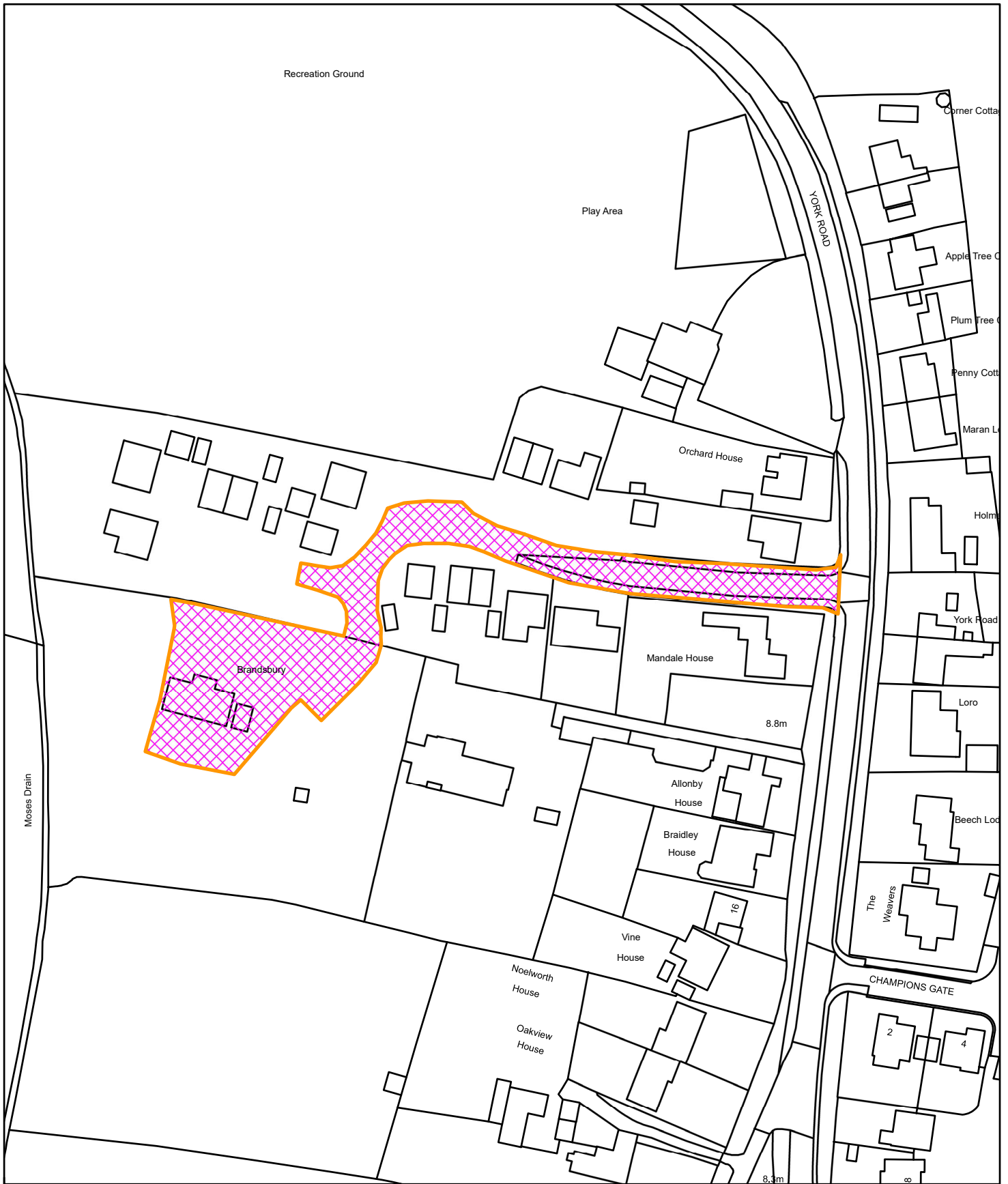
Planning Application file reference 2022/1106/OUT and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

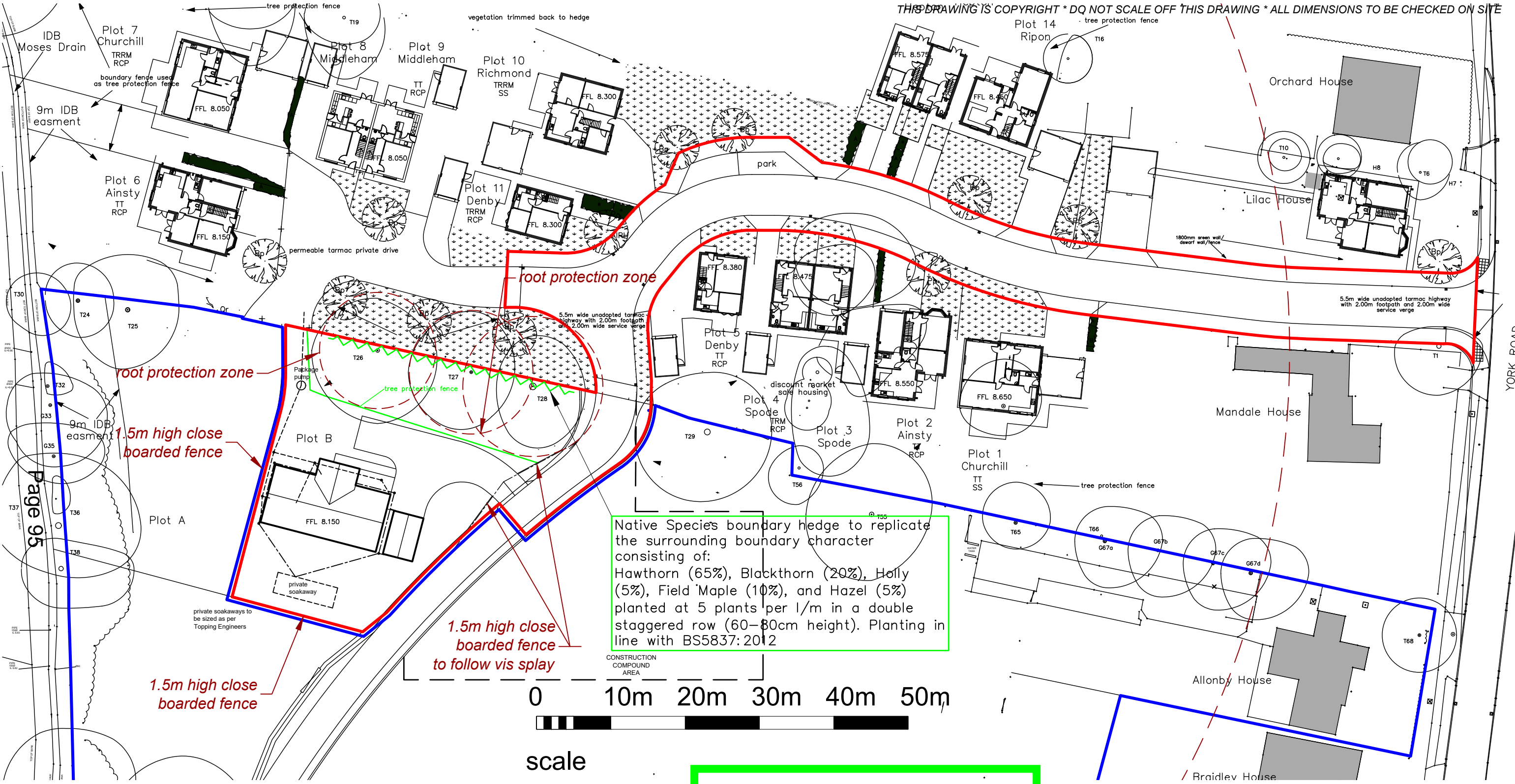
Agenda Item 5.4

Land at The Paddocks, York Road, North Duffield
2020/0183/FUL



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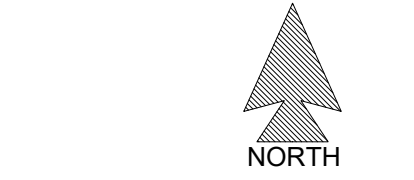


Native Species boundary hedge to replicate the surrounding boundary character consisting of:
 Hawthorn (65%), Blackthorn (20%), Holly (5%), Field Maple (10%), and Hazel (5%) planted at 5 plants per 1/m in a double staggered row (60-80cm height). Planting in line with BS5837:2012

AMENDED DRAWING

Site Layout Plan 1:500

TREE WORKS	
T25	- Remove deadwood and crown reduce by 20%
T26	- Remove deadwood
T27	- Remove deadwood, and remove damaged branches in crown
T28	- Remove deadwood
T31	- Remove (Category U)
T32	- Remove Ivy
T33	- Remove Ivy and deadwood
T34	- Remove (Category U)
G35	- Remove Ivy and deadwood
T37	- Remove Ivy and deadwood and crown reduce by 20%



red line area 2,755sqm
 Jennifer Hubbard

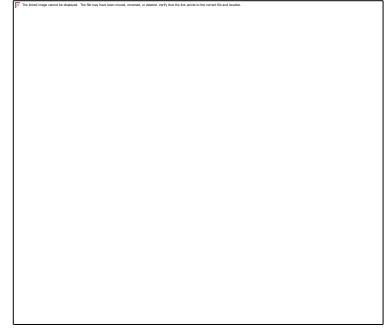
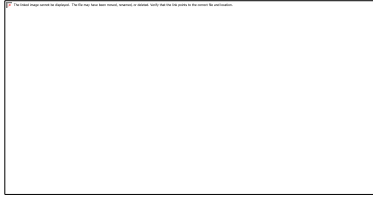
Land to rear of Lilac House York Road North Duffield
 Plot B Site Layout Plan (FULL) scale 1:500 at A3 30/09/2021 drwg. no. 2855-02-04F

Chris Finn Architect

BOWLING GREEN HOUSE
 38 RYTHERGATE
 CAWOOD SELBY YO8 3TP

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Report Reference Number 2020/0183/FUL
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Diane Holgate (Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2020/0183/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	21st February 2020 17th April 2020
PROPOSAL:	Proposed erection of dwelling with integral garage and construction of access road on land to the west of		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	Planning Permission be GRANTED subject to conditions.		

This application has been brought before Planning Committee as its determination falls outside the Agreed Scheme of Delegation contained in the Council's Constitution. The proposal is a 'minor' application which is recommended for approval contrary to the requirements of the Development Plan. The site is situated outside of the development limit of North Duffield and as such defined as open countryside. The principle of the development is assessed later in the report.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is located at The Paddocks off York Road to the north of North Duffield. The site is known described as Plot B and is proposed to take access from The Paddocks, a housing development on land to the north which is nearing completion. The access road has a base course but not completed at the time of the officer's visit. Plot B is sited at the rear of the existing dwellings on York Road – Allonby House and Braidley House, with plot A to the west (plot A is under application 2020/0181/FUL). To the east of the site is a self-build property currently under construction, on land to the rear of Allonby House. The land is generally flat but drains naturally towards Moses Drain which forms its western boundary across which is open agricultural land. To the north,

the site boundary is marked by a number of trees beyond which was a similarly disused paddock and land to the south and east of the application site consisted of more paddock/grassland. Other than the mature trees to the northern boundary, there are no physical features of note within the main body of the site.

- 1.2 The application determination has been delayed for a variety of reasons including awaiting further information and changes in officer. Upon recently re-visiting the site officers noted that the dwelling proposed has been constructed but is awaiting internal completion and there are no boundaries or completed vehicle access to the dwelling, the application is therefore part retrospective. It is understood that the construction has been suspended until the outcome of this application is known. The construction of the dwelling constitutes unauthorised development, for the purposes of the consideration of this planning application no weight will be attached to the fact that the development is under construction, and it will be considered on the merits of the proposal. The land to the rear of properties on York Road has a complex history which is set out below.
- 1.3 Planning permission was granted in outline for the wider development of land at the rear of properties on York Road, at the time officers were of the view that material considerations existed that would support the recommendation for approval contrary to the development plan. The outline approval 2018/1347/OUT for the erection of up to 2 single storey custom-build dwellings and construction of access from York Road, this application was one of four related applications that were submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared at Planning Committee on the 24 April 2019. The outline application expired on the 29.04.2022.
- 1.4 A separate application has been submitted under reference 2020/0181/FUL for plot A which is to the east of the application site. This application has been refused under delegated powers due to the proximity to the mature trees on the boundary with the countryside.

The Proposal

- 1.5 The application seeks planning permission for the erection of a dwelling with detached garage and construction of access road on land to the west of the Paddocks. A covering letter supports the application and explains that it was not possible to deliver an earlier outline planning permission, covering the whole of the land referred to as The Paddocks, and that the proposals for a phased and disaggregated approach were considered to be a solution to enable the development to proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders. The outline application was described as providing an opportunity for custom-build bungalow development. The access road from York Road to the building plot is included in this application as at the time there were delays associated with the Section 106 agreement for application 2018/1346/FULM for the 14 dwellings to the north (Daniel Gath site).
- 1.6 The dwelling proposed is two storeys, with the first floor being located within the roof space. The dwelling layout is a rectangular shape with a front projection providing an entrance porch and staircase. The ground floor consists of a kitchen lounge hall and w.c. along with a master bedroom and ensuite. The first floor consists of two bedrooms and a guest bedroom all with ensuite. A detached garage is proposed to

the east of the dwelling adjacent the end elevation. The dwelling is constructed in brick with a slate effect roof.

- 1.7 On visiting the site, officers noted that there were some anomalies between the dwelling constructed and the submitted plans. As such this has been rectified by the submission of amended plans. These amendments relate to the number and position of the rooflights in both slopes.

Relevant Planning History

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

2015/0517/OUT - Outline application including access and layout for residential And associated development (35 dwellings). Approved on 3 December 2015.

2018/1344/OUTM - Outline application including access (all other matters reserved) for erection of dwellings and construction of access, approved on the 15.02.2021.

2018/1345/FUL - Full application for the proposed erection of self-build dwelling and construction of access road. Approved on the 29.04.2019. (Land to the East at the rear of Allonby House – Development Commenced)

2018/1346/FULM - Full application for the proposed erection of 14 dwellings and Creation of new access. Approved on the 24.11.2020. (Development to the north – commenced almost complete.)

2021/1353/FUL Erection of 5 dwellings and associated infrastructure, Land to the south of the application site – Pending Decision

2018/1347/OUT Erection of 2 single storey custom-build dwellings and Construction of access. Granted 29.04.2019. The application site.

2. CONSULTATION AND PUBLICITY

- 2.1 **Tree Consultant** - The Arboricultural Officer as visited the site and taken account of the Tree works Plan Rev G and advises that there are no objections with regards to this plot.
- 2.2 **NYCC Highways** - The Local Highways Authority (LHA) has raised no objections. The LHA Noted that drawing title was incorrect. This has since been amended. Conditions recommended.
- 2.3 **Yorkshire Water** - No comments have been received from Yorkshire Water
- 2.4 **Ouse and Derwent Internal Drainage Board** - advise the LPA that they have assets in the wider area in the form of Moses Drain. This watercourse is known to be subject to high flows during storm events. Conditions have been recommended.
- 2.5 **NY Bat Group** - No comments received.
- 2.6 **Yorkshire Wildlife Trust** - No comments received.

- 2.7 **Ecology** - NYCC Ecologist has advised that the application is supported by an ecological assessment which covers the site and the wider area. Protected species will not be impacted upon and the report makes recommendations to avoid impacts on protected species. Conditions have been recommended with regards to vegetation clearance and provision of bat and bird boxes.
- 2.8 **North Duffield Parish Council** - Write in support of the application.
- 2.9 **Contaminated Land** - The Council's Contaminated Land Consultant advises that the submitted Phase 1 Contaminated Land Assessment covers a wider area than is the subject of this application. The assessment shows that the site has previously been used as agricultural fields. The assessment provides a good overview of the site's history. A Condition is recommended for reporting of unexpected contamination found during construction.
- 2.10 **Publicity** - The application has been publicised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement by posting a site notice close to the site and notifying neighbours close to the site directly by letter. One letter of support has been received from the Parish Council, as mentioned above. No further representations have been received.

3. **SITE CONSTRAINTS**

- 3.1 The site is outside Development Limits of North Duffield, in a Low Risk Coal Authority Area and there are protected trees on the site.

4. **POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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)."*
- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans (none of which relate to the site).

- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan (SDLP) 2013

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
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 (SDLP) 2005

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
CS6 - Development Contributions-Infrastructure

Minerals and Waste Joint Plan (2022)

- 4.9 The relevant policies are:

S01 - Safeguarding mineral resources
S02 - Developments proposed within Minerals Safeguarding Areas
S07 – Consideration of applications in Consultation Areas
D13 - Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF) 2021

- 4.10 The relevant chapters of the NPPF are:

- 2 Achieving sustainable development
- 4 Decision making
- 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
- 17 Facilitating the sustainable use of minerals

Other Material Considerations/Guidance

- 4.11 National Planning Practice Guidance
North Duffield Village Design Statement Feb 2012
Developer Contributions Supplementary Planning Document March 2007

5. APPRAISAL

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

- The Principle of Development and Land Use
- Highways and Transport Impacts
- Design
- Residential Amenity
- Nature Conservation
- Flooding and Drainage
- Ground Conditions
- Minerals and Waste
- Planning Obligations

Principle of Development and Land Use

- 5.2 The proposal is for the erection of a detached dwelling on land outside the development limit at North Duffield. The Selby District Council Core Strategy sets out the spatial development strategy for the district. The settlement hierarchy is used to guide future development. North Duffield is defined as a Designated Service Village, limited growth is considered appropriate within those villages which have a good range of local services.
- 5.3 The site is located outside of the defined Development Limit of North Duffield and as such classed as countryside.
- 5.4 The Core Strategy supporting text states that, development in the countryside (outside development limits) will generally be resisted unless it falls within the exceptions stated within SP2 Criterion (c) which are limited to: replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities or meet rural affordable housing need, or other special circumstances. Policy SP4 relates to the management of Residential Development in Settlements and as the site not is not within the settlement, policy SP4 is not relevant.
- 5.5 The fact remains that the site is outside of the development limit, and the original outline application, which secured the principle of the development on this part of the

site, has expired earlier in the year whilst this application remained under consideration.

- 5.6 Paragraph 78 of the NPPF states that planning policies and decisions should be responsive to local circumstances and policy SP2 allows for 'other special circumstances' to be taken into account in the planning balance. Taking into account the near completion of the housing site to the north and the self-build dwelling to the east of the site at the rear of Allonby House, officers are of the view that there are visual and spatial considerations that support the approval of this application.
- 5.7 The existing development that has been approved and implemented extend beyond the development limit, the site is situated on a small parcel of land to the south and west of these development and as obscure views of the application site from the countryside. Mature trees exist along the western boundary which form a defensible boundary with the countryside, these trees are subject to a protection order and as such the boundary will be secured for some time. The dwelling is two storey, however, the first floor is situated within the roof space meaning the dwelling is lower in height than the existing dwellings on site, this also reduces its impact on the open countryside.
- 5.8 Taking into account the above material considerations, officers are of the view that the existing development around the site forms the basis for justification of the proposal. Had the application been determined earlier, the principal would still have been in place in the form of the outline permission.
- 5.9 The proposal is therefore considered to be responsive to the local circumstances and the other special circumstances mentioned above justify the proposal accords with the spatial strategy used to guide to development across the district.

Highways and Transport Impacts

- 5.10 Saved policies T1 (Development in Relation to the Highway Network) and T2 (Access to Roads) of the Selby District Local Plan, policy SP15 (Sustainable Development and Climate Change) and Chapter 9 (Promoting sustainable transport) of the NPPF provide the key policy considerations with regards to decisions in relation to highway safety and sustainable transport.
- 5.11 The site is located within a Designated Service Village which is defined as such due to the provision and access to local facilities including public transport.
- 5.12 The proposal takes access from the newly constructed private road that serves the development to the north, which connects with York Road. The intention is for the road to remain unadopted. Highways have been consulted and raise no objections to the proposal in respect of highway safety or impact on the wider transport network in terms of capacity. The Highways Officer has stated that the development should make provision for 3 parking spaces in accordance with the required parking standards. Whilst not annotated on the plan it is clear that the proposal can include 3 parking spaces and the garage is of a sufficient size to count as a parking space.
- 5.13 The site is located around 200 meters from the nearest bus stop (East Yorkshire no. 18 bus which runs between York and Holme on Spalding Moor) which is considered to be an acceptable walking distanced to sustainable forms of transport and access to onward journeys. North Duffield has a range of local convenience stores, community facilities, surgery, primary school, places of worship etc.

- 5.14 Taking into account the above considerations the proposal is acceptable in terms of access to facilities, sustainable transport, highway safety and the capacity of the existing network. Paragraph 111 of 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.

Design

- 5.15 Saved policy ENV 1 of the Selby District Local Plan, SP 19 (Design Quality) of the Core Strategy and Chapter 12 (Achieving Well Designed Places) of the NPPF set out the key policy considerations with regards to design.
- 5.16 The North Duffield Village Design Statement (VDS), whilst dated 2012, explains the context and character of the village. The prevailing character of this part of North Duffield is of well-spaced detached dwellings finished in a rustic red brick with either red or grey tile, some pantiles and some slate or artificial slate. The VDS explains that the once farming community has become a 20th Century commuter settlement, the character is of traditional linear settlement extending away from the triangular linear settlement. There is a broad variety of house styles, but the core theme is of detached houses and red brick construction. The dwellings that front York Road along this particular stretch are two storey room in roof space style.
- 5.17 The linear character of the area has altered by recent development which extends the built development into rear gardens away from the road frontage. The VDS explains that houses have a horizontal emphasis (wider than they are tall). The proposed dwelling is constructed in Crest Old Hambleton brick with black clay slate effect interlocking tiles and the design is of horizontal emphasis. The proposal is therefore considered to be in keeping with the character of the area and as such in line with the aforementioned policies.

Residential Amenity

- 5.18 Saved policy ENV 1 of the Selby District Local Plan, and SP19 (Design Quality) of the Core Strategy and Chapter 12 (Achieving Well Designed Places) of the NPPF set out the key policy considerations with regards to design and protecting amenity.
- 5.19 The dwelling exceeds more than 30 metres from the nearest building on The Paddocks development and this is a detached garage to the north. The self-build property at the rear of Allonby is in excess of 50 metres from the side elevation of the proposed dwelling. It is therefore considered that there would be no impact on residential amenity to the occupiers of the application dwelling or those nearest to the proposal.
- 5.20 The proposal provides a sufficient amount of private amenity space for the future occupiers of the dwelling – more than the footprint of the proposed dwelling, the site is to be bound by a 1.5 metre close boarded fence which will ensure that the amenity space is private.
- 5.21 Taking into account the above considerations, the proposal is considered to be acceptable in terms of residential amenity.

Nature Conservation

Ecology

- 5.22 Policy SP18 of the Core Strategy seeks to promote effective stewardship of the districts wildlife by safeguarding national and locally protected nature conservation sites, protected species and net gains in biodiversity. 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).
- 5.23 The application is supported by an ecological report which covers the application site and the wider area. NYCC Ecologist has been consulted and advises that the application has been considered in light of the aforementioned regulations. The impact on Great Crested Newts was deemed to be negligible and no license is required, and no further survey work is required. Barn Owls are known in the area and the report confirms that compensation/enhancement as provided in the form of a wildlife tower, which, in the view of the Ecologist, is not impacted upon by this proposal. The Ecologist has recommended that any external lighting should not shine onto bat boxes or the surrounding habitat. An informative is recommended. The Ecologist also advises that general enhancement measures be included in the proposal. A condition is recommended that requires an ecological enhancement plan.
- 5.24 Subject to the aforementioned conditions, the proposal is considered to be acceptable with regards to ecological impacts and enhancement. The proposal therefore complies with the aforementioned policies.

Trees

- 5.25 Policy SP18 of the Core Strategy and Chapters 12 (para 130 c) and 15 of the NPPF state that decisions should ensure that developments are sympathetic to local character of the landscape setting.
- 5.26 The trees across the wider site were subject to a Tree Preservation Order (TPO3/2019). The Council's Tree Consultant has visited the site and advised that trees are being protected whilst construction is under way. The site levels are also acceptable. A plan has been submitted showing the root protection zone to the three trees nearest to the site. (T26 – Oak, T27 – Oak and T28 - Oak).
- 5.27 The proposal is therefore considered to be sympathetic to the landscape setting and subject to the continued protection of the trees during construction the proposal is acceptable.

Flooding and Drainage

- 5.28 The site lies within Flood Zone 1 as identified by the Government Flood Maps for Planning. Flood Zone 1 is the lowest risk to flooding, as the site is less than 1 hectare in size and there are no known critical drainage issues a flood risk assessment is not required. Policy SP15 A of the Core Strategy and Chapter 14 of the NPPF require

development to be directed away from areas at high risk of flooding (whether existing or future).

- 5.29 Engineers plans have been supplied with the application which show the technical drainage details and drainage strategy for the wider site to the north. The plans show the private soakaways within the curtilage of each property and the highway drainage along with foul drainage system which connects to the existing system on York Road.
- 5.30 No details have been provided with regards to the application site, however the application form states that foul drainage is to be connected to the existing foul sewer in York Road and surface water is to be dealt with via soakaway within the curtilage.
- 5.31 No objections have been raised by Yorkshire Water with regards to existing capacity of the foul sewer, highways have not commented on the highway drainage. The Ouse and Derwent IDB (The IDB), have advised that the Moses Drain watercourse which lies to the west is known to be subject to high flows during storm events. The IDB advise the applicant of the consent process should any discharge into the water course be required. Private soakaways are being proposed, the IDB has requested that percolation tests and soakaway design is provided. Conditions are recommended to this effect.
- 5.32 The board raises no objection to the foul drainage connection subject to YW raising no objections.

Ground Conditions

- 5.33 Policy SP19 and Chapter 15 of the NPPF seek to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution or land instability.
- 5.34 A Phase 1 (Desk Based) Contaminated Land Assessment has been provided with the application. The Councils Contaminated Land Consultant has reviewed the report and advises that it provides a good level of detail to understand this land history of the site. No objections have been raised. It is recommended that a condition is imposed requiring reporting and mitigation measures for unexpected contamination.

Minerals and Waste

- 5.35 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and sand and gravel. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.
- 5.36 However, the site relates to the erection of a house on the edge of an existing settlement of North Duffield that is enclosed to the north by a larger housing development and is close to the existing housing of the settlement lying to the east. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the scale of the development and the proximity to the existing settlement and residential properties, the site is unlikely to be considered as a suitable or appropriate site for mineral resource extraction and therefore safeguarded for future extraction in terms of potential for disturbance to the

community and potential harm to trees and biodiversity. Also given the scale of the development it would not be either feasible or viable to extract the mineral beneath the site. In allowing the retention of the development on this site would not impact on wider safeguarding of the mineral identified.

- 5.37 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies North Duffield as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.
- 5.38 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

Planning Obligations

Affordable Housing

- 5.39 The Selby District Council Developer Contributions SPD was adopted on 29 March 2007 and explains in more detail those policies which seek contributions from developers of land and buildings, in order to lessen the impact of carrying out new development. Core Strategy Policy SP9 states that the Council will seek to achieve a 40/60% affordable/general marketed housing ratio within overall housing delivery. A provision of affordable housing up to 40% of the total new dwellings on all market housing sites above a threshold of 10 dwellings will be sought. On sites below the threshold a commuted sum will be sought to provide affordable housing within the district.
- 5.40 Paragraph 64 of the NPPF states that affordable housing should not be sought for residential developments that are not major developments. Annexe 2 (Glossary) of the NPPF defines major developments as 10 or more homes or a site area of 0.5 ha or more.
- 5.41 The NPPF is a material consideration and more up to date than the Core Strategy, as such the weight attached to the NPPF in terms of affordable housing provision is more significant than that applied to the Core Strategy policy requirement. The proposal is for one dwelling on a site of 0.3 hectares and as such a commuted sum towards affordable housing provision is not required.

Open Space

- 5.42 Saved policy RT2 of the Local Plan requires residential schemes of between 4 and 10 dwellings to provide a commuted sum towards open space provision. The proposal is for one dwelling and as such below the threshold. Therefore, no open space provision is required.

Waste and Recycling

- 5.43 Policy SP15 supports the incorporation of facilities to support recycling. Developer Contribution Supplementary Planning Document (SPD) 2007 is a material consideration and requires developments of 4 or more dwellings to provide bins at the applicant's expense. The proposal is for one dwelling and as such the trigger is not met.

5.44 There are no other planning obligations required to make the development acceptable. The proposal therefore meets with the aforementioned policies.

6. CONCLUSION

- 6.1 Taking into account the relevant local and national planning policies the proposal is considered to be contrary to the development plan, in that it proposes residential development outside of the defined development limit in North Duffield contrary to policy SP2. However, the supporting text to policy SP2 states that development in the countryside, outside of development limits will generally be resisted unless it falls within the exceptions, or '*other special circumstances*'. Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated new homes within the countryside unless they meet with one or more of the listed circumstances which include, essential needs for rural workers, enabling development for heritage assets, re-use of redundant buildings that enhance the setting, subdivision of existing dwellings or design of exceptional quality.
- 6.2 The NPPF is a material consideration and as such should be taken in the planning balance and the appropriate weight be considered. The proposal is located just outside the development limit of a Designated Service Village of North Duffield which is within the third tier of the spatial strategy due to the availability of and access to local facilities. The proposal site is therefore not considered to be isolated, and it is well related to the settlement, as such significant weight is attached to the location.
- 6.3 The site is surrounded to the north by a new volume development and the east by development outside of the development limit. Spatially the site sits well within the existing built development and well related to the development that surrounds it. The site, whilst outside the development limit boundary identified in the local plan map is not classed as within the open countryside. The development limits policy associated with the local plan maps was not saved at the time of the preparation and adoption of the Core Strategy 2013 and as such considered to be out of date.
- 6.4 The boundary to the west of the site is formed of mature trees that are subject to a Tree Preservation Order which create a defensible boundary to the open countryside. Due to the TPO this boundary will be secure and ensure that there is no further encroachment into the countryside to the west of the settlement.
- 6.5 Chapter 15 of the NPPF states that decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside and other benefits of the best and most versatile agricultural land. The proposal would not result in the loss of valued countryside or landscape, and neither would it result in the loss of valued agricultural land (Grade 3 – Good to moderate).
- 6.6 Considering the character of the area and the development that has progressed around the site, along with the conclusions above, it is considered that there are material considerations that are afforded significant weight in the planning balance that outweigh the designation of the site as outside development limits.
- 6.7 Minor further details that are required to ensure the proposal is in full accordance with local and national planning policy are recommended to be secured by conditions.
- 6.8 Taking into account all of the above considerations set out in this report, the proposal is sustainable development as set out in policy SP1 of the Core Strategy and Chapter

2 of the NPPF which sets out that the purpose of the planning system is to the achievement of sustainable development. As such in line with paragraph 11 of the NPPF, it is recommended that that planning permission is granted subject to the necessary and relevant conditions set out below.

7. RECOMMENDATION

It is recommended that Planning Permission is **GRANTED** subject to the recommended conditions and informatives.

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

Site Layout Plot B Ref 2855-02-04 G
Proposed House & Garage Plans & Elevations Ref 2855-01-03
Location Plan Ref 2855-02-07

Reason:

For the avoidance of doubt and to define the permission.

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

The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding in accordance with policy SP15 of the Core Strategy and Chapter 14 of the NPPF.

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

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

Reason:

In accordance with policy T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure safe and appropriate access and egress to the

dwelling, in the interests of highway safety and the convenience of prospective residents.

- 04 There shall be no further development or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements.
- a. The details of the access shall have been approved in writing by the Local Planning Authority (in consultation with the Highway Authority).
 - b. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that the access road extending the full length of the site shall be constructed in accordance with Standard Detail number A1.
 - c. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details.

Reason:

In accordance with policy T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure safe and appropriate access and egress to the dwelling, in the interests of highway safety and the convenience of prospective residents.

- 05 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road York Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and in the interests of road safety.

- 06 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 07 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 06 are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 08 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall be retained as such and not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled 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.

- 10 Prior to the first occupation of the dwelling, an ecological enhancement plan shall be submitted to and approved in writing the Local Planning Authority. The enhancement measures shall then be delivered on site in line with a timescale to be agreed with the Local Planning Authority. The approved ecological enhancement measures shall thereafter be retained.

Reason:

In order to provide a net gain in biodiversity in accordance with policy SP18 of the Core Strategy and paragraph 174 d of the NPPF.

- 11 In accordance with the Plot B Site Layout Plan 2855-02-04 Rev G, prior to the first occupation of the dwelling, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then be installed in line with the approved details and thereafter retained.

Reason:

In the interest of delivering quality design and appearance in line with policy SP19 of the Core Strategy and Chapter 12 of the NPPF.

- 11 Prior to any further development on the site, the trees on site shall be protected in accordance with British Standard BS5837. No machinery shall be brought onto the site until the tree protection measures are in place and there shall be no materials stored beneath the canopy of any tree. The tree protection measures shall remain in place until the completion of the development.

Reason:

In order to protect the trees on site during construction and in accordance with policy SP18 of the Core Strategy and paragraph 174 of the NPPF.

INFORMATIVES

1 INFORMATIVE:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2 INFORMATIVE: COAL

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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 2020/0183/FUL and associated documents.

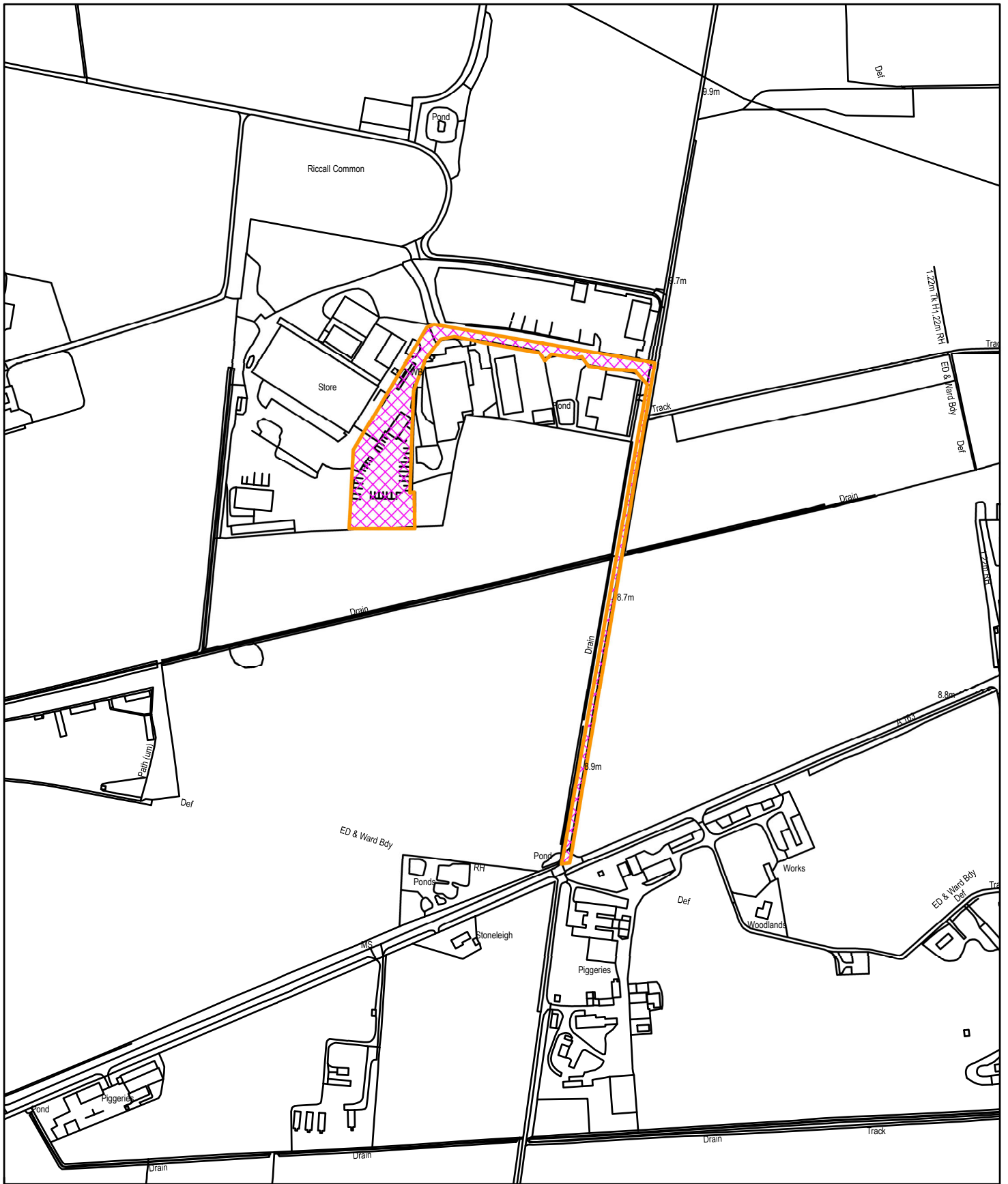
***Contact Officer:* Diane Holgate, Principal Planning Officer**

Appendices: None

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Agenda Item 5.5

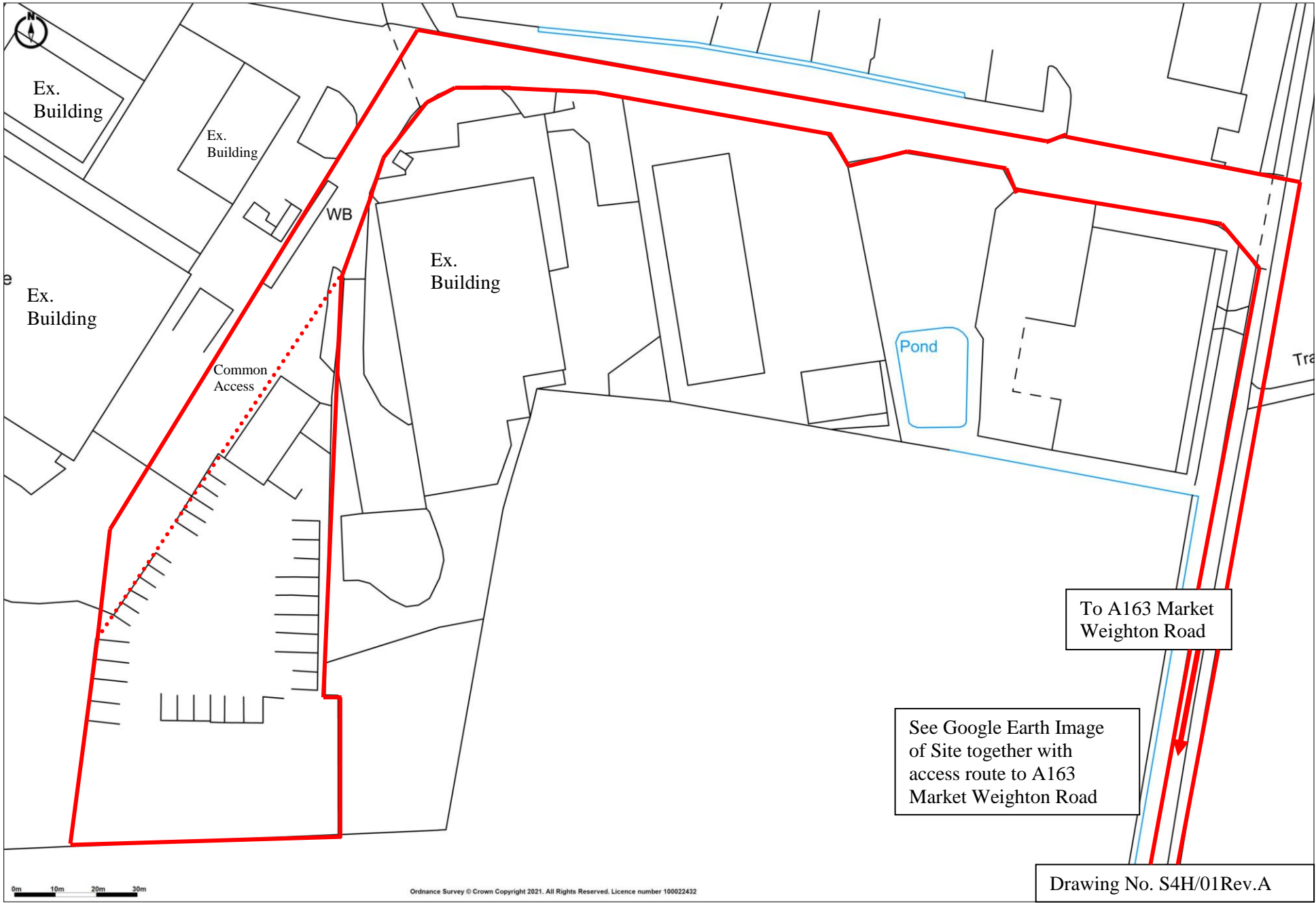
Stones4homes Ltd, Riccall Airfield, Market Weighton Road, Barlby
2022/0622/FUL



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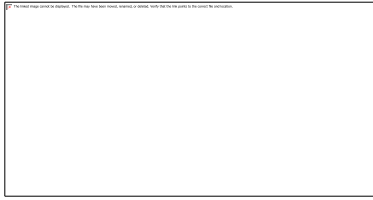


To A163 Market Weighton Road

See Google Earth Image of Site together with access route to A163 Market Weighton Road

Drawing No. S4H/01Rev.A

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Report Reference Number 2022/0622/FUL
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Jac Cruickshank (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0622/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Stones4Homes Ltd	VALID DATE: EXPIRY DATE:	3rd August 2022 28th September 2022
PROPOSAL:	Continued use of land for the storage, bagging and sale of building aggregates and landscaping products (e.g. paving stones) and retention of processing building and offices. (retrospective)		
LOCATION:	Stones4homes Ltd Riccall Airfield Market Weighton Road Barlby YO8 5LD		
RECOMMENDATION:	GRANT following expiration of the consultation period		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Policy RIC/1 of the Selby District Core Strategy), but it is considered there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

1.1 The application site is part of the former airfield, used in the Second World War, and lies approximately 1.8km northeast of Barlby and 2.5km southeast of Riccall. It is approximately 500m north of the A163 Market Weighton Road and 300m south of Skipwith Common. Access is via Robinsons Lane. The airfield serves several other businesses, in particular, a large bottling plant, which was extended in 2016 and other open storage uses and service yards. To the south of the site is in agricultural use.

The Proposal

1.2 The application is seeking permission for the site to continue to be used for the storage, bagging and sale of building aggregates and landscaping products and for

the retention of 1no. storage Nissen hut-type building. The consent also seeks to retain 1no. container and 1no. portacabin that are stacked on top of each other that are used as offices.

- 1.3 The supporting information submitted as part of the application includes Google Maps images dated from 2002 to present. These show that the storage building was erected between May 2007 and September 2012. No further information has been submitted to confirm when exactly the building was erected. However, the satellite images suggest that the storage building was erected at least 10 years ago and would be immune from planning enforcement action. The images also show that the business has been operating since at least 2012. The image from July 2017 shows that the site was extended at the south-east corner.
- 1.4 The planning statement explains that: "There is considerable evidence in the form of Google images to suggest that the majority of the development to which the application relates has become immune from enforcement action due to the passage of time but there are small areas of land and the relocation of cabins (used as offices), within the Site where the position as to lawfulness is less clear. To avoid the complexities and potential confusion of establishing the lawfulness of some of the aspects of the development by way of an application for a Lawful Use/Lawful Development Certificate and of other developments by way of a separate application for planning permission, it has been decided to seek retrospective permission for the entirety of the current operations and use of the site."
- 1.5 This is accounted for in the consideration of the application and does provide for an important fallback position, if the certificates were pursued.

Relevant Planning History

- 1.6 The following historical application is considered to be relevant to the determination of this application.
- 2019/0973/DOC (COND – 13/01/2020) Discharge of conditions 03 (surface water drainage) & 04 (colour finish) 2016/1339/FULM Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse at Empty Unit, Riccall Airfield.
- 2016/1339/FULM (PER – 27/06/2017) Three phase extension to an existing warehouse facility with eventual demolition of the existing warehouse at Bottle Decoration Solutions Ltd, Riccall Airfield.
- 2014/0633/FUL (PER - 22/08/2014) Proposed construction a garage/store building principally for the purposes of storing lorries at Cropwise Ltd, Riccall Airfield.
- 2013/0377/FUL (WDN – 11/06/2013) Minor Alterations to existing offices and stores and erection of new store/garage building at Cropwise Ltd, Riccall Airfield.
- 2013/0258/FUL (PER – 20/05/2013) The construction and use of a garage/store at Hendersons of Selby Ltd, Riccall Airfield.
- 2008/0869/DPC (COND – 11/11/2008) Application to discharge conditions 2 and 5 of 2008/0446/MAJ at Riccall Airfield
- 2008/0446/FUL (PER – 30/07/2008) Erection of a factory/warehouse to produce ingredients for the pet food industry at Riccall Airfield.

2007/0590/FUL (PER – 21/02/2008) Erection of an industrial building for bagging, storing and distributing pre-cast concrete at Store on Riccall Common.

CO/2004/0518 (PER – 17/08/2004) Proposed erection of workshop & offices in connection with haulage use at Former Airfield.

CO/2003/1068 (PER – 28/10/2003) Proposed formation of perimeter earth bund and 2.1m high steel palisade fencing and gates at Former Airfield.

CO/2003/0329 (PER – 11/06/2013) Proposed change of use of 1.9 ha of land to haulage, storage and vehicle maintenance at Former Airfield.

CO/1995/02864 (PER – 13/11/1995) Proposed Erection of An Extension To Storage Building at Blackwell And Priestly Ltd.

CO/1994/0326 (PER – 05/12/1994) Erection of two storey extension to office block at Blackwell Grain.

CO/1989/0407 (PER – 02/06/1989) Proposed erection of a building for use as offices, chemical store, workshop and garage for vehicles at the former airfield.

CO/1984/0298 (REF – 08/03/1985) Proposed siting of a residential caravan for use by security workers at Riccall Airfield

CO/1984/0297 (PER – 18/02/1985) Proposed renewal of consent for the use of land for the storage and breaking up of vehicles for export at Riccall Airfield.

CO/1981/02936 (PER – 12/08/1981) Renewal of permission for use of land for storage & breaking up of vehicles at The Airfield.

CO/1978/02933 (REF – 29/03/1978) Outline application for the erection of two houses for use in connection with existing business on site at Riccall Aerodrome.

CO/1977/02932 (PER – 23/11/1977) Storing and breaking up of vehicles for export at The Airfield.

2. **CONSULTATION AND PUBLICITY**

2.1 **Neighbour summary** – The application has been advertised by site notice resulting in no letters of representation being received.

2.2 **Riccall Parish Council** - No comments.

2.3 **NYCC Highways Canal Rd** - It is noted that the application is retrospective and as such the business has been operating for some time. The application form highlights that 4 car parking spaces are available on site and 10 staff are employed. Given the sites remote location it is likely that additional car parking could be required. The site is laid out and sited as such that should extra car parking be required, it could be accommodated without displacing onto the highway. It is also noted that 10 light goods vehicle spaces are available on site. With this in mind the Highway Authority has no objections to the retrospective application.

2.4 **Yorkshire Water** – No comments received.

- 2.5 **The Ouse & Derwent Internal Drainage Board** - No objections.
- 2.6 **Natural England** – Awaiting response.
- 2.7 **NYCC Ecology** – Awaiting response.

Surface Water

The Board initially responded to note that the site has stayed the same since July 2018 and so not propose to take enforcement action, at this stage, for the amount of water which is being discharged into the watercourse.

However, an objection was raised about the quality of water which is being discharged. This was on the basis that the photographs suggest that the building has no formal drainage system and likely just drains off the roof, onto the nearby grass and then onto the accessway.

On the basis of the further information provided, the Board has removed its objection.

Foul Sewage

The Board notes that the applicant uses a cesspit for the disposal of foul sewage. Given that this is an enclosed tank which is emptied on a regular basis, the Board have raised no objection to this element.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

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".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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).”

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP13 - Scale and Distribution of Economic Growth
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
EMP9 - Expansion of Existing Employment Uses
RIC1 - Land at former airfield for storage/distribution

Minerals and Waste Local Plan

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

S01 - Safeguarding mineral resources

S02 - Developments proposed within Minerals Safeguarding Areas
S07 – Consideration of applications in Consultation Areas
D13- Consideration of applications in Development High Risk Areas

National Planning Policy Framework

4.10 The relevant National Planning Policy Framework Chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 17 – Facilitating the sustainable use of minerals

5. APPRAISAL

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

- Principle of Development
- Design and Impact on Character of the Area
- Residential Amenity
- Impact on Highways
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Ecology
- Minerals and Waste

Principle of Development

- 5.2 The application site is located outside the development limits of any settlement and, as such, is located within the open countryside. The former airfield does, however, have a special policy designation under RIC/1.
- 5.3 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 14 of the NPPF.
- 5.4 There are a number of other policies that are relevant within the development plan. These include Core Strategy policies SP2, SP13, SP15, SP18 and SP19. The main thrust of these policies is that development in the open countryside will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings. Proposals of an appropriate scale which would diversify the local economy may also be acceptable. These are detailed below:
- 5.5 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards

and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

5.6 This proposal is not for the replacement of buildings or extension of an existing business, as the business is well established albeit it without planning permission. The business is therefore regarded as being new for planning permission purposes. Nevertheless, officers have regard to the time in which it has been operating and the fallback position identified within the planning statement. The potential for a certificate of lawfulness to be established represents a significant fallback and material planning consideration. In terms of the remaining policy tests within SP 2 in terms of design, the current building on site isn't of any special design however it is fit for purposes and not dissimilar to other industrial buildings on the wider site. In terms of the impact on the local economy, the site does employ 10 persons full time.

5.7 Policy SP13 states that in rural areas sustainable development on both greenfield and previously developed sites which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including rural tourism and other small scale rural development. SP13 C specifically states:

In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example (of relevance to this application)

1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings

2. The redevelopment of existing and former employment sites and commercial premises

5.8 In this case the proposal is the reuse of the former infrastructure that was once associated with the airfield and does create local employment and utilise an allocated employment site.

5.9 Policy EMP9 of Selby District Local Plan supports the expansion of existing industrial businesses outside development limits, subject to four criteria which includes, highways, character and appearance of the area, design and loss of agricultural land. These points are discussed further in the report. Again, this isn't the expansion of an existing business as, whilst it has been present for over 10 years in some capacity, it did not have permission. It is therefore a new business, and a consolidation of the businesses within the wider airfield allocation.

5.10 Policy RIC/1 of the Selby District Local Plan states; "Land at the former Airfield, Riccall Common, as defined on the Inset Proposals Map, is allocated for storage and distribution use (Class B8). Proposals must be related to the expansion requirements of existing agriculture related businesses."

5.11 The proposal does not accord with the allocated requirements of policy RIC/1 as the storage use is not related to the expansion requirements of existing agriculture related businesses. However, the use of the airfield has changed somewhat since its original allocation, with planning permission for the application site to be used for the storage, bagging and sale of building products was granted in 2008 under permission

2007/0590/FUL. This was only for some part of the site; however other storage uses have since been permitted on the wider site that are not agriculture related. Also, the use of the site is now well established. Moreover, the more recent applications have seen further diversification of the area. This includes the adjacent site, which was granted permission for the erection of a warehouse for the storage and distribution of bottles (2016/1339/FULM).

- 5.12 Whilst the proposal does not accord with RIC/1, the proposal reuses a brownfield site, creates employment and economic growth on part of a site that has a variety of similar non-agricultural type uses. Furthermore, the length of time that the business has been operating with the potential for a certificate of lawfulness is a significant material consideration. Therefore, the above material considerations significantly diminish the weight that should now be given to the specific policy requirement of reserving the airfield for storage and distribution uses in connection with agricultural related business. Consequently, it is considered that the development proposed for general purpose storage is acceptable.
- 5.13 Given the above, the proposal is considered to accord with the Core Strategy and policies within the NPPF with limited weight given to the allocation RIC/1.

Design and Impact on the Character and Form of the Area

- 5.14 The application is seeking permission for the site to continue to be used for the storage, bagging and sale of building aggregates and landscaping products and for the retention of 1no. storage building.
- 5.15 The application site is located approximately 360 metres to the north of Market Weighton Road and is accessed by a road that serves the industrial estate. The immediate area consists of several light industrial and storage and distribution businesses. The wider area is predominantly agricultural in nature. The storage building is a semi-cylindrical hut, which measures 24.8 metres in length by 12 metres in width. The building has a maximum height of 5.5 metres and is finished in galvanised sheeting. The office is sited at the front of the site and is a dark grey container, with a portacabin positioned on top of the office with an external staircase. This is a relatively sizeable structure that is slightly higher than the storage building, however, it has no impact on the character of the wider industrial estate.
- 5.16 With regard to the impact the business use and storage building has on the character of the local area, the scale, bulk and mass of the storage buildings would resemble units found elsewhere on the industrial estate. The building is largely obscured from view within the estate by the Portacabins to the front of the site. There are also limited views of the building from Market Weighton Road due to the separation distance between the highway and the site and also from the trees lining this part of the main highway. It is considered that the building and wider use relates well to its surroundings and does not look out of place within the estate.
- 5.17 Policy EMP9 seeks new proposals to achieve a high standard of design and not have a significant adverse effect on the character and appearance of the area. The buildings are designed for a specific purpose for storage and for vehicles to move around them freely, thus the scope to seek a scale and design other than that proposed would not be appropriate in this location.
- 5.18 Policy EMP9 (4) refers to proposals not expanding into adjoining agricultural land which this proposal would not, given it lies within an existing site within an allocated

industrial estate. Furthermore, the policy seeks proposals to be well screened and landscaped.

- 5.19 It is therefore considered that the proposed development would accord with Policies EMP9 (2) and (3) and ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.

Residential Amenity

- 5.20 Relevant policies in respect to impacts on residential amenity include Policies ENV1 (1) and EMP9 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.
- 5.21 The site is located a significant distance from any houses with neighbours on the estate being commercial operations of various scale and nature. There would therefore be no adverse harm to residential amenity. The proposal is therefore in accordance with Policy ENV1 of the Selby District Local Plan.

Impact on Highways

- 5.22 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), EMP9 (1) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.23 The application form states that there are 4no. car parking spaces on site and 10no. staff are employed. NYCC Highways were consulted on the application and raised no objections.
- 5.24 It is therefore considered that the proposal would not result in a detrimental impact on the existing highway network in accordance with Policies EMP9 (1), ENV1 (2) and T1 of the Selby District Local Plan.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 5.25 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 5.26 The application site is located in Flood Zone 1 (low probability of flooding).
- 5.27 No comment has been received from Yorkshire Water. The Drainage Board raised objections in their first response as concerns were raised over the lack of information regarding the provision of silt traps. The applicant subsequently submitted additional information as requested and the IDB have removed their objection to the scheme.
- 5.38 It is therefore considered that the proposal is in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF, subject to condition.

Ecology

- 5.39 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests or result in the loss of open space of recreation or amenity

value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF.

- 5.40 The application site lies approximately 300 metres from Skipwith Common, which has been identified as a National SSSI, National Wildlife Site, International Wildlife Site and International Special Area of Conservation. The application site itself lies within a SSSI Impact Risk Zone, which requires Natural England to be consulted on Large non-residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha.
- 5.41 The County Council's Ecologist and Natural England have been consulted on the scheme and comments are currently awaited.
- 5.42 Given the application is retrospective, the significant period of time elapsing since the erection of building (erected between May 2007 and September 2012), and the separation distance between the site and Skipwith Common, it is considered unlikely that the proposal would cause harm to the designated nature site. As such, subject to the responses from NYCC Ecologist and Natural England, it is officer's opinion that the development accords with ENV1 and the advice contained within the NPPF.

Minerals and Waste

- 5.43 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Sand and gravel. Relevant policies in relation the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.
- 5.44 However, the application site is contained within a larger area of land that has been developed for some time and the application is retrospective for the development of land that has been operating for some time, with a potential fall-back of a lawful use being established for part of the site. The continued use of the site would not prejudice or sterilise the site for future mineral resource extraction. In addition, given the proximity to Skipwith Common, it is unlikely that the site would be considered appropriate for mineral extraction because of the potential impacts on nature conservation.
- 5.45 In terms of Policy D13, again, the proposal involves the use of land which is in the exemption list and no new buildings are proposed only the retention of existing buildings. Therefore, an informative note should be included on any decision.
- 5.46 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

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 does not accord with the allocation within RIC/1, as the proposal does not relate to storage for an agricultural business.

- 6.2 It has, however, been demonstrated that the use is accords with other Core Strategy policies, which encourage growth and the wider industrial estate now has a variety of non-agricultural uses, given limited interest for agricultural uses was established from the year 2000.
- 6.3 The site also has a historical permission for part of the site to be used for a similar purpose and the use has been mainly established on the site for the last 10 years, which represents a material consideration in terms of fall back. Consequently, it is considered that the proposed used for general purpose storage is acceptable. The material considerations referred to above have indicated that a determination other than in accordance with the development plan would be appropriate in this instance.
- 6.2 The proposal is also considered acceptable in respect of matters concerning design, impact on the highways, drainage character and appearance of the area and residential amenity. The application is therefore considered to be in compliance with national and local planning policies.

7. RECOMMENDATION

This application is recommended to be GRANTED following expiration of the consultation period and subject to the following conditions:

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

Drawing No. S4H/01 A	Location Plan & Drainage Plan	Dated 28/10/2022
Drawing No. S4H/02	Elevations	Dated 03/08/2022

Reason:

For the avoidance of doubt.

02. Any outside storage of materials of equipment shall not be stacked or deposited on the site above a height of 4 metres measured from ground level.

Reason:

In the interests preserving the character and appearance of the area in accordance with Policies ENV1 (1), (4) and EMP9 (1) of the Selby District Local Plan, Policy SP13 of the Core Strategy (2013).

03. The use of the site hereby permitted shall be for B8 uses only with and retails sales from the site being ancillary only.

Reason:

To ensure the development remains as per its original intention as a B8 storage facility in accordance with Policies SP2 of the Core Strategy and RIC/1 of the 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

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

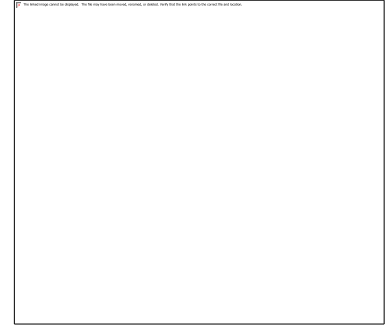
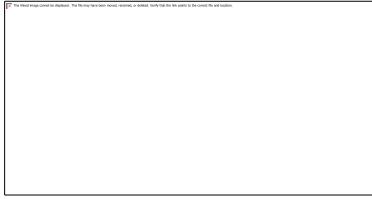
10 Background Documents

10.1 Planning Application file reference 2022/0622/FUL and associated documents.

Contact Officer: Jac Cruickshank (Senior Planning Officer)

Appendices: None

Agenda Item 6



Report Reference Number:
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Hannah Blackburn, Planning Development Manager

East Yorkshire Solar Farm – Nationally Significant Infrastructure Project

This matter has been brought before Planning Committee for information purposes. The report recommends that the contents of this report are noted that authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Planning Committee have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in April 2021, the Yorkshire GREEN Project in February 2022, the Humber Low Carbon Pipelines Project in July 2022 and the Helios Renewable Energy Project in September 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

East Yorkshire Solar Farm Limited is proposing to submit an application for a DCO for the installation of solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities and grid connection infrastructure across a proposed site which lies between Selby and East Riding of Yorkshire. The proposed development would allow for an anticipated export of approximately 400 megawatts (MW) electrical capacity. Due to its proposed generating capacity being over 50MW, the proposed development is classified as a Nationally Significant Infrastructure Project (NSIP).

Two rounds of public consultation are taking place: non-statutory consultation took place in Q2 2022; and, statutory consultation is anticipated to take place in Q1/Q2 2023. It is anticipated that East Yorkshire Solar Farm Limited will submit its DCO application to PINS during Q3 2023.

Once the DCO application has been submitted, PINS will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this, the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the

status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 East Yorkshire Solar Farm Limited is proposing the installation of solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities and grid connection infrastructure across a proposed site which lies between Selby and East Riding of Yorkshire. The proposed development would allow for an anticipated export of approximately 400 megawatts (MW) electrical capacity.

- 2.2 The site location plan can be found in Appendix 1. The site comprises the following areas:

- The solar photovoltaic site (comprising the solar photovoltaic panels, associated electrical equipment, cabling, on-site energy storage facilities) which extends to approximately 1,173 hectares (ha) and is located approximately 1.4 kilometres (km) northwest of the market town of Howden at the closest point. Denoted by a solid red line on the site location plan.
- The grid connection corridor runs from the solar photovoltaic site to the National Grid substation at Drax Power Station, which is shown as an approximately 500m search area at this point of the project. The grid connection point at Drax Power Station is located approximately 6.2 km southwest of the solar photovoltaic site. Denoted by a dashed red line on the site location plan.

- 2.3 It is important to note that at this stage, the site location plan shows the expected maximum extent of land that would be included within the application for a DCO. It is likely to be refined following consultation and as the design of the development progresses.

- 2.4 The solar photovoltaic site will comprise the following infrastructure:

- Solar photovoltaic modules;
- Solar photovoltaic module mounting structures;
- Inverters (either string or central type);
- Transformers (Low Voltage/Medium Voltage/High Voltage)

- Low Voltage/Medium Voltage/High Voltage switchgear, protection, and control equipment
- Medium Voltage substations distributed throughout the solar photovoltaic plots;
- Onsite underground cabling;
- Interconnecting offsite underground cabling between the solar photovoltaic plots;
- One or more battery energy storage system (expected to be formed of lithium-ion batteries storing electrical energy generated by the proposed development);
- Two 132/33 kV substations;
- Operations and maintenance hub with welfare facilities;
- Fencing and security measures;
- Access tracks; and
- Landscaping and biodiversity enhancement.

2.5 The proposed development will also include two 132 kV export circuits connecting the 132/33 kV substations to the National Grid substation at Drax Power Station.

Construction Programme

2.6 The construction of the proposed development is anticipated to commence in Q4 2024 and span a period of approximately 18-24 months. During the construction phase, temporary access tracks and construction compounds will serve the proposed development, and these will be located within the site boundary.

Operation and Maintenance

2.7 Operation of the proposed development is anticipated to commence around 2027. The proposed development will have an anticipated lifespan of up to 40 years.

2.8 During the operational phase, the activities on-site are expected to be limited to vegetation management, equipment maintenance and servicing, replacement of any components that fail, periodic fence inspection, and monitoring to ensure the continued effective operation of the development.

2.9 It is anticipated that there will be one to three permanent staff on-site at any one time during the operational phase. In addition, there will be up to 10 to 20 visitors per week (equating to two to four visitors per day) for deliveries and servicing of equipment.

Decommissioning Phase

2.10 Following cessation of energy generation and exportation at the site, the development will be removed. The decommissioning of the development is anticipated to take approximately 12-24 months.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The East Yorkshire Solar Farm is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q2 2022; statutory consultation is anticipated to take place in Q1/Q2 2023.
- 3.3 The applicants submitted a Scoping Report to PINS on 12 September 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 10 October 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 20 October 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:
- Climate Change
 - Cultural Heritage
 - Ecology
 - Flood Risk, Drainage and Surface Water
 - Landscape and Visual Amenity
 - Noise and Vibration
 - Socioeconomics and Land Use
 - Transport and Access
 - Human Health
 - Soils and Agricultural Land
 - Cumulative Effects
- 3.4 East Yorkshire Solar Farm Limited has notified PINS under Regulation 8(1)(b) of the EIA Regulations that it proposes to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that East Yorkshire Solar Farm Limited will submit its DCO application to PINS during Q3 2023.
- 3.6 Once the DCO application has been submitted, PINS will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination.

Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs falling within the Selby District boundary. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.
- 4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

- 4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with East Yorkshire Solar Farm Limited. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

- 5.1 Members are asked to note the contents of this report.
- 5.2 Members are advised that authorisation will be sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the relevant Executive Member to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

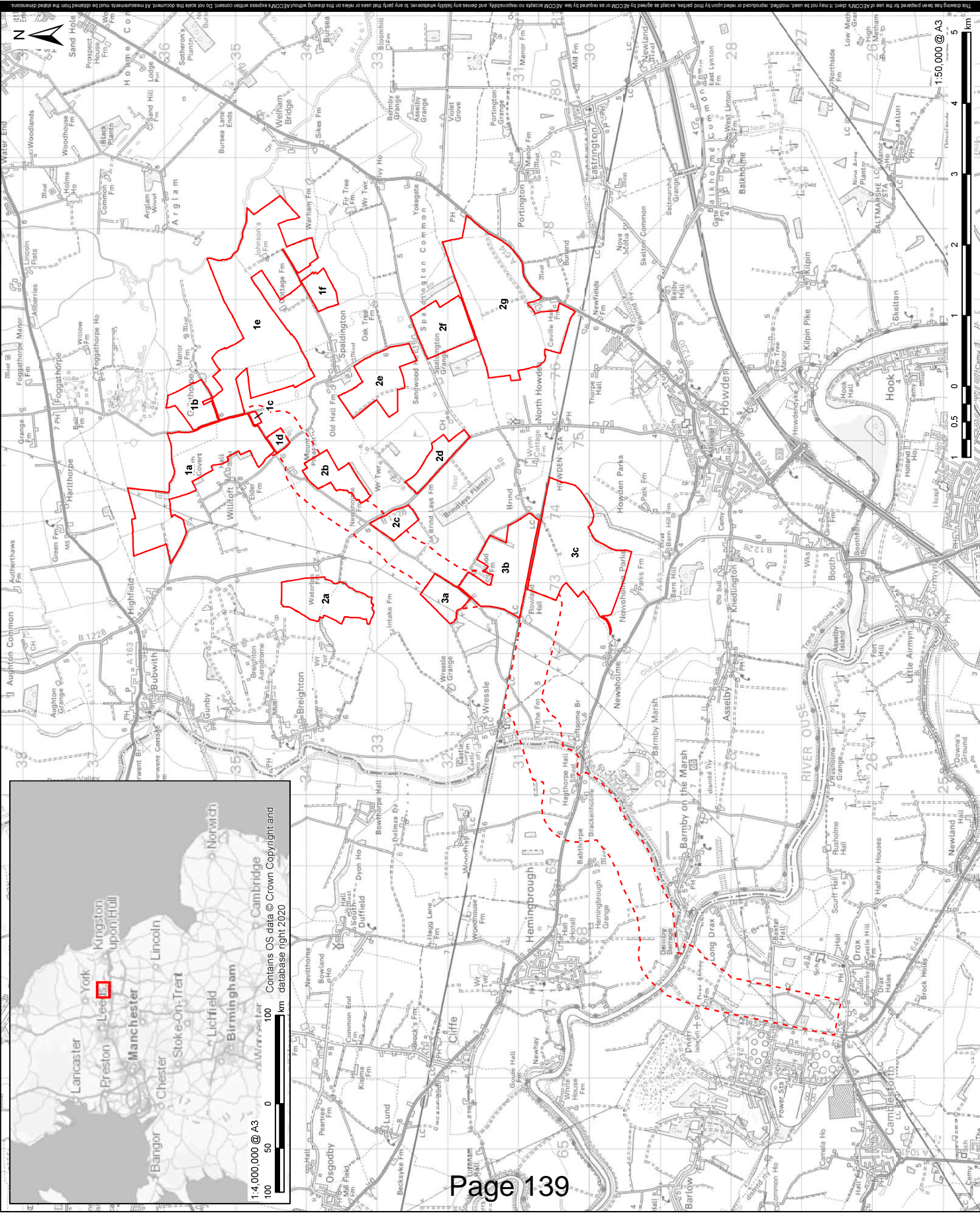
<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/east-yorkshire-solar-farm/?ipcsection=overview>

7. Appendices

Appendix 1 – Site Location Plan

Contact Officer: Jenny Tyreman, Assistant Principal Planning Officer, Selby District Council – Email: jtyreman@selby.gov.uk.

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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
2020/0181/FUL	Mrs Jennifer Hubbard	Land At The Paddocks York Road North Duffield Selby North Yorkshire	Proposed erection of dwelling, garage and glasshouse and construction of an access road on land to the west of York Road	REFUSED 29 Nov 2022	Diane Holgate
2020/0198/FUL	Mr Alan Barker	Land Adj Roundabout Main Road Drax Selby North Yorkshire	Change of use of land for a Plant Hire Business and erection of an office building (Retrospective)	REFUSED 7 Dec 2022	Elizabeth Maw
2021/0312/FUL	Molly Cavell	Land Off Turnham Lane Cliffe Selby North Yorkshire	Erection of a portal framed agricultural building	PERMITTED 2 Dec 2022	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0636/DOC	Mr S Duggan	25 Sand Lane South Milford Selby North Yorkshire LS25 5AU	Discharge of Conditions 06 (landscaping scheme) and 07 (positions, design, materials and boundary treatment plan) of approval 2021/0155/S73 Section 73 application to vary condition 02 (approved plans) of planning permission reference number 2020/0521/REM Reserved matters application including access, appearance, landscaping, layout and scale of approval 2018/1141/OUT demolition of existing buildings and erection of a residential development comprising of 3 No dwellings and associated garage/parking granted on 03 December 2020	REFUSED 17 Nov 2022	Josh Turner
2021/0736/FUL	Penny Petroleum Ltd	Millgate Filling Station Millgate Selby YO8 3LL	Demolition of existing payment kiosk and refurbishment of unused workshop to form payment area and shop	PERMITTED 17 Nov 2022	Linda Drake

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1318/DOC	Barchester Healthcare Homes Ltd.	Highfield Nursing Home Scarthingwell Park Barkston Ash Tadcaster North Yorkshire LS24 9PG	Discharge of conditions 05 (Written Scheme of Archaeological Investigation), 06 - (Construction Management Plan) 08, 09, 13 (Contamination), 14 (detailed drainage design), 15 (surface water drainage works), 17 (protection of retained trees), 18 (tree planting), 19 (landscape works and programme of implementation) of approval 2021/0811/S73 Section 73 application to vary condition 02 (approved plans) of application 2020/0294/FULM Proposed demolition of existing two storey care home (Class C2), and erection of replacement two storey care home (Class C2) comprising 70 single en-suite bedrooms together with associated car parking (50 spaces), access arrangements and landscaping granted on 18 December 2020	CONDITIONS PART DISCHARGED 25 Nov 2022	Fiona Ellwood
2021/1479/FUL	Mr Edward Finney	Cliffe Meadows Holiday Park Turnham Lane Cliffe Selby North Yorkshire YO8 6NQ	Repositioning of tarmac access road to serve 5 static caravans including the reception/site office, extension of tarmac access part way into site and construction of gravel surface tracks and gravel surface pitch areas for up to 30 touring caravans or motor homes together with low level lighting, electrical service points, bin storage area, boundary treatments and associated landscaping.	PERMITTED 2 Dec 2022	Mandy Cooper
2022/0261/HPA	Mr & Mrs J Grayson	The Orchards Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Single storey side extension, with two storey rear extension, whilst raising the roof height of the existing dwelling and insertion of front porch	PERMITTED 22 Nov 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0282/COU	Little Brayton Barn	1 Brayton Barns Doncaster Road Brayton Selby North Yorkshire YO8 9HE	Change of use of outbuilding from dwelling house to a short term let (retrospective)	PERMITTED 25 Nov 2022	Jac Cruickshank
2022/0442/HPA	Mr & Mrs G Morrison	Shepherds Barn Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Conversion of existing domestic outbuilding to home office, garden store and garden room	PERMITTED 6 Dec 2022	Esther Pask
2022/0554/HPA	Mr J Cockeram	5 Highmoor Cottages Leeds Road Tadcaster North Yorkshire LS24 9ND	Erection of a single storey rear extension and erection of walls to enclose existing car port	PERMITTED 18 Nov 2022	Jordan Fairclough
2022/0595/FUL	Mr Lee Nesbitt	Manor Farm Main Street Womersley Selby North Yorkshire DN6 9AY	Temporary change of use of land for stationing of two static caravans (retrospective) for a period of no more than 5 years	REFUSED 22 Nov 2022	Emma Howson
2022/0632/COU	Read School	Drax Cp School Castle Hill Lane Drax Selby North Yorkshire YO8 8NP	Change of use from a primary school to a nursery	PERMITTED 23 Nov 2022	Emma Howson

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0661/DOC	Yorkshire Country Properties	Main Street Church Fenton Tadcaster North Yorkshire	Discharge of Condition 25 (lighting) of approval 2015/0615/OUT Outline application to include access for a residential development	CONDITION DECISION 24 Nov 2022	Fiona Ellwood
2022/0687/S73	Miss Lydia Perkhurst	Honeysuckle Cottage Main Street Little Smeaton Selby North Yorkshire WF8 3LF	Section 73 application to vary conditions 3 (windows) and 4 (colour or timber painted window frames and bi-folding doors) of approval 2021/0332/HPA Erection of part single storey/part two storey front and side extensions following the demolition of existing single storey front extension and detached outbuildings, together with improvements to the existing vehicular access	PERMITTED 28 Nov 2022	Ellis Mortimer
2022/0695/HPA	Mrs Kathryn Lupton	22 Bedfords Fold Hillam Selby North Yorkshire LS25 5HZ	Single storey rear extension with raised patio, relocated side door and internal modifications	PERMITTED 1 Dec 2022	Ellis Mortimer
2022/0707/HPA	Mr Dermott Beverley	Pelile Ndaba Church Fenton Lane Ulleskelf Tadcaster North Yorkshire LS24 9DS	First floor extension over existing ground floor and alterations to the ground floor to form a porch	PERMITTED 17 Nov 2022	Irma Sinkeviciene
2022/0734/HPA	Mr Barry Neill	18 Hillam Hall Lane Hillam Selby North Yorkshire LS25 5HL	Single storey rear extension and first floor extension over garage	PERMITTED 7 Dec 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0755/DOC	Jones Homes (Yorkshire) Ltd	Land Adjacent Aspen Grove Weeland Road Eggborough Goole East Yorkshire	Discharge of condition 8 (Highways) of planning permission 2019/1328/REMM Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 30 residential dwellings, pursuant to outline permission reference 2016/0124/OUT	CONDITION DECISION 21 Nov 2022	Jenny Tyreman
2022/0757/DOC	Jones Homes (Yorkshire) Ltd	Land Adjacent Teasel Hall Weeland Road Eggborough Goole East Yorkshire	Discharge of condition 07 (surface water) and 08 (surface water) of approval 2020/1369/FUL Installation of a Sustainable Drainage System (SUDS) basin in respect of the adjacent residential development for 30 dwellings	CONDITION DECISION 21 Nov 2022	Jenny Tyreman
2022/0798/FUL	St Francis Group	Eggborough Power Station Selby Road Eggborough Goole Selby East Yorkshire DN14 0BS	Installation of substations and other infrastructure	PERMITTED 29 Nov 2022	Gareth Stent
2022/0818/FUL	Mr James Walmsley	Lingwood Farm Selby Common Selby YO8 3RN	Erection of a straw storage shed	PERMITTED 1 Dec 2022	Jac Cruickshank
2022/0819/FUL	Mr James Walmsley	Lingwood Farm Selby Common Selby YO8 3RN	Erection of a cattle shed	PERMITTED 1 Dec 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0879/FUL	Bradford Owen Limited	Park View 20 Main Street Riccall York YO19 6PX	Changes to the internal layout of what was previously plot 1 and plot 2 of approval 2018/1114/FUL into one single plot, named plot 1. Additionally changes to the parking layout for the site	PERMITTED 30 Nov 2022	Jac Cruickshank
2022/0889/FUL	Claire Northern	Land To Rear Of The Lodge 23 Selby Road Riccall York North Yorkshire	Demolition of existing buildings on site and change of use to allow the siting of 6 No. holiday use units together with erection of an amenity block	REFUSED 21 Nov 2022	Emma Howson
2022/0906/FUL	Mr P Raine	Woodville Austfield Lane Hillam Leeds West Yorkshire LS25 5EH	Conversion of stable/storage unit to ancillary accommodation	PERMITTED 2 Dec 2022	Elizabeth Maw
2022/0954/HPA	Ms Denise Naismith	127A York Road Tadcaster LS24 8AU	Raising of the roof height, erection of a single storey garage side extension, rear extension, addition of front and rear dormers, and erection of a front porch	PERMITTED 25 Nov 2022	Jordan Fairclough
2022/1004/SCN	Carlton Solar Farm Ltd	Land South Of A645 Wade House Lane Drax Selby North Yorkshire	EIA screening opinion for a proposed development of a ground mounted solar farm and associated infrastructure	EIA REQUIRED 17 Nov 2022	Martin Evans
2022/1005/SCP	Carlton Solar Farm Limited	Land South Of A645 Wade House Lane Drax Selby North Yorkshire	EIA Scoping Opinion for the development of a ground mounted solar farm and associated infrastructure	SCOPING RESPONSE ISSUED 21 Nov 2022	Martin Evans

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1013/LBC	Mr Anthony Johnson	Park House 6 The Crescent Selby YO8 4PU	Listed building consent for erection of a garden room	REFUSED 25 Nov 2022	Jac Cruickshank
2022/1014/COU	Mr Richard Oldfield	24 Lockton Court Church Fenton Tadcaster North Yorkshire LS24 9UT	Change of use from agricultural field to private garden for the erection of a garden room (retrospective)	REFUSED 5 Dec 2022	Irma Sinkeviciene
2022/1016/HPA	Mr Anthony Johnson	Park House 6 The Crescent Selby YO8 4PU	Erection of a garden room	REFUSED 25 Nov 2022	Jac Cruickshank
2022/1030/S73	Threadneedle Property Unit Trust	Three Lakes Retail Park Selby	Section 73 application to vary condition 08 (deliveries) of approval 2006/0972/FUL Section 73 application to carry out the development approved under 8/19/46AE/PA for the outline approval for erection of Class D2 (assembly and leisure) and Class A1 (non food retail) with associated car parking without complying with condition 3 regarding the range of goods to be sold approved 15 December 2006	PERMITTED 25 Nov 2022	Jac Cruickshank
2022/1035/HPA	Mrs Patricia Breweis-Smith	Middle Cottage 3 Back Lane Hambleton Selby North Yorkshire YO8 9JB	Erection of single storey extension to rear to form larger sitting room and replacement of existing single storey extension to form larger kitchen to the existing dwelling	PERMITTED 23 Nov 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1042/FUL	Biffa Waste Services Limited	Biffa Waste Services Bypass Park Estate Sherburn In Elmet Leeds North Yorkshire LS25 6EP	Erection and use of a steel framed building for the refurbishment of empty waste containers	REFUSED 16 Nov 2022	Irma Sinkeviciene
2022/1047/DOC	HPREF Konect Investments S.a R.l	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT	Discharge of condition 02 (tree protection) of approval 2021/1237/REMM Reserved Matters application including appearance, landscaping, layout and scale of approval 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/01343/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 (135,500 sq m) gross floor space (GIA) comprising 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 Nov 2022	Jenny Tyreman
2022/1053/ADV	Admiral Taverns	Crown Inn 75 Main Street Monk Fryston Leeds West Yorkshire LS25 5DU	Advertisement consent for 2 No illuminated lettering signs with painted logos behind, 1 No externally illuminated hanging sign, 3 No non illuminated hoarding sign, 4 No LED floodlights, 3 No wall lights, 1 No non illuminated sign, 1 No non illuminated chalkboard, 1 No externally illuminated hoarding sign, 1 No non illuminated face panel	PERMITTED 22 Nov 2022	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1064/FUL	AB Agri Ltd	Mill And Premises Bishopdyke Road Sherburn In Elmet Leeds LS25 6JZ	Installation of a water filled damper to the top of the existing site boiler chimney	PERMITTED 21 Nov 2022	Jordan Fairclough
2022/1076/HPA	Mr Wayne Harrison	4 Cricketers Way Sherburn In Elmet Leeds North Yorkshire LS25 6ER	Demolition of part dwelling and garage, erection of new double storey side and single storey rear and side extension, erection of new larger garage (part retrospective)	PERMITTED 18 Nov 2022	Jordan Fairclough
2022/1080/HPA	Ms Emma Frost	5 Manor Farm Close Carlton Goole East Yorkshire DN14 9QS	Erection of single storey rear extension following demolition of conservatory at the rear, and retention of existing boundary wall and gates	REFUSED 23 Nov 2022	Emma Howson
2022/1084/HPA	Matthew Black	Station House Wetherby Road Newton Kyme Tadcaster North Yorkshire LS24 9LT	Erection of 2 storey and single storey extensions and alterations to front facade	PERMITTED 17 Nov 2022	Irma Sinkeviciene
2022/1095/HPA	Faye Stones Upex	Eastholme Redhouse Lane Long Drax Selby North Yorkshire YO8 8TD	Erection of two storey side and rear extension	PERMITTED 1 Dec 2022	Emma Howson

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1100/HPA	Dean Hunter	10 Baffam Gardens Brayton Selby YO8 9AY	Erection of two storey side and rear extension with alterations to fenestrations and external walls to be rendered with timber cladding	PERMITTED 17 Nov 2022	Jordan Fairclough
2022/1101/DOC	Mutleys Dog Park	Mill Farm Mill Lane South Milford Leeds West Yorkshire LS25 5AG	Discharge of condition 07 (scheme of landscaping) of approval 2021/0375/COU allowed on appeal APP/N2739/W/21/3289482 Change of use from horticultural plant nursery to private off leash dog park with fence (Retrospective)	CONDITION DECISION 16 Nov 2022	Irma Sinkeviciene
2022/1102/OUT	Diane Sofer	33 Lowfield Road Barlby Selby North Yorkshire YO8 5ZZ	Outline application (with all matters reserved) for a bungalow on land adjacent	PERMITTED 6 Dec 2022	Jac Cruickshank
2022/1119/S73	Edenvale Homes (York) Ltd	Hope Cottage The Green Stillingfleet York North Yorkshire YO19 6SF	Section 73 application to vary condition 02 of 2021/0105/HPA Demolition of existing rear extensions, formation of new two storey and single storey rear extension, creation of new first floor with dormer windows, creation of new vehicular access and removal of paint from brickwork	PERMITTED 25 Nov 2022	Jordan Fairclough
2022/1131/TPO	Abbey	The Rectory Croft Lane Newton Kyme Tadcaster North Yorkshire LS24 9LR	Draw back the overhanging willow branch by 5 metre to approximately the boundary wall as several of the branches have signs of decay and cracks to 1 No Willow tree protected by TPO 2/1981	PERMITTED 25 Nov 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1139/DOC	Mrs J Thorpe	Land Off Lowfield Road Hillam Leeds West Yorkshire	Discharge of conditions 05 (lighting), 11 (passing places/junction improvement), 12 (parking, turning, loading and unloading), 13 (construction management plan), 14 (vehicle management plan) and 15 (surface water drainage) of approval 2020/0631/FUL Erection of a livestock building with associated infrastructure (building 1 of 2)	CONDITION DECISION 24 Nov 2022	Jenny Tyreman
2022/1140/DOC	Mrs J Thorpe	Land Off Lowfield Road Hillam Leeds West Yorkshire	Discharge of conditions 05 (external lighting), 11 (off-site highway mitigation measures), 12 (parking and turning), 13 (construction management plan), 14 (vehicle management plan) and 15 (surface water drainage) of approval 2020/0650/FUL Erection of a livestock building with associated infrastructure (building 2 of 2)	CONDITION DECISION 24 Nov 2022	Jenny Tyreman
2022/1143/HPA	Mr & Mrs T Hirst	7 Bow Bridge View Tadcaster North Yorkshire LS24 8JU	Erection of a single storey lean-to pitched roof rear extension	PERMITTED 25 Nov 2022	Jordan Fairclough
2022/1147/TPO	Mr David Tillotson	Newlands School Lane Bolton Percy York North Yorkshire YO23 7AD	Removal of dead waste and crown reduction by 15% to 1 No Horse Chestnut protected by TPO No 1/1972	REFUSED 25 Nov 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1153/REM	Mr Cameron Atkinson	Brooklands Betteras Hill Road Hillam Leeds West Yorkshire LS25 5HD	Reserved matters application for approval of appearance, landscaping, layout, scale and access of outline application 2020/1142/OUT (Outline application with all matters reserved for the erection of one dwelling in the side garden to the north of the house) (resubmission)	PERMITTED 7 Dec 2022	Elizabeth Maw
2022/1159/HPA	Rebecca Mcelvaney	22 Leeds Road Selby YO8 4HX	Rear two storey extension, new double garage to rear, add pitched roof to existing flat roof area, add stone mullions to existing window openings, convert existing garage to living space, proposed new boundary wall and entrance to site with extended dropped kerb	PERMITTED 5 Dec 2022	Jordan Fairclough
2022/1166/ADV	Harrison Spinks Events	The Motorist Lennerton Lane Sherburn In Elmet Leeds North Yorkshire LS25 6JE	Retrospective advertisement consent for 1 double sided free standing sign (non-illuminated)	REFUSED 1 Dec 2022	Jordan Fairclough
2022/1170/DOC	Camblesforth Solar Farm Limited	Land North And South Of Camela Lane Camblesforth Selby North Yorkshire	Discharge of condition 28 (Surface water maintenance and management plan), 29 (Measures to protect public water supply infrastructure), 30 (Outfall for surface water) and 31 (Ground Investigation) of approval 2021/0788/EIA Development of a ground-mounted solar farm including associated infrastructure granted on 08 July 2022	CONDITION DECISION 1 Dec 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1173/HPA	Ms Wendy Harrington	South Newlands Cottage Selby Road Riccall York North Yorkshire YO19 6FQ	Erection of rear extension with balcony	REFUSED 1 Dec 2022	Jac Cruickshank
2022/1175/TPO	Mr Philip Burden	Beech Grange Selby Road Wistow Selby North Yorkshire YO8 3UT	Application for consent to fell 1No Poplar tree covered by TPO 14/1992	REFUSED 1 Dec 2022	Jordan Fairclough
2022/1181/TPO	Mr Stephen Milnes	Greystones Doncaster Road Brayton Selby North Yorkshire YO8 9EG	Crown reduction by 20% and removal of low hung foliage over footpath and road to 2 No Ash trees protected by TPO No 2/1971	PERMITTED 1 Dec 2022	Esther Pask
2022/1186/TCA	Mrs W Dobson	Kenilworth House The Green Stillingfleet York North Yorkshire YO19 6SF	Application for consent to reduce 1No Silver Birch tree by approximately 4m and to shape in the conservation area	REFUSED 17 Nov 2022	Esther Pask
2022/1189/TPO	Mr Walter Milner	Ashcroft Brayton Lane Brayton Selby North Yorkshire YO8 9DZ	Application for consent to remove all deadwood, crown lift to 5m and reduce canopy by 25% to 2No Ash trees (T3 & T4) and reduce large branch by 3 - 4m to 1No Ash tree (T3) covered by TPO 14/1985	SPLIT DECISION FOR TREES 5 Dec 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1191/DOC	Mrs Liz Northcote	Weeland Road Eggborough Goole East Yorkshire	Discharge of conditions 05 (access), 07 (surface water drainage), 08 (parking & materials storage area) and 09 (contamination) of planning permission 2016/0124/OUT allowed at appeal (APP/N2739/W/16/3151448) Outline application for up to 34 residential dwellings with all matters reserved except for access on land off	CONDITION DECISION 7 Dec 2022	Jenny Tyreman
2022/1193/S73	Mr Thomas Fielden	Grimston Grange Grimston Tadcaster North Yorkshire LS24 9BX	Section 73 application to vary condition 02 (plans) of approval 2020/1266/FUL Insertion of new windows, rooflights and doors, cladding and erection of a timber plant storage to the Cart Shed	PERMITTED 7 Dec 2022	Irma Sinkeviciene
2022/1241/DOC	Mr R Burdett	Margyl Cottage 40 Main Street Monk Fryston Leeds West Yorkshire LS25 5EG	Discharge of conditions 06 (access), 07 (hard standing to vehicular access and pedestrian areas) and 08 (surface water drainage) of approval 2021/0662/FUL Erection of detached two storey dwelling with associated detached garage	CONDITION DECISION 28 Nov 2022	Elizabeth Maw
2022/1256/MAN2	Mr Peter Baumann	6 Heather Drive Sherburn In Elmet Leeds North Yorkshire LS25 6PW	Non material amendment of 2021/0602/HPA Erection of a single-storey side/rear extension and conversion of existing attached single garage to form a utility room (partial) and open plan living area with skylight	PERMITTED 28 Nov 2022	Jordan Fairclough
2022/1262/TELB	EE	Mast At Millington Farm Scalm Lane Hambleton Selby North Yorkshire	Replacement antennas, and associated ancillary development	TELECOMMU NICATIONS - NOT REQUIRED 22 Nov 2022	Martin Evans

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1263/TELB	Cellnex UK Ltd & EE Ltd	Land At Heck and Pollington Lane Heck Goole East Yorkshire DN14 0BB	Notification under the Electronic Communications Code Regulations of the intention to install electronic communications apparatus at existing telecommunications site at Pollington Airfield	TELECOMMU NICATIONS - NOT REQUIRED 22 Nov 2022	Martin Evans
2022/1269/DOC	Firethorn Developments Limited	Land At Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of condition 13 (iii) (archaeological investigation) of approval 2018/0697/OUTM S.73A application for outline planning approval with all matters except access reserved for the erection of 117,000 sq m (1,250,000 sq ft) of Class B2 and B8 commercial floorspace (with ancillary Class B1 offices) and site infrastructure works without complying with Conditions 7, 9, 11, 17, 19, 29 and 38 of outline planning approval 2016/0332 granted on 10 June 2016	CONDITION DECISION 28 Nov 2022	Jenny Tyreman
2022/1326/TELB	EE Limited	Mast 5M from British Telecom Escrick Road Stillingfleet York North Yorkshire	Pre-application for installation of 3no antennas and 6no Remote Radio Unit's (RRU's) at 30.00m with associated ancillary equipment on the lattice tower	TELECOMMU NICATIONS - NOT REQUIRED 25 Nov 2022	Esther Pask

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1314/TELB	Cellnex UK Ltd And EE Ltd	Telecommunications Site At Malcolm Musgrove Station Road Tadcaster	Removal of 3no MHA's and 1no FCIA cabinet and installation of 3no MHA's, 12no LDF5-50 feeders and 6no LDf4-50 feeders to be reused, proposed 1no rg213 GPs cable using existing cable management, 1no GPS node at 3.5m mean to be installed on gantry support pole, 3no SBC's to be installed within saMI cabinet, ALIfabS monitor to be upgraded to 16kW system, 3no cominers to be mounted on to high level cable tray via proposed unistrut, 1no AIRI cabinet to be installed, 1no ARMA, 1no AREA and 1no ARGA RFM's to be housed within proposed AIRI	TELECOMMU NICATIONS - NOT REQUIRED 1 Dec 2022	Esther Pask

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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.

	Mark Topping, Chair Conservative	Derwent Ward	mtopping@selby.gov.uk	01757 638137
	Charles Richardson, Vice Chair Conservative	Camblesforth and Carlton Ward	crichardson@selby.gov.uk	-
	Keith Ellis Conservative	Appleton Roebuck and Church Fenton	kellis@selby.gov.uk	01937 557111
	Georgina Ashton Conservative	Byram and Brotherton	gashton@selby.gov.uk	01937 557701
	Ian Chilvers Conservative	Brayton	ichilvers@selby.gov.uk	01757 705308
	Robert Packham Labour	Sherburn in Elmet	rpackham@selby.gov.uk	01977 681954
	Paul Welch Labour	Selby East	pwelch@selby.gov.uk	01757 708531
	John Duggan Labour	Riccall	jduggan@selby.gov.uk	-
	Don Mackay Independent	Tadcaster	dbain- mackay@selby.gov.uk	01937 835776

Substitute Councillors 2022-23

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