



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 11 JANUARY 2023**
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 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 7 December 2022.

5. **Planning Applications Received (Pages 15 - 16)**
 - 5.1. **2022/0534/FUL - Tamwood , Station Road, Riccall (Pages 17 - 42)**
 - 5.2. **2021/1501/FUL - Caru, Beckfield Lane, Fairburn (Pages 43 - 62)**
 - 5.3. **2022/1081/COU -Westacre, Wistow (Pages 63 - 74)**
 - 5.4. **2022/0838/FUL - Lodge farm, Wistow (Pages 75 - 92)**
 - 5.5. **2022/0789/FUL- The Workshop, Ryther (Pages 93 - 110)**
 - 5.6. **2022/0941/HPA - 26 Merlin Way, Brayton (Pages 111 - 124)**
 - 5.7. **TPO 11/2022 - Barn Cottages, Womersley (Pages 125 - 136)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 8 February 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, 7 December 2022

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers,, R Packham, K Franks, K Ellis and G Ashton

Officers Present: Martin Grainger, Head of Planning, Hannah Blackburn, Planning Development Manager, Glenn Sharpe, Solicitor to the Council, Emma Howson, Senior Planning Officer, Yvonne Naylor, Principal Planning Officer, Diane Holgate, Principal Planning Officer, Jac Cruickshank, Senior Planning Officer, Jenny Tyreman, Assistant Principal Planning Officer, Victoria Day, North Yorkshire County Council Highways Officer and Gina Mulderrig, Democratic Services Officer

44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Duggan, Donald Mackay and Paul Welch.

Councillor Keith Franks was in attendance as substitute for Councillor John Duggan.

45 DISCLOSURES OF INTEREST

Councillor Ashton declared a non-pecuniary interest in agenda item 5.1 as she was the Responsible Finance Officer for Sherburn Parish Council. Councillor Ashton confirmed that she would leave the meeting during consideration thereof.

Councillor Packham declared he had been contacted by various parties regarding agenda item 5.1. Councillor Packham confirmed that he had not

discussed the item and would not leave the meeting during consideration thereof.

Councillor Topping declared a professional interest in agenda item 5.4, as he had previously advised on the application in a professional role. Councillor Topping confirmed that he would leave the meeting during consideration thereof.

46 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.

47 MINUTES

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

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 9 November 2022 for signing by the Chairman.

48 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

49 2022/0918/OUT - 7 LOW STREET, SHERBURN IN ELMET

Application: 2022/0918/OUT

Location: 7 Low Street, Sherburn in Elmet

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

Councillor Ashton left the room.

The Senior Planning Officer presented the application which had been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there had been more than 10 letters of representation received that raised material planning considerations and where officers would otherwise determine the application contrary to these representations.

Members noted that the application was for outline application for development of 5 new detached houses including access, appearance, layout and scale (all other matters reserved) on land to the rear of 7 Low Street.

Members noted the Officer Update Note which included additional comments

from Sherburn Town Council expressing concern about the drawings relating to parking and access and the loss of public parking and that houses not truly bungalows. The Officer Update Note also noted the number of objections received to the loss of the car parking at the front of the site and in front of the Spar. The Officer clarified that the land to the site frontage is privately owned, that the land in front of the Spar is not being claimed as owned by the applicant and so does not remove parking, only access across the land which is a private legal matter and not a material planning condition. Correction of paragraph 5.25 of the report with confirmation that the proposal provided 5 new car parking spaces at the rear and that each proposed dwelling had 2 parking spaces in addition to these. Request for amendment to wording to condition 10.

The Committee asked the Senior Planning Officer whether the shop at 7 Low Street continued to trade and also asked whether evidence had been provided for the ownership of the land to the front of the development and the right of access to the parking spaces in front of the shop at 9 Low Street.

The Senior Planning Officer confirmed the shop at 7 Low Street had been open for trade when first visited the site but was unable to confirm current or future status. The Senior Planning Officer explained there was no legal requirement to submit evidence of ownership and so could not confirm land ownership or rights of access to the front of 9 Low Street. It was also confirmed that the land to the front of 9 Low Street did not form part of this application so rights of access to it was a legal matter between the parties and not a material planning consideration.

Members asked the North Yorkshire County Council Highways Officer about why the proposed access road did not meet adoptable standards and why the site would not be adopted by the North Yorkshire County Council Highways if that had formed part of the application.

The North Yorkshire County Council Highways Officer explained adopted residential roads typically have designated footways constructed and maintained to North Yorkshire County Council Highways design specification which this site would be unable to accommodate due to the size and layout of the plan. The North Yorkshire County Council Highways Officer clarified the design guide and specification for adopted roads was designed for developments of over 5 dwellings meaning that, as this application is under this limit, the road to the dwellings remained a private road and not a concern of the North Yorkshire County Council Highways. It was clarified that highway safety at Low Street was something that Highways would look at.

The Committee asked for clarification on whether vehicles could enter and leave the site simultaneously and for an explanation of the consequences if that was not possible.

The North Yorkshire County Council Highways Officer explained simultaneous passage was possible for one vehicle but only for the first 6 metres of the access point to the road. The North Yorkshire County Council Highways

Officer acknowledged that multiple vehicles trying to access the site at once could cause queuing on Low Street but noted that this situation already existed with multiple vehicles queuing to access the existing parking spaces.

Members asked further questions regarding the bollards and the access to the parking spaces outside the front of the shop at 9 Low Street.

The Senior Planning Officer and the North Yorkshire County Council Highways Officer explained that the land to the front of the shop at 9 Low Street was not part of this application so had not been considered. The Planning Solicitor confirmed access issues to the parking spaces in front of 9 Low Street were a legal matter and not a planning issue. The Senior Planning Officer explained that the bollards shown on submitted plans were a drawing error and that the application proposed railings as detailed on the plan to provide a border to the entrance of the private road that would effectively prevent access to the parking in front of 9 Low Street.

Members asked for clarification on whether the proposed 5 car parking spaces to replace those lost on the frontage could be conditioned for use of patrons of the local shops only. The Senior Planning Officer explained this was not possible as it was private land but this was similar to the existing parking spaces, but that the applicant had indicated that the spaces would be provided as replacement for those lost at the front. The Senior Planning Officer explained that if the shop continued to trade, patrons could use the 5 proposed spaces proposed to the rear or a number of local car parks in Sherburn within walking distance.

Objector Alex Tant-Brown was in attendance and spoke against the application.

Town Councillor Gary Limbert of Sherburn Town Council was in attendance and spoke against the application.

Planning Agent Jeremy Williams was in attendance and spoke in favour of the application.

Members debated the application further noting that they felt issues regarding site access, potential traffic risks, and existing and proposed parking car parking spaces had not been fully satisfied. They also noted that the landscaping scheme was a reserved matter so net gain for biodiversity as required by the National Planning Policy Framework could not be demonstrated and that the lack of detail regarding a suitable scheme for the discharge of surface water from the site with separate systems for foul and surface water drainage as recommended by Yorkshire Water was of great concern given the level of flood risk in Sherburn.

It was proposed and seconded that the application be DEFERRED for a site visit and for submission of a Traffic Management Plan; a vote was taken and was carried.

RESOLVED:

That the application be DEFERRED in order for a site visit to be arranged and a Traffic Management Plan to be submitted.

50 2022/0484/OUT - THE BUNGALOW, 10 OLD VICARAGE LANE, MONK FRYSTON

Application: 2022/0484/OUT

Location: The Bungalow, 10 Old Vicarage Lane, Monk Fyston

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

Councillor Ashton returned to the room.

The Senior Planning Officer presented the application which had been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there had been more than 10 letters of representation received that raised material planning considerations and where officers would otherwise determine the application contrary to these representations.

Members noted that the application was for outline consent for demolition of existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered.

Planning Agent Chris Wayman was in attendance remotely and spoke in favour of the application.

Members debated the application expressing support for the way the Applicant and Agent had worked together to refine the application.

It was proposed and seconded that the application be GRANTED subject to conditions. A vote was taken on the Proposal and was carried.

RESOLVED:

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

51 2022/1106/OUT - FIELD HOUSE, SCHOOL LANE, BOLTON PERCY

Application: 2022/1106/OUT

Location: Field House, School Lane, Bolton Percy

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.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as one of the Applicants (Mr R Musgrave) is a Ward Councillor for Selby District Council and the Council's scheme of delegation requires for the application to be determined by the

Planning Committee.

Members noted that the application was for 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.

Members noted the Officer Update Note which included additional comments from third parties. Officers addressed the comments in the Officer Update Note and stated that the additional comments did not alter the recommendation to grant the application. The update also confirmed Yorkshire Water had no comments on this application.

The Committee asked the Principal Planning Officer for clarity on the status of the access road shown on the plan and the classification of the land to the rear of Oak View.

The Principal Planning Officer explained the access road was shared between the three properties shown on the plan and clarified that the land to the rear of Oak View did not form part of this application and was therefore not considered during this item.

Members asked when the Development Limit Plan was last set for the village of Bolton Percy and the Principal Planning Officer stated that the Development Limits were set as part of the Local Plan for Selby District and adopted in 2005.

Representative for the Applicant, Jennifer Hubbard, was in attendance and spoke in favour of the application.

Members debated the application noting that although the location was outside Development Limits, the proposed development would not extend development beyond that which has already been accepted and the addition of the proposed building would have minimal impact on the surrounding area.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note.

52 2020/0183/FUL - LAND AT THE PADDOCKS, YORK ROAD, NORTH DUFFIELD

Application: 2020/0183/FUL

Location: Land at The Paddocks, York Road, North Duffield

Proposal: Proposed erection of dwelling with integral garage and construction of access road on land to the west of land at The Paddocks.

Councillor Topping left the room and Planning Committee continued with Vice Chair, Councillor Richardson, in the Chair.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as its determination fell 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 Limits of North Duffield and as such defined as open countryside.

Members noted that the application was for the proposed erection of a dwelling with integral garage and construction of access road on land to the west of The Paddocks.

Members noted the Officer Update Note which gave a history of planning applications determined relevant to the determination of this application.

The Committee asked the Principal Planning Officer why there had been a delay in bringing this application to Planning Committee.

The Principal Planning Officer and the Head of Planning explained this application had been complex and subject to extensions and changes of Officer which had caused the delay in bringing it before Planning Committee. The Principal Planning Officer explained that this application is part retrospective as work on the building began after 2018/1347/OUT was granted in 2019 but expired on 29 April 2022 while this current application was under consideration.

Planning Agent Jennifer Hubbard was in attendance and spoke in favour of the application.

Members debated the application noting the complexity of the application and the associated delay in bringing it to Planning Committee. Members debated the planning history of the site and the material considerations of the application noting development had progressed around the site which was approved at a time that Selby District Council did not have a 5 year housing land supply which weighed in favour of the applications. Members noted appreciation of the explanation in the report as to why Officers recommended the application be granted despite it being outside Development Limits for North Duffield.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions

set out in paragraph 7 of the report and the details set out in the Officer Update Note.

53 2022/0622/FUL - STONES4HOMES LTD, RICCALL AIRFIELD

Application: 2022/0622/FUL

Location: Stones4Homes Ltd., Riccall Airfield, Market Weighton Road, Barlby
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).

Councillor Topping returned to the room and resumed as Chairman.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as the proposal was contrary to the requirements of the development plan (namely Policy RIC/1 of the Selby District Core Strategy), but it was considered there were material considerations which would justify approval of the application.

Members noted that the application was for 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).

Members noted the Officer Update Note which detailed comments from North Yorkshire County Council's Ecologist and noted that Natural England was yet to respond but had until the end of the consultation period on 19 December 2022 to make comments.

Members spoke in favour of the application noting a precedent had been set for granting previous similar applications on this site.

It was proposed and seconded that the application be GRANTED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the details set out in the Officer Update Note following the expiration of the consultation period on 19 December 2022 and no further material considerations being raised.

54 EAST YORKSHIRE SOLAR FARM - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

Helios Renewable Energy Project – Nationally Significant Infrastructure Project

The Assistant Principal Planning Officer presented the report which had been

brought before Planning Committee for information purposes.

Members noted that the report recommended that the contents of the report be noted and that authorisation be sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services 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.

Members asked for clarification on the next steps regarding the project's consultation and implementation.

The Assistant Principal Planning Officer outlined the upcoming actions which included a period of Statutory Consultation scheduled for the first and second quarter of 2023, followed by the submission of the application to the Planning Inspectorate later that year. The Assistant Principal Planning Officer explained the Planning Inspectorate would have 28 days to decide whether to accept the application. If accepted, the application would then be subject to examination by the Planning Inspectorate with relevant hearings and consultees and interested parties given the opportunity to make representations. The examination would be expected to take 6 months after which the Planning Inspectorate would make a recommendation to the Secretary of State for a decision.

It was proposed and seconded that the application be NOTED. A vote was taken on the Proposal and was carried.

RESOLVED:

The Planning Committee noted the contents of the report.

The meeting closed at 3.52 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

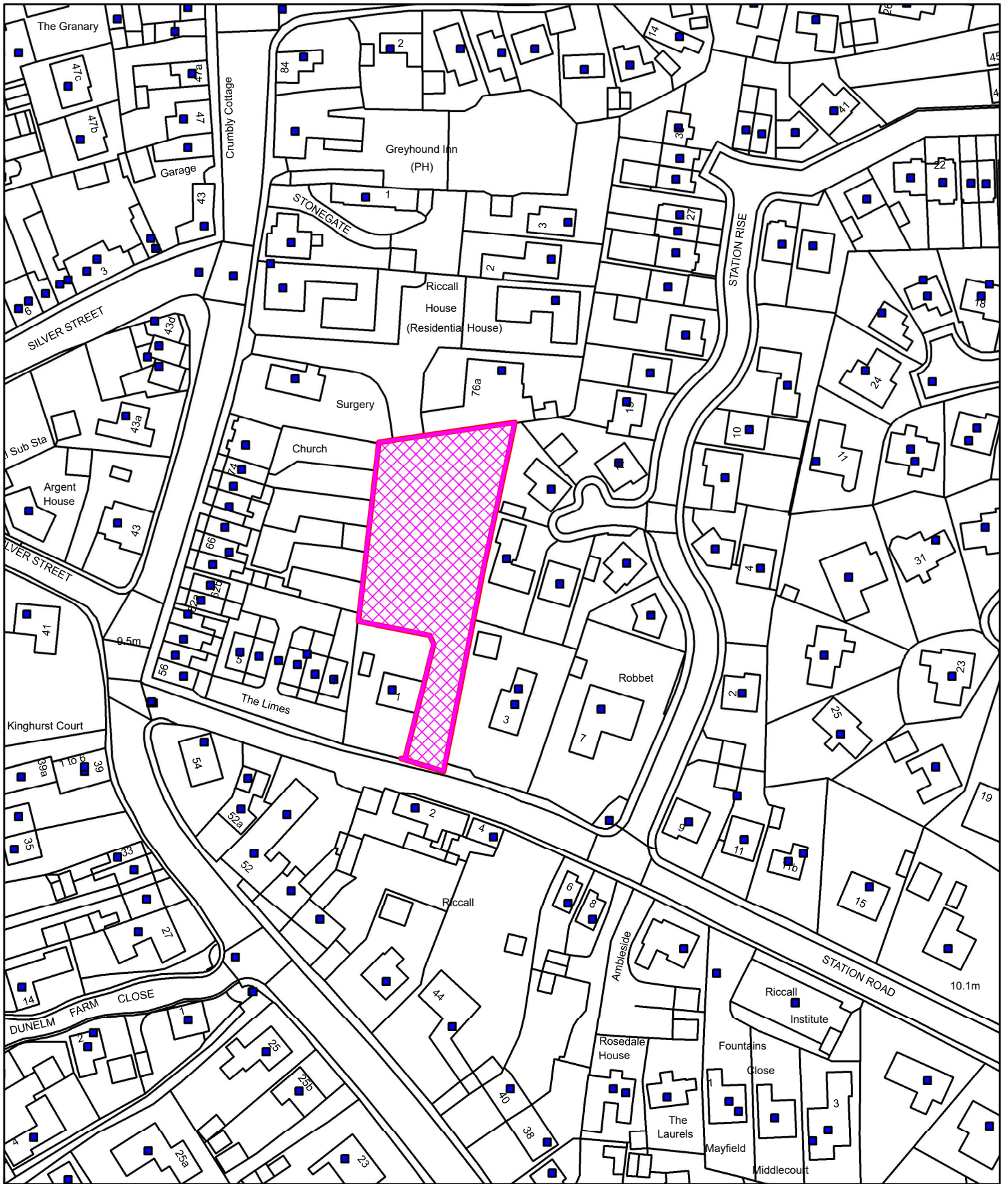
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Agenda Item 5

Items for Planning Committee – 11 January 2023

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2022/0534/FUL	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ	Erection of 4 dwellings with associated garages/parking spaces and construction of access	Diane Holgate	17 - 42
5.2	2021/1501/FUL	Caru Beckfield Lane Fairburn Selby North Yorkshire WF11 9JP	Erection of 1 No dwelling following demolition of existing garage	Elizabeth Maw	43 – 62
5.3	2022/1081/COU	Westacre Station Road Wistow Selby North Yorkshire YO8 3UZ	Change of use from just residential to include commercial holiday let (retrospective)	Linda Drake	63 – 74
5.4	2022/0838/FUL	Lodge Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RS	Conversion of building to form 2 bed dwelling with parking and private garden	Linda Drake	75 – 92
5.5	2022/0789/FUL	The Workshop, Ryther Road, Cawood	Erection of 1no dwelling to replace existing workshop	Jac Cruickshank	93 - 110
5.6	2022/0941/HPA	26 Merlin Way Brayton Selby North Yorkshire YO8 9SB	Raise height of existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden	Jordan Fairclough	111 - 124
5.7	TPO 11/2022	1 Barn Cottages Main Street Womersley Selby DN6 9AY	Tree Protection Order	Ellis Mortimer	125 - 136

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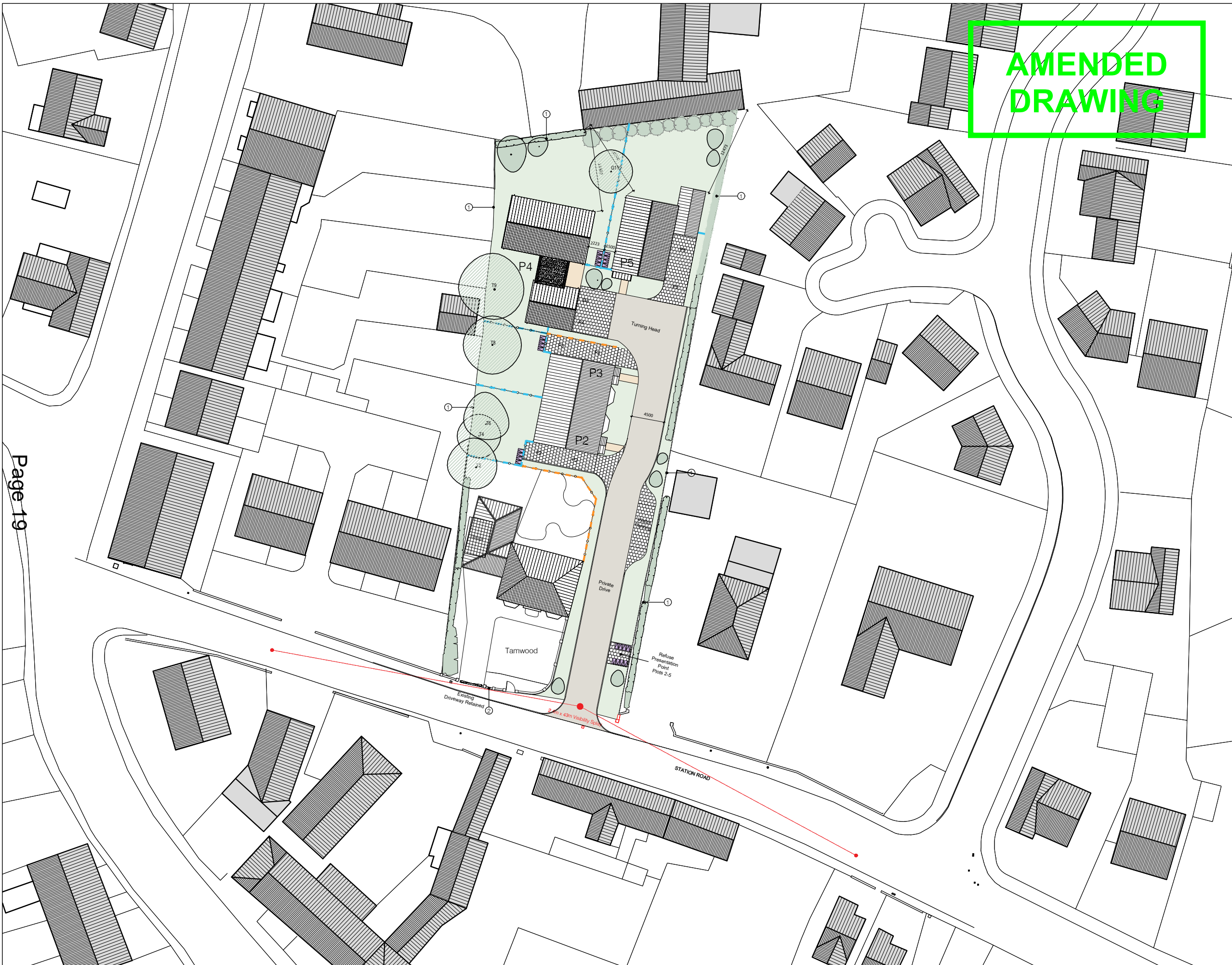


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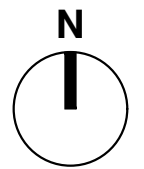
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PROPOSED SITE PLAN

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works



**AMENDED
DRAWING**

KEY

- Proposed 1800mm Close Boarded Fence
- Proposed 1500mm Close Boarded Fence
- Permeable Paving Parking Spaces
- Permeable Paving Shared Driveway
- Indian Sandstone Footpath
- Grass Areas
- Proposed Trees
- Retained Trees
- Retained Hedges
- Existing Boundary
- Existing 600mm Boundary Wall
- Refuse Store / Presentation Point

NOTE:
 Provision to be allowed for dry riser to service the site with inlet boxes to be agreed with Fire Engineer.

revision	date	description
P02	19/07/22	Visibility splay updated following comments
P01	26/04/22	Application Boundary Updated
P00	08/03/22	Planning Issue

Vincent & Brown
 Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Bishopthorpe, York. YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project
 Tamwood, Station Road, Riccall

drawing
 Proposed Site Plan

scale
 1:500 @ A3

job number	date	status	drawing number	revision
19134	23/10/20	Planning	105	P02

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Application Reference Number 2022/0534/FUL

To: Planning Committee
Date: 11th January 2023
Author: Diane Holgate (Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0534/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mr J Knowles	VALID DATE: EXPIRY DATE:	04.05.2022 29.06.2022
PROPOSAL:	Erection of 4 dwellings with associated garages/parking spaces and construction of access		
LOCATION:	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ		
RECOMMENDATION:	Planning permission be GRANTED		

This application has been brought before Planning Committee at the request of the Head of Planning as the previous application was decided by Members and refused against Officer recommendation.

1. INTRODUCTION AND BACKGROUND

1.1 This application is for the erection of 4 dwellings on garden land to the rear of an existing dwelling known as Tamwood. Tamwood is located on Station Road in Riccall. Riccall is located to the north of Selby along side the A19. Planning permission has been previously refused for the demolition of the host dwelling and a development of 7 dwelling. This proposal seeks to overcome the previous reasons for refusal and it excludes the host dwelling and puts forward a back land development of 4 houses comprising of 2 detached dwellings and a pair of semi-detached properties.

1.2 In addition to the plans the application is supported by the following information:

Planning Statement
Tree Survey

Site and Context

- 1.3 The site is currently occupied by the detached dwelling and surrounded by residential development including recent development to the east and west and the historic core of the village to the north. The site is located on the boundary with the Conservation Area but not within it. There are various mature trees on the site which affect the development layout.

The Proposal

- 1.4 Full planning permission is sought for the erection of four dwellings with associated garages/parking spaces and construction of a new access. The private drive provides access for the 4 dwellings on land to the rear. The host dwelling retains the existing access. Planning permission has been approved under a householder application for an extension to the host dwelling. Each dwelling has two parking spaces, plots 4 and 5 have a garage. The parking spaces are to be finished with permeable paving. 1.8 metre close boarded fences are proposed on the rear boundaries to subdivide the plots and a 1.5 metre high close boarded fence is proposed to separate the site from the host dwelling. The majority of the trees and hedges are to be retained with some new trees proposed. A refuse collection point is shown alongside the private drive close to the new entrance.
- 1.5 Plots 2 and 3 are semi detached with bay window and porch features to the front, the rear elevation features large sliding doors. Plot 3 is a detached dwelling with an attached garage, canopy over the main entrance to the front and bi-fold doors to the rear. Plot 4 is a detached dwelling in a rectangular form with a detached double garage connected by an entrance link. The dwelling also has sliding bi-fold doors to the rear. The materials are shown as slate roof tiles, multi brickwork, white UPVC windows, black rainwater goods and composite doors (colour to be agreed). The design of the dwellings include art stone cills, brick work details and brick headers.

Relevant Planning History

- 1.6 The following historical applications are relevant to the determination of this application:

2018/0185/FUL

Proposed erection of two detached dwellings with garages
Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ Granted
24.05.2018

2020/1300/FUL

Demolition of existing dwelling, construction of seven residential properties
Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ Overturned at
Planning Committee on the 07.07.2021. Refused 20.08.2021 for the following
reasons:

1. The proposed development would result in a detrimental impact upon the setting of the Conservation Area contrary to Selby District Local Plan Policy ENV25, Core Strategy Policy SP19, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposal constitutes overdevelopment of the site which would have a detrimental impact upon residential amenity and would result in overshadowing and a loss of privacy of neighbouring occupants and the loss of trees on the site contrary to Core Strategy Policy SP4(c), Selby District Local Plan Policy ENV1(1) and National Planning Policy Framework Paragraph 127(f).
3. The proposal provides inadequate on-site parking which will lead to on-site parking on the frontage of the site resulting in an unacceptable impact on highway safety contrary to Selby District Local Plan Policy T2 and National Planning Policy Framework Paragraph 109.
4. The proposal fails to provide a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

2022/0541/HPA

Erection of garage and sunroom Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ. Granted 01.07.2022. (The Host dwelling).

2. CONSULTATION AND PUBLICITY

Consultation Responses

2.1 Local Highway Authority

NYCC Highways Officers have advised that the visibility splays at the access have not been measured correctly and that it has not been demonstrated that fire appliances will be able to turn within the site. This is required as plots 4 and 5 are more than the maximum distance (45 metres) from the highways boundary.

An amended plan has been submitted however, this still does not show the correct visibility splays and there are no details of the swept paths to demonstrate emergency vehicles can turn within the site.

2.2 Conservation Officer

The Conservation Officer has advised that the current scheme is different to the 2020 scheme as the overall number of dwellings have reduced. However, the existing building to the front of the site is now being retained (rather than being replaced with 3 dwellings) so the overall number of dwellings is reduced from 7 to 5. The number of dwellings to the rear of the retained building, and within the garden area, still remains as 4. Therefore the concerns raised during the previous application are still relevant.

The spacious garden plot which is located to the rear of Tamwood, is located immediately adjacent to the Riccall conservation area and makes a positive contribution to its setting. It provides an attractive view towards the conservation area with trees visible as a backdrop. The development would obscure from views these

trees and the spaciousness of the plot compromised with the addition of 4 dwellings and garages.

The roadside appearance of the development has improved with the retention of part of Tamwood's front garden. In terms of number of dwellings, the proposal still appears to be over development. Trying to fit too many new properties and ancillary structures within the garden area of Tamwood. There are also concerns with the design of the proposed development as the new dwellings do not reflect the local distinctiveness of the area and does not pick up on any architectural detailing of the existing property, Tamwood.

The Conservation Officer advises that the proposal will have a harmful impact on the setting of the Conservation Area. The impact is considered to be less than substantial harm to the significance of the heritage asset due to the inappropriate development within its setting. The development therefore fails to meet the requirements of paragraph 202 of the NPPF and local plan policy ENV25.

The number of proposed dwellings must be significantly reduced to be viewed acceptable, the majority of the spacious garden should be retained.

2.3 Yorkshire Water

Yorkshire Water advised that they have no objection to the proposal subject to the development being carried out in accordance with the submitted plan and the drainage layout.

2.4 The Ouse & Derwent Internal Drainage Board (IDB)

The IDB set out the requirements for when the IDB's prior written consent is required. The IDB note the submitted Design and Access Statement specifies surface water may be disposed of via an attenuation tank at a restricted rate or soakaway. The IDB note that the mains sewer runs into an IDB maintained watercourse and their consent is required prior to connection.

In respect of surface water, the IDB recommend details of surface water drainage are conditioned including a constrained run-off rate, surface floodwater storage including climate change allowance.

The IDB notes the proposed connection into the mains foul sewer and have no objection to the new connection subject to Yorkshire Water's consent.

Following percolation testing and a resultant drainage layout, the IDB were reconsulted. The IDB note percolation testing demonstrates soakaways are not achievable, accordingly discharge into the mains surface water sewer / watercourse can be considered. The IDB request details of surface water connection, discharge rate confirmation and attenuation, flood storage including climate allowance and recommend a condition requiring these accordingly.

The applicants provided a further drainage layout including micro drainage calculations. The Internal Drainage Board continued to seek clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage. No response has been received from Yorkshire Water.

2.5 **Environmental Health Officer (EHO)**

The EHO notes the surrounding residential development and that given the scale of the proposed development there is potential for generation of dust, noise & vibration that requires specific planning control (beyond other regulations) and as such the following conditions are recommended: 1) a Construction Management Statement; 2) working hours limitations, and 3) details of any piling.

2.6 **County Ecologist**

The Ecologist has reviewed the file and the information submitted with the previous application. Bat surveys were carried out which confirmed there was no presence of bats in the main building which was previously proposed for demolition. This proposal no longer puts forward the demolition of the dwelling. There are no further requirements for bat survey and no specific mitigation that is required, however in order to provide enhancement for bats and birds I would recommend that the applicant includes a series of integral bat tubes and bird nest features (such as swift bricks) within the new residential units. A condition is recommended for a Biodiversity Enhancement and Management plan.

2.7 **Tree Consultant**

The Tree Consultant raises no objection to the proposal, recommends that the retained trees be made the subject of a TPO to protect their future. Conditions are recommended requiring a landscaping scheme to be submitted and tree protection measures for the retained trees.

2.8 **Natural England**

No comments

2.9 **Yorkshire Wildlife Trust**

No comments

2.10 **Riccall Parish Council**

Object on the grounds of overdevelopment, access and insufficient turning space at the entrance.

2.11 **Waste and Recycling Officer**

The Waste and Recycling officer advises that proposed layout that a bin presentation point has been identified and requests that this is moved closer to the junction with the main road to reduce the amount of time the collection vehicle will need to remain parked. As there are four properties the developer will be required to pay for the waste and recycling containers.

2.12 **Contaminated Land**

The Contaminated Land Consultant considers the submitted Phase 1 Report is acceptable, including the further proposed site investigation works contained therein. Conditions are recommended requiring: 1) investigation of land contamination prior to development; 2) a detailed remediation scheme prior to commencement of

development; 3) verification of remedial works, and 4) reporting of unexpected contamination.

The applicants have provided a Phase 2 Ground Investigation Report. The Contaminated Land Consultant considers the Report acceptable and agrees with the conclusion that no further investigation. The Consultant recommends a condition in respect of unexpected contamination.

Publicity

- 2.13 The application was advertised by posting a notice close to the site. Following this publicity, 14 responses. 12 letters of support, 1 letter of objection and 1 representation. A summary of the comments raised are listed below:

Support

- Makes use of an overgrown/unused area
- Close to village amenities and bus route
- National housing shortage
- Small scale developments are in demand
- The application is greatly improved, better proportioned layouts, gardens space, retention of trees and visitor car parking
- Extra homes will deliver more customers for local driving instructor
- Looks a great site would be a beneficial development
- Improve the outlook of the site
- Improvement on the previous scheme
- Opportunity to provide new family homes in a sustainable village environment

Object

- Hope that the previous comments are taken into consideration
- Overbuilt conservation area
- Traffic problems
- Servicing refuse collection causing issues

3. SITE CONSTRAINTS

- 3.1 The following constraints have been identified.
- The site is located within the defined Development Limits of Riccall.
 - The site is outside but immediately adjacent the Conservation Area, there are no other heritage assets on or near the site.
 - There are no designated assets of ecological value on or near the site.
 - The site sits within Flood Zone 1, the area of lowest flood risk.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises 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.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF and, in particular, the sections listed below
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the framework -

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

Selby District Core Strategy Local Plan (CS) 2013

- 4.6 The relevant CS Policies are:

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

Selby District Local Plan (SDLP) 2005

- 4.7 The relevant saved SDLP Policies are:

T1 Development in Relation to the Highway network
 T2 Access to Roads
 ENV1 Control of Development
 ENV2 Environmental Pollution and Contaminated Land
 ENV25 Control of Development in Conservation Areas
 RT2 Open Space Requirements for New residential Development

Supplementary Planning Policies and Guidance

- 4.8 Planning contributions are a material consideration and therefore the Council's Adopted Developer Contributions Supplementary Planning Document represents a material consideration in determining the application. The development plan also includes the Riccall Village Design Statement Supplementary Planning Document (VDS) and the Riccall Conservation Area Appraisal both of which are a material consideration.

National Planning Policy Framework 2021

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

NYCC Minerals and Waste Joint Plan 2022 (MWJP)

- 4.10 The relevant Minerals and Waste Joint 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

Supplementary Policy Documents

- 4.11 Relevant SPD's are:
- NYCC Interim Parking Standards
 - Riccall Village Design Statement
 - Riccall Conservation Area Appraisal May 2021

5. ASSESSMENT

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

1. Principle of Development
2. Impact on Historic Environment
3. Design and visual amenity
4. Residential Amenity
5. Access & Highway Safety
6. Ground Conditions
7. Impact on Nature Conservation
8. Trees
9. Flood Risk & Drainage
10. Waste & Recycling
11. Affordable Housing

12. Housing Mix

Principle of Development

- 5.1 The site is located within the defined development limit of Riccall on land to the rear of an existing dwelling.
- 5.2 Saved CS Policy SP1 states 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. CS Policy SP1 is therefore consistent with national policy set out in Chapter 2 of the NPPF.
- 5.3 Saved CS Policy SP2A sets out the District's settlement hierarchy and directs development to the majority of new development to towns, however, CS Policy SP2A(a) states Designated Service Villages such as Riccall have some scope for additional residential growth.
- 5.4 Saved CS Policy SP2 also states proposals for development on non-allocated sites must meet the requirements of Saved CS Policy SP4. Saved CS Policy SP4 lists the types of residential development that will be acceptable within development limits. In relation to Designated Service Villages this relates to replacement dwellings, redevelopment of previously developed land, and "appropriate scale development" on greenfield land (including garden land and conversion/redevelopment of farmsteads).
- 5.5 Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly.
- 5.6 The proposal puts forward a development for housing on a small site within an existing settlement and as such meets both the aspirations of the local plan and the NPPF and as such is acceptable in principle.

Impact on Historic Environment

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a general duty in exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.8 Relevant development plan policy includes: Policies SP18 and SP19b) of the Core Strategy, Saved Policy ENV25 of the Selby District Local Plan and Chapter 16 of the NPPF. These policies require conservation of historic assets which contribute most to the District's character, and ensure development contributes positively to an area's identity and heritage in terms of scale, density and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area. Selby DC has prepared a Conservation Area Appraisal for Riccall, which was adopted in September 2022. The appraisal provides good background information about the heritage asset. The site itself lies outside the Conservation Area, though borders it on three sides.

Conservation Area Appraisal (CAA)

5.9 The adopted appraisal sets out that the Conservation Area was designated in 1978 and reviewed in 1995, the boundary has been adjusted to take account of post-1995 development mainly to the south and some minor changes elsewhere. The conservation area boundary has been drawn around the historic core of Riccall prior to its expansion in all directions from the mid-1970s to the present day.

5.10 The CAA appraisal summaries the special interest in the introduction as follows:

Riccall is a highly successful former agricultural settlement with examples of a variety of buildings largely dating to the eighteenth and nineteenth centuries reflecting the relative wealth of the settlement at that time. The exceptions are: the Grade I listed Church of St Mary the Virgin which incorporates late twelfth and early thirteenth-century architecture; parts of the Grade II listed and scheduled York Prebendary Manor House which incorporates the remains of fifteenth and sixteenth-century structures; and, the Grade II listed Bagram Hill Farmhouse which may date back to the seventeenth century. Although surviving historic plot boundaries are rare, the historic roads and lanes survive well and the church is located centrally to the west of the Main Street, the former main road from York to Selby. Although the village is almost entirely surrounded by late twentieth-century housing, the historic core remains reasonably legible.*

The extent of the contribution made by a building to the character and appearance of the conservation area is not limited to its street elevations but also depends on its integrity as an historic structure and the impact it has in three dimensions. Rear elevations can be important, as can side views from alleys and yards.

5.11 The site adjoins the boundary of this historic core. The CAA states that views make an important contribution to the availability to appreciate the character and appearance of the Conservation Area.

5.12 Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage asset. The application is accompanied by a Heritage Contribution Assessment for the revised scheme dated March 2021 and is an addendum to the previous Heritage Assessment. This has been undertaken by 1 Voyage Ltd. There is no professional accreditation stated on the report research suggests this is a limited company. The report does not include the Conservation Area Appraisal for Riccall as it pre-dates the issue of the appraisal. It does however assess the amended scheme against the heritage asset and the amendments

5.13 Paragraph 199 of the NPPF requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.14 The Council's Conservation Officer has been consulted and raises concerns with regard to the proposal due to its impact on the character and appearance of the Conservation Area. Whilst the site is not within the Conservation Area, it is on the boundary, enclosed by the Conservation Area on three sides, and as such has the

potential to impact on views into and out of the Conservation Area thus affecting its setting.

- 5.15 The Conservation Officer is of the view that, whilst the scheme has reduced from 7 to 4 dwellings, the number of dwellings located to the rear remains as 4, therefore the concerns raised previously have not been addressed. The spacious garden currently makes a positive contribution to the setting of the Conservation Area providing an attractive backdrop created by the trees on the site. The development would obscure these views. The Conservation Officer accepts that the roadside appearance has improved with the part retention of the front garden to Tamwood. In conclusion, the Conservation Officer is of the view that the proposal is still overdevelopment of the site and the design of the dwellings do not reflect the local distinctiveness of the area. The proposal, in the opinion of the Conservation Officer, would be harmful to the setting of the Conservation Area. In terms of the level of harm, it has been decided that the proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should then be weighed against the public benefits of the proposal.
- 5.16 The Heritage Assessment concludes that the harm to the heritage asset is weighed against the delivery of housing within the village as a windfall site. It also states that there will be additional landscaping which will 'green' the site.
- 5.17 Officers consider that there will be less than substantial harm to the character and appearance of the Conservation Area as identified by the Conservation Officer, however, it is considered on this particular occasion that the harm is outweighed by the delivery of housing within a designated service village and on land within Flood Zone 1 (low probability). Significant weight has been attached to the previous officer's recommendation to grant permission and that there has not been any change to the pertinent policies and material considerations. The consideration of the heritage impact is finely balanced, however, based on the previous officer recommendation and the public benefits put forward the proposal is therefore considered to be acceptable and compliant with national and local planning policies in this regard.

Design and Visual Amenity

- 5.18 Saved Policy ENV 1 of the Local Plan, Policies SP4 and SP19 Design Quality of the Core Strategy and Chapter 12 of the NPPF set out the key considerations in relation to design. In particular, CS Policy SP4(c) seeks to both preserve and enhance the character of the local area and SP4(d) requires development of garden land to be of an appropriate scale that is assessed as follows:

"..in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy."

- 5.19 The Village Design Statement (VDS) adopted in February 2012 is a material consideration in determining the application. The VDS seeks to explain the context and character of the village to allow new forms of development in the village to be sympathetic. The VDS understands that new development will "look new" but expects this to be undertaken in a way that fits in with the context of the village.
- 5.20 The proposed design and materials have taken reference from the local character, the proposed bricks are of a multi red brick which will blend in with the older and more recent dwellings, the roof materials proposed are slate which will tie in with the older properties. Features such as heads and cills have been incorporated to reflect the

appearance of dwellings around the site. Some features used in the design have resulted in a more modern appearance. Comments raised by the Conservation Officer with regards to the designs not being in keeping have been taken on board, however, in light of the site being situated between the historic core of the village and the newer modern housing development, on balance officers are of the view that the design and appearance is acceptable and would not have a significant adverse impact on the visual appearance of the area. Also, given the site is located in a backland position it is likely to be seen in context with the newer housing development and not in context with the street scene along Station Road or the historic core on Main Street as the site is bound by mature trees along with western boundary.

- 5.21 Paragraph 130(c) of the NPPF states that, in achieving decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. On balance, officers are of the view that the design and appearance is acceptable and sympathetic to the modern local character and the historic setting.

Residential Amenity

- 5.22 CS Policy SP4(c) states that “*in all cases proposals will be expected to protect local amenity.*” SDLP Policy ENV1 provides eight broad aspirations for achieving ‘good quality development’ that should be taken into account where relevant. SDLP ENV1(1) requires “*the effect upon... the amenity of adjoining occupiers*” to be taken into consideration. Paragraph 130 of the NPPF, requires developments to be high quality, well designed, fit for purpose and have a high standard of amenity for existing and future users. In addition, paragraph 130 of the National Design Guide provides helpful advice on how to determine whether an amenity space is appropriate for its users. It states that consideration should be given to how the associated building sits in the wider context, who will use the amenity space and the quality of the space.
- 5.23 The siting of the proposed dwellings would meet with the good practice separation distance guidelines (21 metres for facing windows and 11 metres for secondary window, apart from the distance between plot 5 and 7 Station Rise to the east of the site which is around 7.8 metres. On the basis that there is just one window in the side elevation of plot 5 which is landing window at first floor level and a door at ground floor level, this is considered to be acceptable. The private amenity space to 4 Station Road is to the south of the property. The height of plot 5 to the eaves is around 5.1 metres with the roof sloping away from 4 Station Road, to a ridge of around 8 metres from ground level. The attached garage proposed to plot 5 is around 3.6 metres to the ridge. Officers are of the view that this arrangement is acceptable and would not result in any overlooking or dominance. The occupiers of 4 Station Road have not made any objection to the proposal. Plot 4 is around 8.2 metres to the highest point and the pair of semi-detached dwellings, Plots 2 and 3 are around 8.7 metres to the highest point.
- 5.24 Plots 2, 3 and 5 have 3 bedrooms and Plot 4 has 4 bedrooms. There are two parking spaces for each dwelling in addition to a double garage to plot 4 and a single garage to plot 5 which as suitable to provide parking space. An assumption is made that the development can accommodate 9 vehicles. Highways have not made any comment or assessment with regards to vehicle trips, however, it can be assumed that there would be at least two vehicle trips per vehicle. This could result in a minimum of 18 vehicle trips accessing and egressing from the proposed access between Tamwood and 3 Station Road. The bin presentation point is also sited along side the private

drive adjacent the boundary with 3 Station Road. 3 Station Road is protected from noise and disturbance potentially created through traffic movements and the refuse collection points by the retained hedge on the boundary. Tamwood is protected from unreasonable impact through comings and goings by the proposed fencing to the rear and the wall to the side and front.

- 5.25 The Council's Environmental Health officer has been consulted and advises conditions which would protect the neighbours from any unreasonable impact during construction.
- 5.26 In summary, officers consider that the proposals will not create significant adverse impacts that are prejudicial to the residential amenity of existing or future residents and that the amenity space provided for future occupiers is sufficient, and the proposals accord with CS Policy SP4 and SDLP Policy ENV1.

Access & Highway Safety

- 5.27 Saved SDLP Policy T1 states that development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer. Saved SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.28 Paragraph 110 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 5.29 NYCC Highways Officers advised that no visibility splays have been annotated on the plan, a turning area did not include a swept path analysis to demonstrate it was sufficient for emergency vehicles. An amended plan has been provided showing the visibility splays at the access but no swept path within the turning area. The Highways Officer has been re-consulted and advises that the details are still not acceptable. This has been passed on to the agent and it is hoped that the details are submitted for Highway Offices consideration and the outcome can be presented to Members verbally. Policy VP1 and the NYCC Interim Parking Standards requires:
- 2 and 3 bed dwellings: 2 off street parking spaces;
 - 4+ bedroom: three off street parking spaces.

Sufficient on-site parking has been provided in line with the parking standards. Subject to the agreement of the Highways Officer once details are provided the proposal will comply with the aforementioned policies.

Ground Conditions

- 5.30 CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.31 Saved SDLP 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.

- 5.32 Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions.
- 5.33 The application is supported by Contaminated Land Assessment. The Contaminated Land Consultant has assessed the Report and agrees with the conclusion that no further investigation. A condition in respect of unexpected contamination is recommended and is considered by Officers to be appropriate.
- 5.34 Subject to this condition, the proposal is considered acceptable from a ground condition perspective and the proposals comply with CS Policy SP19 and SDLP Policy ENV2. Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/landowner.

Impact on Nature Conservation

- 5.35 Relevant policies in respect of nature conservation and protected species include CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain 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).
- 5.36 NPPF Paragraph 174 (d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.
- 5.37 The application is supported by a bat survey and scoping report that confirms the house was highly suitable to support roosting bats and the garage is of lower suitability. The submitted report confirms that accordingly bat activity surveys are required and that these must be undertaken prior to determination of the planning application. This proposal now excludes the host dwelling.
- 5.38 The County Ecologist recommends that no further assessments are required however in order to provide enhancement for bats and birds recommend that nesting features and bat tubes are included. With regards to landscaping, the inclusion of native species would be welcomed which will offset the impact on the habitat and a Biodiversity Management Plan is recommended. The proposal is therefore considered to be acceptable in accordance with CS Policy 18 and NPPF Paragraph 174(d).

Trees

- 5.39 Core Strategy policies SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF seek to protect and enhance valued landscapes and take opportunities to minimise the impacts of climate change. The Council's Tree Consultant has advised that there are no objections to the proposal and the tree report submitted with the application is a fair representation of tree stock on site. It has been recommended

that the retained trees are the subject of a tree preservation order (TPO) and that conditions are imposed requiring replacement of trees to be removed and tree protection is provided prior to commencement.

- 5.40 Trees not only provide an important contribution to climate change and landscape character but in this case they are an important contribution to the green character on the boundary with the Conservation Area.
- 5.41 Subject to the conditions recommended by the Tree Officer, officers are of the view that the proposal is acceptable in relation to trees and a TPO will ensure longer term protection of the most important trees.

Flood Risk & Drainage

- 5.42 Core Strategy Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.
- 5.43 The site is located within Flood Zone 1 (area of lowest risk) and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 159.
- 5.44 In respect of foul drainage, whilst a number of methods of disposal are suggested within the submitted information, both the IDB and Yorkshire Water recommend sustainable drainage is sought first and foremost. There is no objection from Yorkshire Water in respect of foul drainage via the mains sewer.
- 5.45 The applicants have undertaken percolation testing that demonstrates soakaways are not achievable. The proposed disposal of surface water via mains connection, and in this instance ultimately to Riccall Dam (Gosling Marsh Clough), is acceptable.
- 5.46 The applicants engineer has provided a drainage layout which Yorkshire Water and the IDB have raised no objection to.
- 5.47 A condition is recommended to ensure that the drainage strategy is delivered as agreed. The proposal is therefore considered to have put forward acceptable drainage solutions and therefore complies with the aforementioned policies.

Housing Mix

- 5.48 Policy SP8 of the Core Strategy states that all proposals should contribute to the creation of mixed communities by ensuring that the types and sizes of the dwellings reflect the local demand and profile of households evidenced from the most recent strategic housing market assessment, whilst having regard to the existing mix of housing in the locality.
- 5.49 The most recent strategic housing market assessment is the Housing and Economic Needs Assessment (HEDNA) October 2020, with an addendum June 2022. The HEDNA does not drill down to the housing need within a particular settlement but sets out the needs across the district. Therefore, the assessment of the housing mix takes account of the locality. The proposal puts forward a mix of semi-detached and detached houses, with three and four bedrooms. It is considered that the proposal puts forward a mix of house types and bedrooms which would be consistent with and

compliment the locality. Representations state that the area is in need of quality family homes, which the proposal puts forward. Paragraph 60 of the NPPF states that in supporting the Government's objective to significantly boost the supply of housing it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. On this basis the proposal is considered to be acceptable.

Affordable Housing

- 5.50 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the district. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the district.
- 5.51 Paragraph 64 of the NPPF states that affordable housing contributions should not be sought for residential developments that are no major applications. Major applications are defined as 10 or more dwellings. The proposal is for 4 dwellings as such affordable housing contributions are not being sought. Officers consider that the NPPF is more up to date than the Core Strategy policy SP9 and as such attracts more weight in the consideration.

Waste & Recycling

- 5.52 CS Policy SP15B(a) supports the incorporation of facilities to support recycling. The Council's Adopted Developer Contributions Supplementary Planning Document (March 2007) is also a material consideration and requires development of 4 or more dwellings to provide bins at the applicant's expense.
- 5.53 The Council's Waste & Recycling Officer raised comments with respect to the bin collection point. The plans show bin storage within each occupants' curtilage. The Waste and Recycling Officer has asked if the bin presentation point can be located closer to the road so as to reduce the time in which the refuse vehicle will need to remain parked. The amended plans have not addressed this comment
- 5.54 On balance, the proposal makes provision for bin storage within each curtilage and a presentation point close to the access. The access will need to remain with clear visibility as such the proposal is considered to be acceptable. The developer will need to provide the bins at their expense. A condition is recommended with regards to the provision of bins prior to first occupation.

Minerals Safeguarding

- 5.55 The application site is located within an area identified for the safeguarding of mineral resources. 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.
- 5.56 The application is a backland development for the purposes of minerals safeguarding and is one of the exemptions listed in paragraph 8.55 of the MWJP. Further, the site is within a low risk coal area as identified on the Coal Authority's Interactive Map and

as such a Coal Mining Risk Assessment is not required and the development is not regarded to be at a high risk posed by coal mining features.

- 5.57 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 considered all of the above, officers are of the view that the proposal will lead to less than substantial harm to the Riccall Conservation Area. National Planning Policy (NPPF) provides the most up to date policy on heritage considerations and states that where a proposed development will lead to less than substantial harm there should be public benefits that outweigh that harm. Taking into account the special attention paid to the desirability of preserving and enhancing the character or appearance of the Riccall Conservation area as imposed by the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all of the material benefits put forward by the applicant, Officers have taken the view that the proposal delivers public benefits that outweigh the harm for which significant weight has been attached.
- 6.2 The proposal seeks to deliver housing development within an existing settlement that is in accordance with the aspirations of both local and national planning policy. The Government's objective is to significantly boost the supply of homes (Paragraph 60 of the NPPF) and small/medium sized sites are considered to make an important contribution to meeting the housing requirement (Paragraph 69 of the NPPF). The proposal delivers a mix of housing in a sustainable location with good access to local facilities.
- 6.3 On balance, taking into account all of the material planning considerations above, the proposal is considered to be sustainable development as set out in the NPPF and as such recommended accordingly. The representations put forward by interested parties and consultees have been taken into account, however, officers have attached significant weight to the delivery of housing in line with National Planning Policy.

7. RECOMMENDATION

Planning Permission be Granted subject to the following conditions and informatives.

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

Reason:

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

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

Proposed site layout 105 Rev P02
Proposed elevation 530 Rev P00
Proposed floor plan 510 Rev P00

Proposed floor plan 210 Rev P00
Proposed elevations 230 Rev P00
Proposed floor plan 410 Rev P00
Proposed elevations 430 Rev P00
Proposed elevation 431 Rev P00
Drainage Layout DR-C-0100 Rev P3

Reason:

For the avoidance of doubt.

03. No development shall commence on site before the developer has implemented the approved (Rosetta Landscape Design documents) 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:

To ensure the trees shown for retention are protected during construction in line with policies SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF.

04. 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:

To ensure the trees shown for retention are protected during construction SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF

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

Reason:

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

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

Reason:

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

05. 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 line with policy SP18 Protecting and Enhancing the Environment of the Core Strategy and paragraph 183 of the NPPF.

06. Prior to occupation of the approved scheme, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason:

To ensure appropriate landscaping of the site in the interests of visual amenity and in accordance with Policy SP18 Protecting and Enhancing the Environment of the Core Strategy and paragraphs 152 and 174 of the NPPF.

07. The approved boundary treatment shall be completed prior to occupation of the approved dwellings. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

Reason:

To safeguard privacy and ensure satisfactory levels of amenity for future occupiers of the proposed dwellings and that of neighbouring dwellings having had regard to Policy ENV1 of the Selby District Local Plan.

08. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 2:
- a. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON:

In accordance with SDLP Policies T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

09. Prior to any development above ground, details of the materials to be used in the construction of the exterior walls and roof shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

10. The development shall be carried out in accordance with the measures outlined in Section 8.5 of the submitted Bat survey.

Reason:

In order to establish a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

INFORMATIVES

01. 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.

02. Coal authority informative

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

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

8.3 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 A S106 agreement will be entered into upon the issue of a planning approval providing contributions to open space improvement and provision of waste and recycling facilities.

10. Background Documents

10.1 Planning Application file reference 2022/0534/FUL and associated documents.

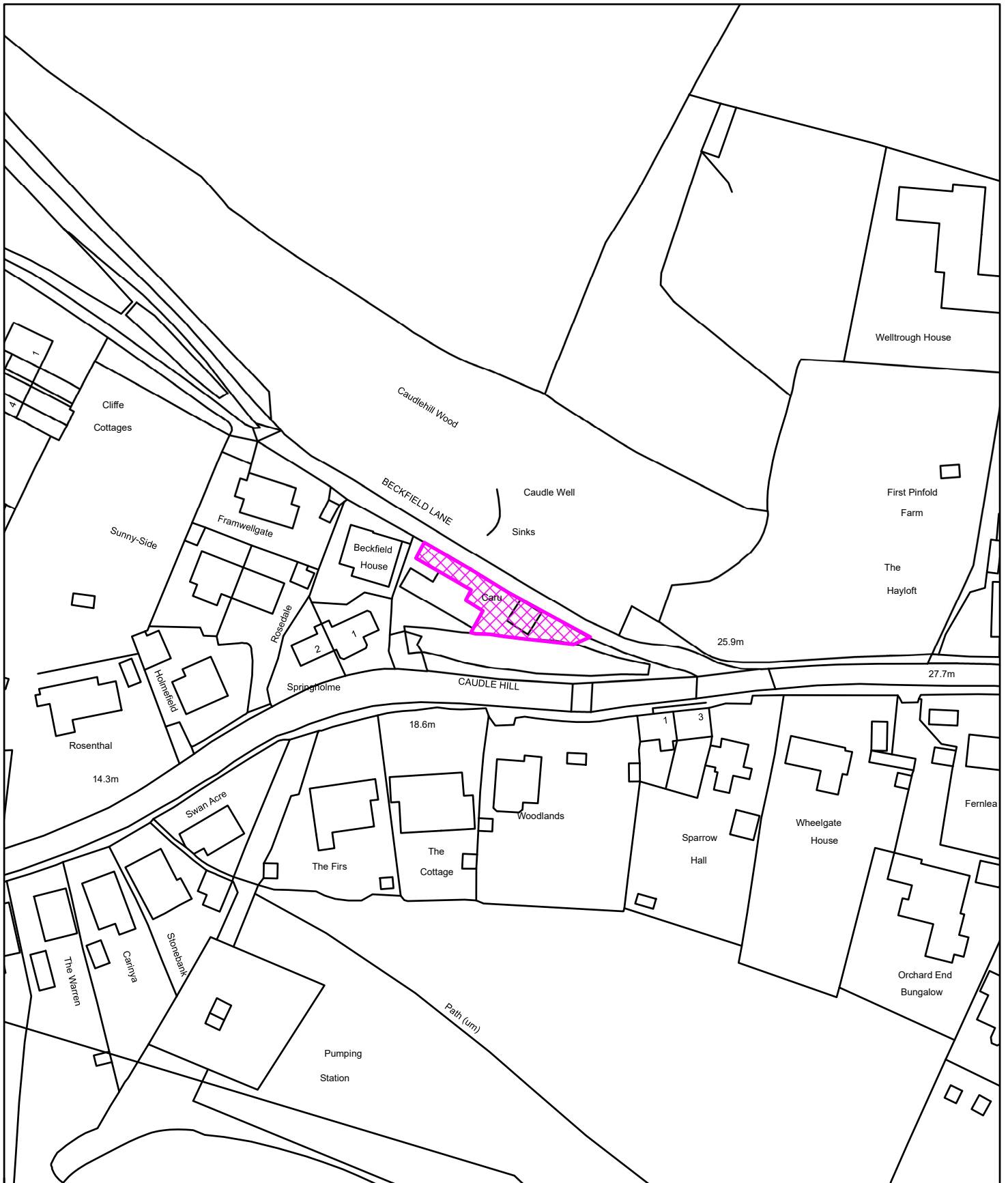
Contact Officer: Diane Holgate (Principal Planning Officer)

Appendices: None

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Agenda Item 5.2

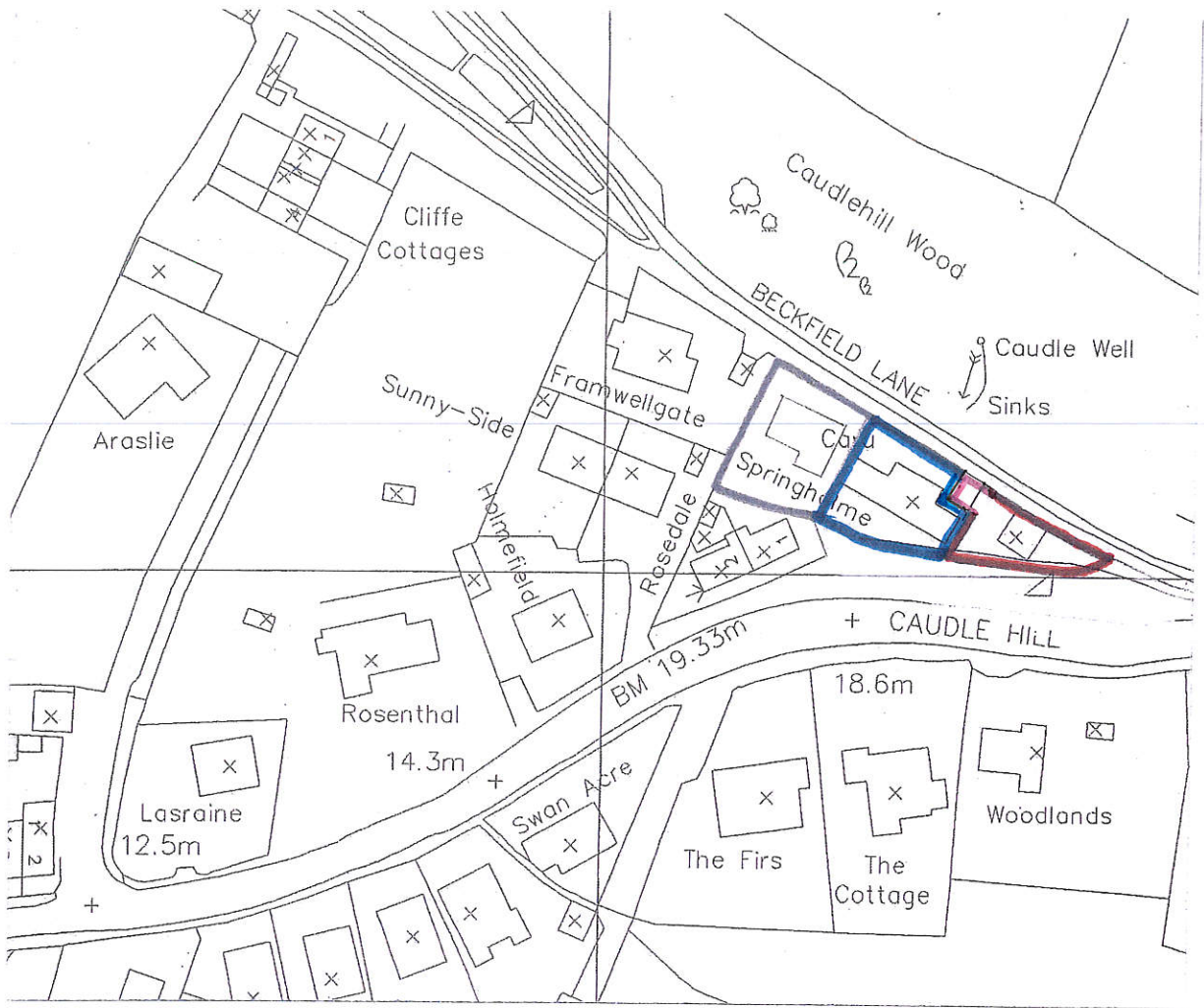
Caru, Beckfield Lane, Fairburn
2021/1501/FUL



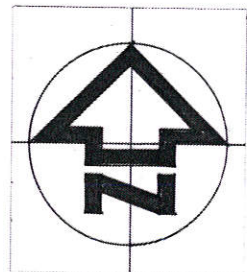
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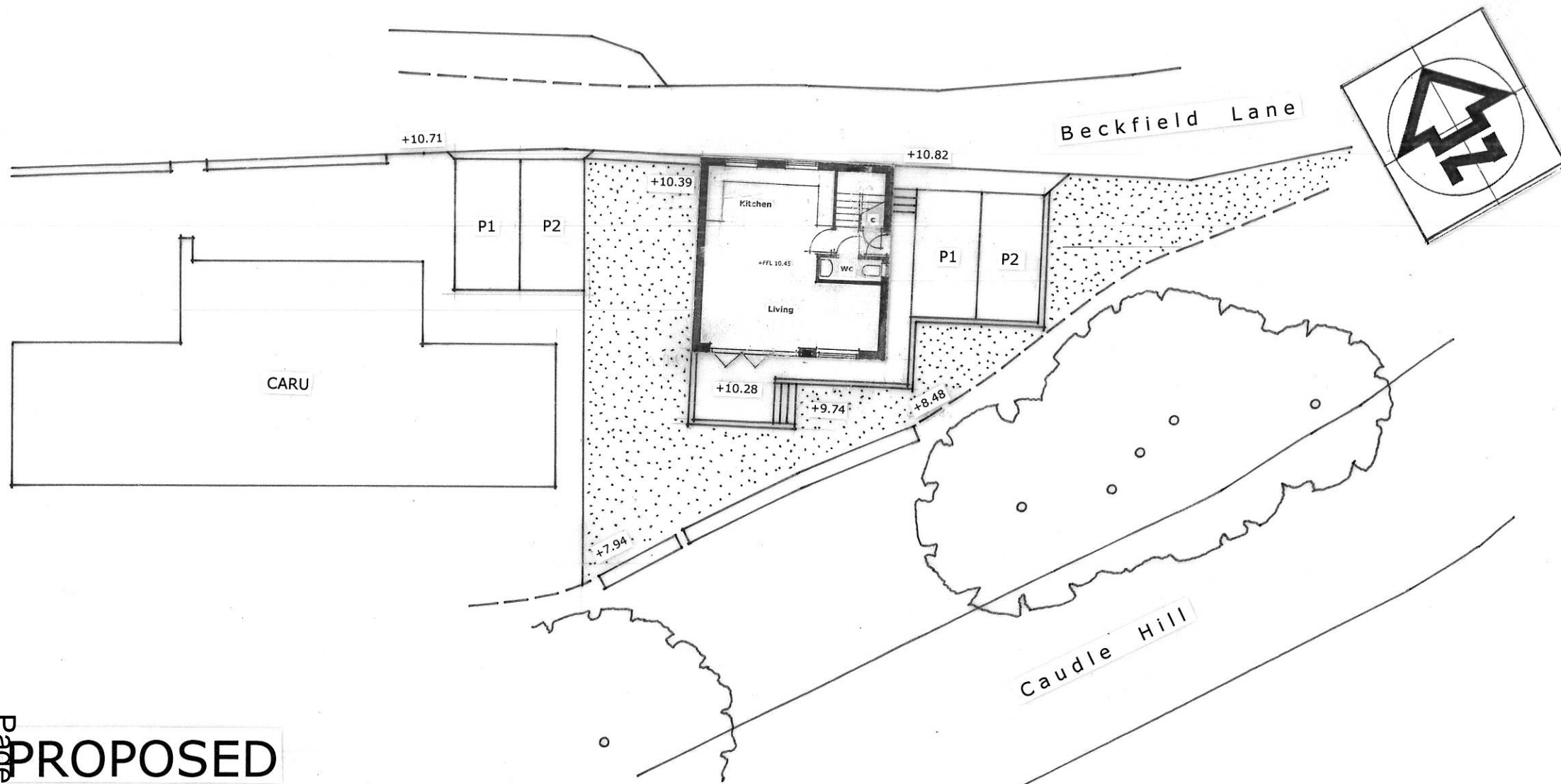
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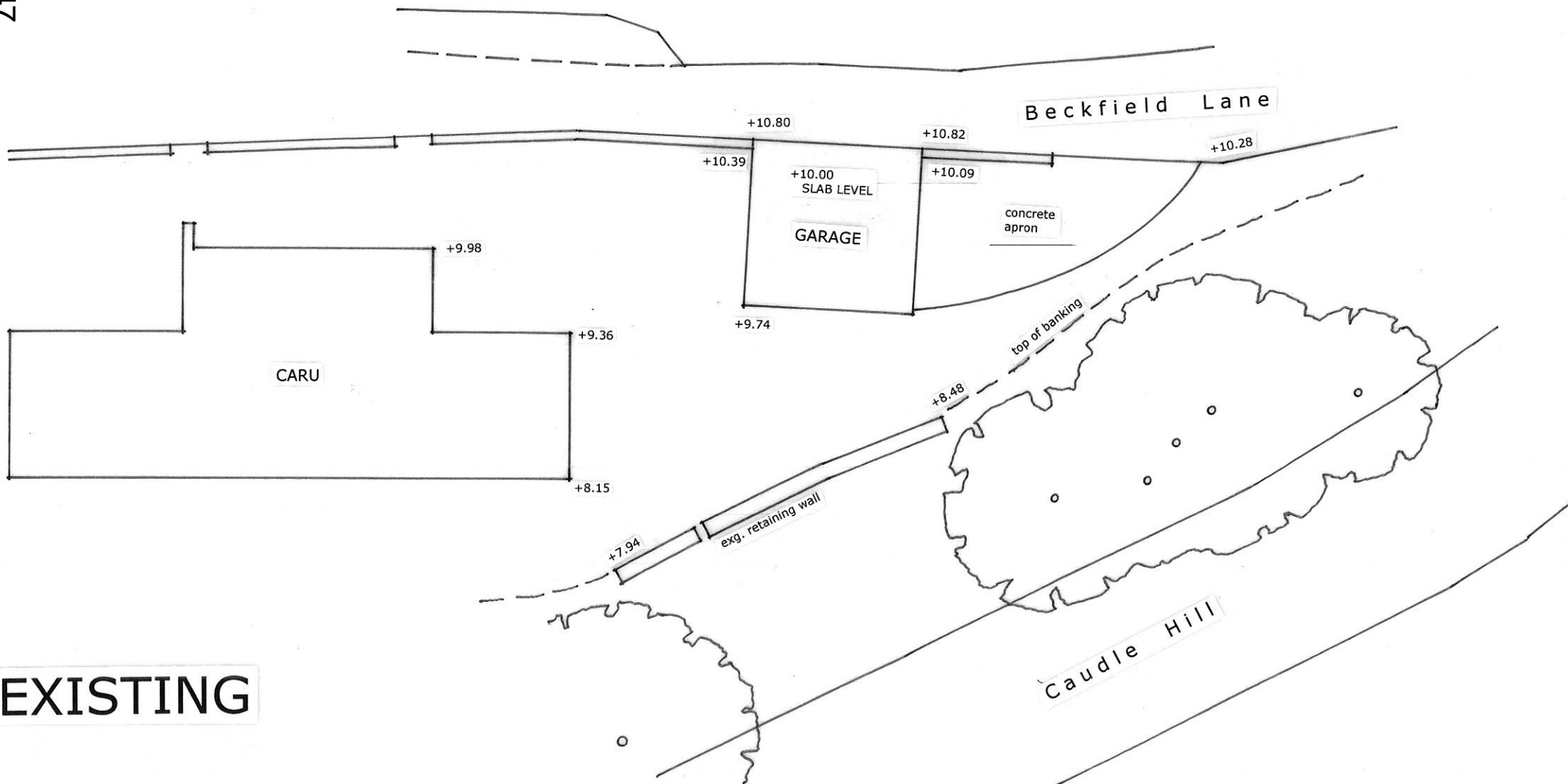
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LOCATION PLAN 1.1250



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Page 47
PROPOSED



EXISTING



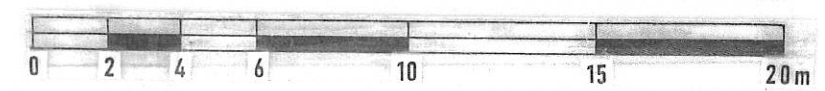
BDL
 Building Design (UK) Limited
 CHARTERED ARCHITECTURAL TECHNOLOGISTS
 Tayson House, Methley Road, Castleford, West Yorkshire, WF10 1PA
 Telephone: 01977 604737 E-mail: bdukl@aol.com Fax: 01977 604778

Land Adjacent to Caru
 Beckfield Lane
 FAIRBURN WF11 9JQ

SITE PLANS

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Report Reference Number 2021/1501/FUL

To: Planning Committee
Date: 11th January 2023
Author: Elizabeth Maw
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/1501/FUL	PARISH:	Fairburn Parish Council
APPLICANT:	Mr Dobson	VALID DATE:	23rd December 2021
		EXPIRY DATE:	17th February 2022
PROPOSAL:	Erection of 1 No dwelling following demolition of existing garage		
LOCATION:	Caru Beckfield Lane Fairburn Selby North Yorkshire WF11 9JP		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received, including 10 letters of support. The letters raise material planning considerations and officers are recommending the application to be determined contrary to the 10 letters of support.

The application was deferred at the November committee meeting to enable officers and the planning agent to discuss whether the proposal could be re-designed to overcome highway visibility issues. Amended plans have been received for which the Local Highways Authority have raised no objection, therefore, the application is now being brought back before Planning Committee.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a plot of land occupied by a garage, and parking and grassed areas, which are part of a planning unit of a dwelling known as Caru. This is an elevated site that stands between Beckfield Lane and a treed embankment, there are significant changes in land levels between the site and Beckfield Lane, the site slopes steeply from the north to the south.

- 1.2 The site is within development limits of Fairburn.
- 1.3 The officer's recommendation at the November committee meeting was to refuse the application due to the principle of the development due to the site being in a secondary village and as such contrary to the growth and settlement strategy and highway safety concerns. Members resolved to defer the application to enable officers and the planning agent to discuss whether the proposal could be redesigned to overcome highway visibility issues.
- 1.4 Amended plans have been received following the last committee. The dwelling is now proposed to be set back from the edge of the highway by 2m. NYCC Highways have checked the amended plans and have removed their objection to the scheme as they consider that the setting back of the dwelling would now allow for sufficient visibility.
- 1.5 To ensure visibility splays remain free from obstruction in the long term, the front wall at Caru must not exceed 600mm and permitted development rights would have to be removed for boundary treatments beyond the principal elevation of the two dwellings. To be able to impose a condition for loss of boundary permitted development rights, the red line boundary of the application site has had to increase to include the front garden of Caru. This red line boundary change has also warranted re-advertisement. The new publicity period will expire before the Planning Committee meeting of 11th January and any additional representations that are received will be made known to Members at committee in the Officer Update Note.
- 1.6 As the scheme has now satisfied previously highlighted highway safety concerns, the highways refusal reason has been omitted. However, the recommendation to refuse the application remains because the principle of the development is considered contrary to policy.

The Proposal

- 1.7 The proposal seeks to build a two-bedroom dormer bungalow, following demolition of the existing garage. Externally the property would have two parking spaces, a patio and grassed areas surrounding the dwelling.
- 1.8 The site plan shows two car parking spaces would be created within the revised curtilage of the host property to compensate for the parking that would be lost if the development were to go ahead. These two additional spaces are outside the red line boundary but fall under the same ownership as the applicant.

Relevant Planning History

- 1.9 The following historical applications are considered to be relevant to the determination of this application.
 - CO/1990/0973 - Erection of a double garage. Granted 13-JUL-90.
 - 2005/1201/FUL - Proposed erection of a 2 no bedroom dwelling on site of existing garage. Refused 01-DEC-05.
Reasons for refusal:

01 The proposal would constitute over development of the site, which would also be visually detrimental to the character and appearance of the surrounding area. The proposal would be contrary to Policy H6 (7) of the SDLP.

02 The proposal would not provide a satisfactory standard of private amenity space for the dwelling and in turn would decrease the amenity area for the existing dwelling to an unacceptable level. Therefore, the proposal would not comply with Policy H6 (2) of the SDLP.

- 2013/0853/FUL - Erection of a two bedroom, zero carbon holiday cottage on land
Refused 11-OCT-13.
Reason for refusal: The proposed scheme fails to provide sufficient parking for both the existing dwelling of Caru Beckfield Lane and the proposed holiday cottage. The failure to provide sufficient parking and the removal of the existing car parking will lead to vehicles displacing onto the highway. The proposal is considered not to be acceptable in highway safety terms and therefore fails to comply with policies ENV1 (2), T1 and T2 and the advice contained within the NPPF.
- 2014/0224/FUL - Erection of a two bedroom, zero carbon holiday cottage
Granted 19-JAN-15.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

Initial Comments 06.01.2022

The level of car parking proposed is satisfactory, however the proposed dwelling will block any visibility to the southeast for the existing dwelling and northwest for the proposed dwelling. In order to achieve visibility splays, the proposed should be set back from the highway boundary by 2m. If visibility spays cannot be provided, the application is considered unacceptable from a highways point of view.

Second Comments 21.11.2022

Further to the amended plan consultation, the building has been set back from the highway boundary and therefore no longer obstructs the 2-metre setback visibility splay. No objections are raised to the available visibility, subject to conditions. The conditions recommended include conditions for surface water drainage, construction to be up to highway standards, a construction management plan and no obstructions to the visibility splay.

2.2 **Yorkshire Water** - No response received.

2.3 **Selby Area Internal Drainage Board** - No comments received.

2.4 **Environmental Health** - The proposed development is near existing residential premises and may therefore negatively impact upon residential amenity of the area during demolition and construction due to the potential for generation of dust, noise & vibration. To protect the residential amenity of the area a condition should be applied to control the construction hours.

2.5 **Contaminated Land Consultant** - The Screening Assessment Form shows that the site is currently part of a domestic property, including a detached garage. No

fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present.

The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a condition is recommended which will require the reporting of any unexpected contamination.

2.6 **County Ecologist** - The roof and verge of the existing garage look well sealed and maintained. On balance, the risk of bats being present is probably too low to warrant a survey. No other concerns either.

2.7 **Fairburn Parish Council** - No response received.

2.8 **Tree Consultant** - The site is alongside a treed banking, which falls outside the ownership of the landowner of the application site. According to Selby DC land ownership records, it is not owned by the council either. The landowner of the treed banking is therefore not known.

The construction of the dwelling is unlikely to affect the trees on the banking below. However, the trees could result in shading to the patio area, which will increase pressure to prune or fell the adjacent trees in the future. It would be preferable to TPO the trees on the banking to protect their long-term future, but this is not an option at present as the landowner is not known.

On balance, no objections to the application because the applicant does not own the banking so they would not have the right to fell the trees. However, if the trees become affected in the future by either pruning or felling or the landowner comes forward, the LPA may review the case again and serve a TPO.

2.9 **Publicity**

The application has been advertised by site notice. Two letters of objection and ten letters of support were received by the Local Planning Authority. In summary the comments made are:

Support

- The development would have no effect on privacy.
- The development has no detriment to the surroundings.
- Growth and new development should be supported in the village.
- Two letters offered their support for the scheme but did not provide reasons for supporting the application.
- There is plenty of room for off-street parking and the amount of traffic will be negligible.
- The development would allow a couple to downsize to a smaller property and enable them to stay in the village close to their friends and neighbours.
- The development would allow a family dwelling to be put onto the market in Fairburn, which will in turn support the local school.

Object

- Impact on privacy to occupiers of housing on Caudle Hill.

- Potential damage to trees.

3. SITE CONSTRAINTS

- 3.1 The site is within Fairburn, a secondary village and 'fourth tier' village as defined by the Selby Core Strategy. The site is in an elevated position and has a treed banking to the south. The site is not vulnerable to flooding (flood zone 1). Access is from Beckfield Lane, which is a single file road with no footpaths.
- 3.2 The site is within a minerals safeguarding area and coal referral area (low risk).

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises 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.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF and, in particular, the sections listed below
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the framework -

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

4.6 The most relevant chapters of the NPPF are:

- 2 - Achieving sustainable development
- 4 - Decision making
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well designed places

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
- 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 the Highway Network
- T2 – Access to Roads
- VP1 – Vehicle Parking Standards

NYCC Minerals and Waste Joint Plan 2022 (MWJP)

4.9 The relevant Minerals and Waste Joint 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

Supplementary Planning Documents

4.10 Fairburn Village Design Statement (adopted February 2005)

Supporting Policy Documents

4.11 NYCC Interim Parking Standards

5. APPRAISAL

5.1 The main issues to be considered when assessing this application are:

- Principle of the development
- Design and impact upon the character of the area

- Impact upon surrounding residential properties
- Residential Standards
- Highway safety and parking

Principle of the Development

- 5.2 Policy SP1 of the Selby Core Strategy seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social, environmental conditions in the area.
- 5.3 The application site lies within the defined development limits of Fairburn, which is designated as a Secondary Village in the Core Strategy. This is a ‘fourth tier’ settlement in the settlement hierarchy as set out in Core Strategy SP2.
- 5.4 SP2 of the Core Strategy governs the council’s approach to housing in the district, with the majority of development located to the main town centres or designated service villages which have ‘some’ scope for additional development. Below these tiers the policy moves to restricting development unless specific circumstances are met, i.e. limited development may be absorbed within secondary villages (such as Fairburn) where it will enhance or maintain vitality or rural communities and which conform to the provisions of SP4 and SP10. If the development fails to address these two requirements it should be refused unless justified by other material considerations.
- 5.5 Policy SP4 of the Selby Core Strategy adopts a hierarchical spatial development strategy as it directs most development to towns and more sustainable villages. SP4(a) states that in Secondary Villages, the following is permitted
- “conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversion/redevelopment of farmsteads”.*
- 5.6 The supporting text to Policy SP4 states that the policy identifies the types of residential development that will be acceptable in different settlement types. It is intended to support development in the most sustainable locations, in a way which strikes a balance between maintaining the vitality and longer-term sustainability of all settlements, whilst avoiding the worst excesses of garden grabbing, particularly in smaller settlements. If this action is not taken, unacceptable amounts of housing may be provided in smaller, less sustainable settlements reducing the need for planned allocations of land where the maximum community benefit can be secured and further stretching existing servicing and resources.
- 5.7 The site has historically been part of a residential garden and it replaces a domestic garage; therefore, the site as a whole cannot be classed as previously developed land. To pass the test of SP4(a), the development would have to be defined as the ‘filling of a small linear gap in a built-up residential frontage’.
- 5.8 When considering whether a proposal is defined as the ‘filling of a small linear gap’, a gap must already exist. In this case there is a garage in situ and therefore no gap currently exists. The proposal is an example of developing a garden rather than the filling of a small linear gap. As such, the proposal is considered to be contrary to SP4(a) of the Core Strategy and undermines the Spatial Development Strategy for

the District, particularly the settlement hierarchy, as set out in Policy SP2 of the Core Strategy. The focus on Selby as a Principal Town and on Tadcaster and Sherburn-in-Elmet as Local Service Centres would not be supported by further development taking place outside of the provisions of Policy SP4.

- 5.9 As of 31st March 2022, the district has a 6.1 year deliverable supply of housing. This means that, in line with paragraph 11 of the new NPPF, relevant policies that relate to the supply of housing continue to be considered up-to-date.
- 5.10 Furthermore, the Council has over provided against its housing targets for the past seven years and so passes the Governments housing delivery test. The fact of having a five-year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five-year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site (if its deliverability can be proved by the applicant) would provide one additional dwelling to the housing supply, though the benefits of one additional dwelling would be modest.
- 5.11 Policy SP5 of the Core Strategy designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy does not set a minimum target for individual Secondary Villages but did set a minimum dwelling target for Secondary Villages as a whole of 170 dwellings. This target reflected planning permissions at that time (April of 2011), which have all been built out. Secondary Villages as a whole have already exceeded their minimum dwelling target set by Policy SP5 and it should also be noted that Policy SP2 of the Core Strategy does not require Secondary Villages to accommodate additional growth through allocations.
- 5.12 The provision of one dwelling is considered to be appropriate to the size and role of a settlement designated as a Secondary Village when considered in isolation. However, the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in this settlement that have occurred since the start of the plan period. To date, Fairburn has seen 23 (gross) dwellings built in the settlement since the start of the Plan Period (20 net) in April 2011 and has extant gross approvals for 8 dwellings (8 net), giving a gross total of 31 dwellings (28 net).
- 5.13 The village of Fairburn was considered as part of Background Paper 5, Sustainability Assessment of Rural Settlements, (updated February 2010). The assessment looked at access to services, public transport and employment in each settlement. The survey noted that Fairburn has a primary school, general store, post office but no doctor's surgery. It scored 'poor' for availability to public transport. The assessment gave an overall score of between 1 and 4 for sustainability - 1 being most sustainable and 4 being the least sustainable - with Fairburn scored 3.
- 5.14 As part of assessing this application, an online search was carried out and it found that Fairburn does not have a doctor's surgery and only one bus service, which is 2 hourly and no services in the evenings or Sundays. Therefore, whilst the sustainability assessment was carried out in 2010, a recent online search does not show that access to facilities or public transport has improved in later years. Therefore, it is considered that residents would be dependent on the use of a private car for basic services and travelling to employment.

- 5.15 Whilst officers are of the view that in allowing the application due to its scale would not have a significant impact on the delivery of the development plan and the overall principles of the settlement strategy, the proposal does fail to comply with Policy SP2 of the Core Strategy which seeks to focus new development within the existing settlements best placed to provide services to support new residents and would not be a development that is permitted by Policy SP4(a). It has not been identified that there is any particular housing need that the proposal would meet. The proposed development would therefore be contrary to the aims of sustainable development explicit in the NPPF, particularly paragraphs 11,105 and 124 of the NPPF.

Design and Impact upon the Character of the Area

- 5.16 The NPPF, particularly paragraph 130, states that, amongst other criteria, developments should add to the overall quality of an area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging innovation or change. These criteria are further explained in the governments National Design Guide.
- 5.17 At a local level, saved Policy ENV1 (particularly parts 1 and 4) of the Local Plan and Policies SP18 and SP19 of the Core Strategy seek to ensure developments safeguard and, where possible, enhance the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Developments should have layout and a high-quality design that has regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.
- 5.18 Criteria c) of SP4 requires that all development must protect local amenity, preserve or enhance the character of the local area and comply with any local design codes. SP4 d) requires the application to be of a suitable scale and will be assessed in relation to the density, character and form of the local area.
- 5.19 Fairburn has an adopted Village Design Statement, and this describes the character of the area, its history and its local distinctiveness.
- 5.20 The site stands on Beckfield Lane and has a steep treed banking to the south. The dwelling would replace a detached garage. On Beckfield Lane is a group of dwellings with individual characteristics, but most are small scale and constructed in stone. The sites contribution to the wider character of Fairburn is from views from Caudle Hill.
- 5.21 The proposed house type is a bungalow with dormer looking onto Caudle Hill. Its proportions are similar to the garage it will replace. The bungalow will be partially screened by the trees on the banking to the south but in wintertime, limited foliage will open views of the dwelling from Caudle Hill.
- 5.22 Views from the foot of Caudle Hill is of dwellings, including bungalows and two storey dwellings with a mix of styles and designs. Red brick and stone houses are the most dominant materials. Dormers on the front elevations are not characteristic of the area.

- 5.23 Given the variety of house types on both Caudle Hill and Beckfield Lane and the small proportions of the proposed dwelling, the proposal is deemed to be sympathetic to the character and appearance of the area. The dwelling would stand in an elevated position, but it would not over dominate the area due to its modest proportions and the screening that will be provided by the adjacent treed banking. The proposed dormer on the front elevation is uncharacteristic but would not cause harm to the character of the area or local distinctiveness.
- 5.24 The initial submission and the scheme presented to members in November was a dwelling that abuts Beckfield Lane, as does the existing garage. The amended plans show the dwelling to be set back by 2m. The alternative position is considered to be an improvement in siting terms as it would be less dominant on the street.
- 5.25 The agent has confirmed no engineering operations or retaining walls are required to build out the development.
- 5.26 Therefore, the proposal would accord with policies ENV 1 (1) and (4) of the Local Plan, Policies SP4 (criteria c and d), SP18 and SP19 of the Core Strategy, the NPPF in respect to achieving good quality housing developments and the VDS for Fairburn.

Impact upon Surrounding Residential Properties

- 5.27 Saved Local Plan Policy ENV1 (1) advises proposals should take account of the effect upon the amenity of adjoining occupiers. Core Strategy Policy SP4 (c) expects all proposals to protect local amenity.
- 5.28 The main impact of the dwelling is from its windows and the dormer on the south elevation. These windows, whilst partly screened by the treed banking, will still overlook bungalows to the south of Caudle Hill and the overlooking will be accentuated by its elevated position. Neighbours to the south of Caudle Hill have objected on privacy grounds, as they consider that the windows will look directly into their main living areas.
- 5.29 According to OS maps, the dwelling would have a separation distance of 30m to the houses on the south side of Caudle Hill. At ground floor, the windows of the proposed dwelling and outdoor space could be screened by fencing or a wall. A condition for screening and boundary treatments could be a condition of the planning approval. At first floor is only one dormer window to serve the main bedroom. The applicant has also amended the drawings since submission as the dormer window was initially a full length window/Juliet balcony.
- 5.30 When taking into account the separation distances, available screening at ground floor and the amended size of the dormer window, on balance no adverse harm to the residential amenity of neighbouring occupiers is identified. The scheme therefore complies with parts 1 and 4 of Local Plan Policy ENV1 and Core Strategy Policy SP4(C)

Residential Standards

- 5.31 Paragraph 130 of the NPPF, requires developments to be high quality, well designed, fit for purpose and have a high standard of amenity for existing and future users. In addition, paragraph 130 of the National Design Guide provides helpful advice on how to determine whether an amenity space is appropriate for its users. It

states that consideration should be given to how the associated building sits in the wider context, who will use the amenity space and the quality of the space.

- 5.32 The garden area for the proposed dwelling is an outdoor area to the south and small pockets of grassed areas. It is limited in size and will be shadowed by trees to the south, therefore not ideal in size and location. However, it has open views, the trees in summer would offer shade and privacy, light would filter through in winter. This is also a small two bedroom dwelling. On balance, no objections are raised to the garden size.
- 5.33 The proposed parking spaces on the Caru site reduces the garden space for the existing dwelling. Although, the reduction is not deemed to create an adverse impact on living standards given the small area that is subject to the change.
- 5.34 The internal standards of the dwelling provide all the necessary requirements for day to day living. As such, the residential standards are acceptable.

Highway Safety and Parking

- 5.35 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2. Paragraph 110 of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. Paragraph 111 of the NPPF advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.36 Policy VP1 and the NYCC Interim Parking Standards requires:
- 2 and 3 bed dwellings: 2 off street parking spaces;
 - 4+ bedroom: three off street parking spaces.
- 5.37 The first scheme proposed a dwelling with a siting alongside the edge of Beckfield Lane. This arrangement would have caused significant visibility issues as drivers exiting parking spaces would have to 'edge out' onto the highway blindly.
- 5.38 The amended scheme has set the dwelling back by 2m. This new siting has significantly improved the available visibility and NYCC Highways have removed their objection to the planning application.
- 5.39 The proposed parking spaces for the new dwelling achieves a recommended 45m visibility splay to the west. The visibility for parking spaces at Caru is less than the recommended distance of 45m to the west. However, both NYCC Highways and officers consider that the new parking spaces at Caru is an improvement on the existing situation in Highway safety terms. The existing situation is vehicles reversing onto the highway with limited visibility due to the existing garage. The new spaces would have improved visibility both to the east and west.
- 5.40 Should planning consent be granted, it is recommended that permitted development rights are removed for walls/railing/fencing beyond the principal elevation of the two properties and any existing walls along the frontage are reduced to less than 600mm. This will ensure visibility is available for the lifetime of the development.
- 5.41 Two off street parking spaces are shown for the new dwelling. This is in accordance with local standards. The scheme replaces the current number of spaces for the

existing property (2), which is deemed acceptable even though the number of bedrooms in the existing dwelling is not known.

- 5.42 In summary, no highway safety issues are expected to arise. Therefore, the proposal is in accordance with paragraphs 110 and 111 of the NPPF and Local Plan Policies ENV1(criteria 2), T2.

Minerals and Safeguarding

- 5.43 The application site is located within an area identified for the safeguarding of mineral resources. 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 The application is an infill development for the purposes of minerals safeguarding and is one of the exemptions listed in paragraph 8.55 of the MWJP. Further, the site is within a low risk coal area as identified on the Coal Authority's Interactive Map and as such a Coal Mining Risk Assessment is not required and the development is not regarded to be at a high risk posed by coal mining features.
- 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 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 considered all of the above, it is clear that the proposal should be seen as being in conflict with SP4(a). Policy SP4 provides greater clarity about the way proposals for development on non-allocated sites (often referred to as 'windfall' development) will be managed, by identifying the types of residential development that will be acceptable in different settlement types. The development is unacceptable in principle and is not regarded to meet any of the exceptions for residential developments in Secondary Villages listed in Policy SP4. Conflict also exists with the wider sustainability objectives of the NPPF in that its location will be reliant on the private car and the settlement is regarded as being unsustainable. The above are given significant weight. Chapter 78 of the NPPF states that planning policies and decisions should be responsive to local circumstances and support development that reflects local needs. No local need has been identified.
- 6.2 It is recognised that there needs to be a balance between ensuring the vitality of rural settlements and the encouragement to locate development where it is or can be made to be sustainable with reference to sustainable travel patterns. Plainly, development in smaller settlements without services meets the first aim but conflicts with the second. This is an inevitable tension in relation to rural housing applications such as this. However, the authority have met their housing targets for secondary villages as set out in Core Strategy SP5 and has allowed small scale growth in the village during the plan period.
- 6.3 Overall, in terms of the planning balance, the amended scheme would boost housing supply by one dwelling, it is a development that is sympathetic to the

character of the area, does not cause an adverse impact on local amenity, and provides adequate residential standards and previous highway safety concerns are now resolved. In allowing the proposal, the overall settlement strategy would not be impacted upon due to the small-scale housing delivery, however, officers are of the view that these matters do not clearly outweigh the sustainability issues and the clear conflict with Policy SP4 and as such the proposal is unacceptable in principle.

7. RECOMMENDATION

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

1. The proposed development does not fall within any of the listed acceptable in principle forms of development in secondary villages, which are identified in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy.
2. The proposal would not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. The proposal is therefore contrary to Policies SP1 and SP2 of the Core Strategy and would conflict with paragraphs 11, 105 and 124 of the NPPF.

8. Legal Issues

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2021/1501/FUL and associated documents.

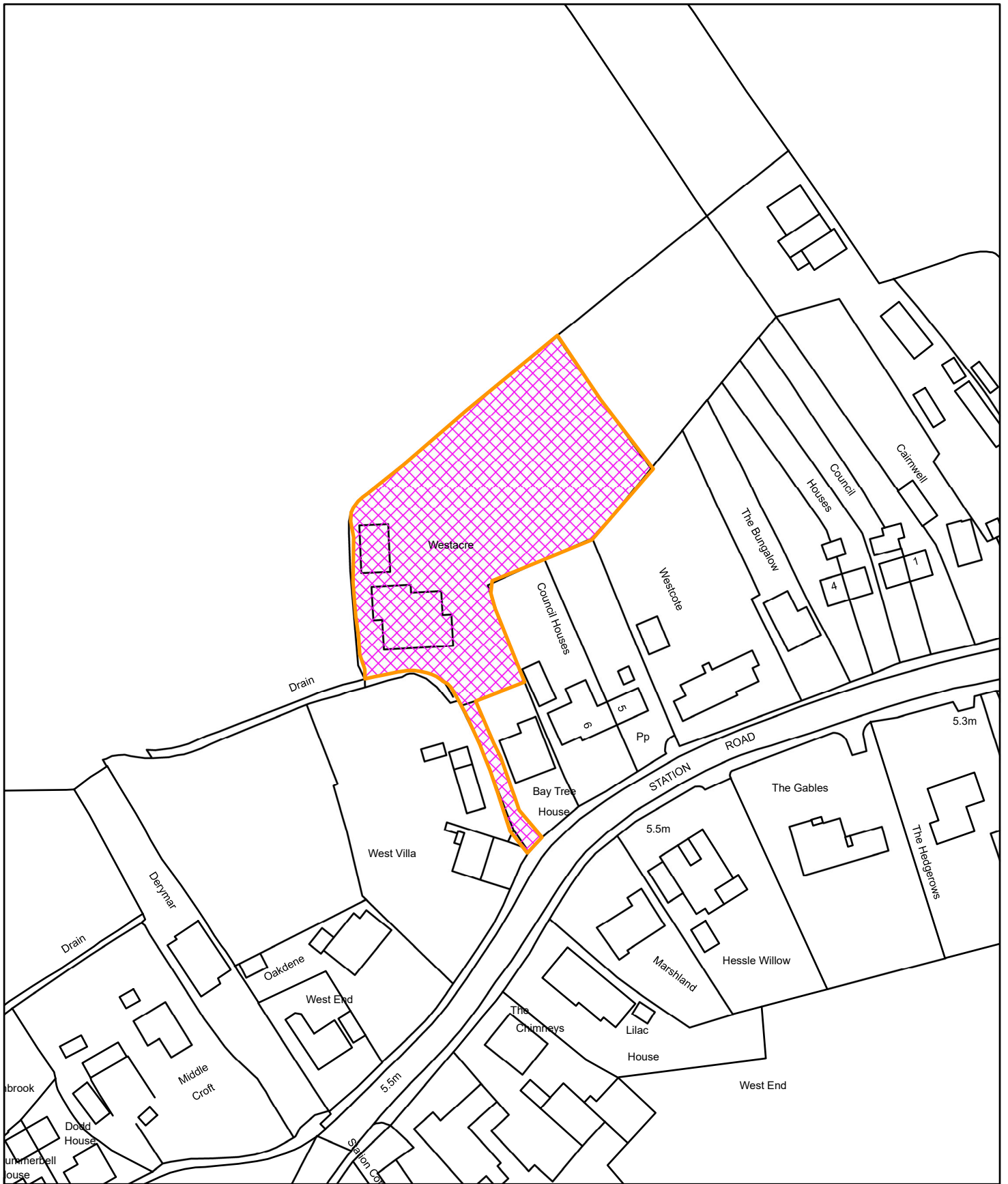
Contact Officer: Elizabeth Maw

Appendices: None

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Agenda Item 5.3

Westacre, Station Road, Wistow
2022/1081/COU



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Report Reference Number 2022/1081/COU

To: Planning Committee
Date: 11th January 2023
Author: Linda Drake (Planning Project Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1081/COU	PARISH:	Wistow Parish Council
APPLICANT:	Mr Jeff Anspach	VALID DATE:	16th September 2022
		EXPIRY DATE:	10 th February 2023
PROPOSAL:	Change of use from just residential to include commercial holiday let (retrospective)		
LOCATION:	Westacre Station Road Wistow Selby North Yorkshire YO8 3UZ		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it is recommended to be approved contrary to the requirements of the Development Plan (Policy H5 of the Selby District Local Plan), but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 Westacre is a substantial detached dwelling with detached garage, set to the rear of existing dwellings on Station Road, Wistow. Planning permission was granted for the dwelling in 2009.
- 1.2 The dwelling sits in large gardens which extend eastwards, the gardens of other dwellings on Station Road back onto the site. To the north and west lies fields. Access to the site is from Station Road, between Bay Tree House and West Villa, a Grade II Listed Building. Part of the site (dwelling and driveway) lie within the village development limits.

The Proposal

- 1.3 Planning consent is sought to retain the use of the dwelling to a commercial holiday let. The business has been operating since 2017. There are no changes to the external appearance of the building or access.
- 1.4 A previous application for change of use to holiday let was refused in 2022 as being contrary to Saved Policy H5. This application is a re-submission accompanied with further supporting information.

Relevant Planning History

- 1.5 The following historical applications are considered relevant to the determination of this application.
 - CO/1980/17044 - Erection of a Private Dwelling & Garage, REFUSED 14-MAY-80.
 - CO/1987/0839 - Outline application for the erection of a dwelling on 0.063ha of land REFUSED 21-AUG-87.
 - 2006/1268/FUL - Erection of a detached dwelling, WITHDRAWN 14-NOV-06.
 - 2006/1560/FUL - Resubmission of withdrawn application 8/36/69B/PA for the erection of 1 No. detached dwelling on land to front PERMITTED 17-JAN-07.
 - 2009/0488/FUL - Erection of a five bedroom detached dwelling following demolition of existing dwelling, WITHDRAWN 06-AUG-09.
 - 2009/1003/FUL - Erection of a five bedroom detached dwelling with detached triple garage following demolition of existing dwelling, PERMITTED 11-JAN-10.
 - 2022/0519/COU – Change of use from residential property to commercial holiday let (retrospective) REFUSED 02-AUG-22. *“The proposal would lead to the net loss of 1no. residential unit. No justification has been provided that meets the criterion set out in Policy H5 and, as such, the proposal fails to comply with Policy H5 of the Selby District Local Plan.”*

2. CONSULTATION AND PUBLICITY

- 2.1 **Economic Development Team** – Support the proposal.
- 2.2 **NYCC Highways Canal Rd** - There are no local highway authority objections to the proposed development.
- 2.3 **Yorkshire Water** - No response within consultation time period.
- 2.4 **Selby Area Internal Drainage Board** - No comments or objections.
- 2.5 **Environmental Health** – No objections subject to conditions relating to restriction of noise and disturbance.
- 2.6 **Conservation Officer** - No objections.

- 2.7 **The Environment Agency (Liaison Officer)** – No response received within consultation time limit
- 2.8 **Wistow Parish Council** - No response received at the time of writing.
- 2.9 **Publicity** - The application was publicised by site and press notice. 32 representations have been received, 31 in support of the application (2 are duplicate letters) and 1 raising objections.

Letters of support

31 representations in support have been received (2 are duplicate letters). The grounds for support are:

- holiday home important for families with disabled family members as fully accessible
- if refused will mean loss of income to local economy
- Westacre business supports other (small) local businesses (including fish and chip shop, pub, taxi company, catering business, yoga business)
- business well run and of a high standard
- bring tourists into local area
- likelihood that if property sold will not be to local people
- applicants make sure that business does not have negative impact on neighbours
- If approved will make village more diverse
- Asset to the area – benefit to Wistow businesses, those in Cawood and Selby, especially following Covid pandemic
- No disturbance to neighbouring dwellings – noise curfew on site
- No highway impact
- There is a lack of quality holiday accommodation within the area

Letter of objection

1 representation objecting to the proposal has been received. The grounds of objection are:

- Westacre is advertised as a party/celebration house, noise from guests is greater than occupation as a dwelling, writer has made several complaints to owners and understand a curfew in place, however noise activity in Westacre garden area prevents enjoyment of neighbouring gardens.

3. SITE CONSTRAINTS

- 3.1 Part of the site lies within the village development limit. The site lies within flood zone 2 (medium probability).

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 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
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
RT11 - Tourist Accommodation
H5 – Retention of the Existing Housing Stock
T1 - Development in Relation to Highway
T2 - Access to Roads

Minerals and Waste Joint Plan

4.9 The relevant Minerals and Waste Joint 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 Relevant sections include:

2- Achieving Sustainable Development
4 – Decision making
5 – Delivering a sufficient supply of homes
6 – Building a strong, competitive economy
14 – Meeting the challenge of climate change, flooding and coastal change
16 – Conserving and enhancing the historic environment
17 – Facilitating the sustainable use of minerals

Supplementary Planning Documents

4.11 Wistow Village Design Statement

5. APPRAISAL

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

- Principle of Development
- Loss of Existing Housing
- Provision of Tourist Accommodation
- Impact on the Designated Heritage Asset
- Flood Risk
- Minerals and Waste

Principle of Development

5.2 Part of the site, the dwelling and the driveway, is located within the development limits for Wistow. The garage and gardens lie outside of the development limit. The dwelling was granted planning permission in 2009 and was built and occupied as a private dwelling prior to being used as a holiday let from 2017. The applicant has provided the business rates reference and an online search shows that the property is listed on 7 websites for large group stays, with bookings into 2023. This application seeks permission for its continued use as a holiday let.

5.3 The change in the use to a holiday let, will mean the loss of large family dwelling. Policy H5 of the SDLP relates to the loss of residential accommodation and states:

“Proposals involving a net loss of residential accommodation will only be permitted where:

- 1. The existing premises are unsuitable for residential use; or*
- 2. The environment is unsuitable for residential use; or*
- 3. The retention of the building for residential purposes would prevent a comprehensive development with significant environmental or highway gain or the achievement of a wider community benefit. Wherever practical, schemes should include some residential accommodation; or*
- 4. The building is required in connection with a small-scale community use or service which requires to be located in a residential area. Wherever practicable, some self-contained residential accommodation should be retained as part of the scheme.”*

- 5.4 The aim of the policy is to ensure the best possible use of existing housing stock to reduce development pressure on greenfield sites. The supporting text to the policy states that proposals involving the potential loss of housing accommodation will be weighed against the potential benefits arising from new and that wherever possible the retention or provision of an element of residential use will be encouraged.
- 5.5 With regards criterion 1, the clearest way to establish whether the existing dwelling is now unsuitable for residential purposes is to put the property up for sale – if the property is not sold then it would be established that there is no longer a need for the property to remain in residential use. The applicant has confirmed that they have not tried to sell the property and that prior to use as a holiday let was advised that if they were to sell it the property would be likely to sell to someone moving into the area rather than a local person. In the absence of any evidence to the contrary the property is considered still to be suitable for residential purposes. The type, condition and location of the dwelling also supports this view.
- 5.6 With regards criterion 2, the existing building lies within the village development limit, is surrounded by other residential dwellings and its previous use as a private dwelling has not raised any issues with neighbouring properties. It is therefore considered to be suitable for residential purposes.
- 5.7 With regards criterion 3, there is no comprehensive redevelopment scheme for this site and this criterion does not apply. With regards criterion 4 the property does not comprise small-scale community use.
- 5.8 In assessment against Saved Policy H5 the continued use as a holiday let would not meet criterion 1 and would result in the loss of a dwelling to an alternative use, resulting in a net loss of 1no. residential unit. The proposal does not comply with Policy H5.

Tourist Accommodation

- 5.9 Local Plan Policy RT11 “Tourist Accommodation” sets out criteria against which proposals for tourist accommodation are assessed. The policy relates specifically to “Tourist Accommodation” and states; “Proposals for service or non-serviced tourist accommodation, including extensions to existing premises will be permitted provided the proposal would be located within defined development limits”, which the application site is, and subject to three criteria relating to the impacts of the development which will be discussed later in this report.

- 5.10 Criteria 1 states that “Proposals for service or non-serviced tourist accommodation, including extensions to existing premises will be permitted provided the proposal would be located within defined development limits”. The existing house lies within the development limit, however the garage and garden area lie outside. Although within open countryside both garage and garden are clearly closely associated with the existing house. The proposal relates to the use of existing development and as the main use (house) lies within the development limit it is considered that criteria 1 is met.
- 5.11 Criteria 2 states that “the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.” In terms of highway safety, the site is accessed by an existing driveway and has on-site parking for up to 8 cars. No alteration is proposed to either access or parking arrangements. The Highway Authority have no objection to the proposal. The proposal would not therefore create conditions prejudicial to highway safety. With regards to local amenity the site lies to the rear of existing dwellings. The dwelling to the front right of the driveway is within the applicant’s ownership. The application site includes a large garden area with patio areas closer to the main building.
- 5.12 One representation has been received objecting to the proposal due to noise generated by guests. Environmental Health have confirmed that the premises has operated as a holiday let since December 2017, during which time one noise complaint was made in October 2018. The applicant states in his supporting documentation that following this complaint, policies were implemented to restrict noise at the site, notably from raised voices and amplified music, by restricting external amplified music after 23:00 and use of signage in external areas requesting that guests avoid causing noise, nuisance or disturbance to local residents. Notwithstanding the objection, no further noise complaints have been received by the Council. Environmental Health acknowledges the noise reduction measures implemented by the applicant and recommends that they are the subject of conditions.
- 5.13 It is considered that, subject to the suggested conditions, that the proposal would result in a detrimental impact on local amenity.
- 5.14 Criteria 3 states “In meeting car parking and access requirements, there would not be a significant adverse effect on the setting of the building or the character of the area”. As there are no changes proposed to access and car parking arrangements, it is not considered that there would be any adverse effect on the setting of the building or local character.
- 5.15 Criteria 4 states “The size and scale of the proposal would be appropriate to the locality”. The dwelling was approved with 5 bedrooms, this has been increased to 7 by re-purposing ground floor rooms – such changes to the internal layout of a private dwelling would not require planning consent. No conditions were placed on the original planning consent restricting the number of bedrooms. No external alterations have been made. Therefore, it’s size and scale are appropriate to the locality. It is considered that the proposal meets the criteria set out in SDLP Policy RT11.

Impact on designated heritage asset

- 5.16 Relevant development plan policies are Core Strategy policies SP18 and SP19 and Local Plan Policy ENV1. These policies require conservation of historic assets

which contribute most to the District's character, and ensure development contributes positively to an area's identity and heritage in terms of scale, density, and layout.

- 5.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a statutory duty upon decision makers when considering whether to grant planning permission to pay special regard to the desirability of preserving listed buildings and their setting, or any features of special architectural or historic interest that they possess.
- 5.18 NPPF Paragraph 193 requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196). Paragraph 197 requires the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application.
- 5.19 The site lies to the rear of West Villa, which is Grade II listed. There are no alterations proposed to the appearance of the dwelling or access. The use of the building as a holiday let is not considered to result in harm to the designated heritage asset. Therefore, the application is considered to accord with national legislation and national and local planning policy in this regard.

Flood Risk and Drainage

- 5.20 The site lies within Flood Zone 2. Core Strategy Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is a material consideration when assessing whether a sequential test is required and how this should be produced and assessed. More recently, in August 2022, the Government has updated its National Planning Policy Guidance to strengthen to consideration of flood risk and climate change in planning proposals.
- 5.21 The proposal is for a change of use and thus there is an exemption to the need for either a sequential or exception test. The vulnerability of the use is also the same. The proposal will use the existing drainage arrangements for the existing building, and it is not considered that the proposal would result in any harm in terms of drainage or flood risk.

Minerals and Waste

- 5.22 The application site is located within an area identified for the safeguarding of mineral resources. 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.
- 5.23 However, as the application relates to a change of use of an existing building it is exempt development in respect of the safeguarding policies and Policy D13.

- 5.24 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.

Planning Balance

- 5.25 The proposal would result in the provision of a large and accessible holiday let within Selby District, adding to the stock of tourist accommodation in the local area. It meets the requirements of Saved Policy RT11. It is clear from evidence submitted by the applicant, representations made and Economic Development's consultation response that the holiday let supports a number of local services and business within Wistow and Cawood and beyond, but primarily within the Selby District. There is a clear economic benefit weighing in support of the proposal.
- 5.26 The use of the property as a holiday let will remove it from the existing housing stock and therefore does not meet the requirements of Saved Policy H5. However, it would not require much change to the property to return it to single family occupation at a future date. Selby District is in greatest need of 2 and 3 bedroomed dwellings, rather than dwellings with more than 4 bedrooms. Therefore, the loss of this large property to a holiday let is considered not to have a significant impact on the housing stock of the District. Furthermore, it could be returned to a private dwelling at a later date.
- 5.27 It is therefore considered that whilst the proposal does not comply with Saved Policy H5, the property could easily be converted back to a single family dwelling in the future. The economic benefits of use as a holiday let to the local area are clear and is considered to be a material consideration in support of the application.

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 whilst the proposal does not comply with Saved Policy H5 of the Selby District Local Plan the continued use of the property as a holiday let would support small businesses within the local area and the economy as a whole. It is considered that this is a material consideration supporting the proposal and justifies recommending approval of the application contrary to the requirements of the development plan.
- 6.2 The proposal is not considered to negatively impact on highway safety, residential amenity, flood risk, nearby designated heritage assets or mineral safeguarding.

7. RECOMMENDATION

This application is recommended to be GRANTED with conditions:

- 01 The development shall be carried out in accordance with the approved plans:

0031-1-A	Location Plan
0031-2-A	Site Plan
0031-3-A	Ground Floor Plan
0031-4-A	First Floor Plan

0031-5-A Elevations (sheet 1)
0031-6-A Elevations (sheet 2)

Reason: For the avoidance of doubt and in the interests of proper planning

- 02 No speakers for amplification of speech or music shall be used on the outside of the premises or on the outside of any building forming a part of the premises between the hours of 2300 and 0700.

Reason: To protect residential amenity of existing residents 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.

- 03 Suitable signage shall be positioned on the outside of the premises or on the outside of any building forming a part of the premises requesting that guests respect local residents and avoid causing noise, nuisance or disturbance.

Reason: To protect residential amenity of existing residents 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.

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 2022/1081/COU and associated documents.

Contact Officer: Linda Drake (Planning Project Officer)

Appendices: None

Agenda Item 5.4

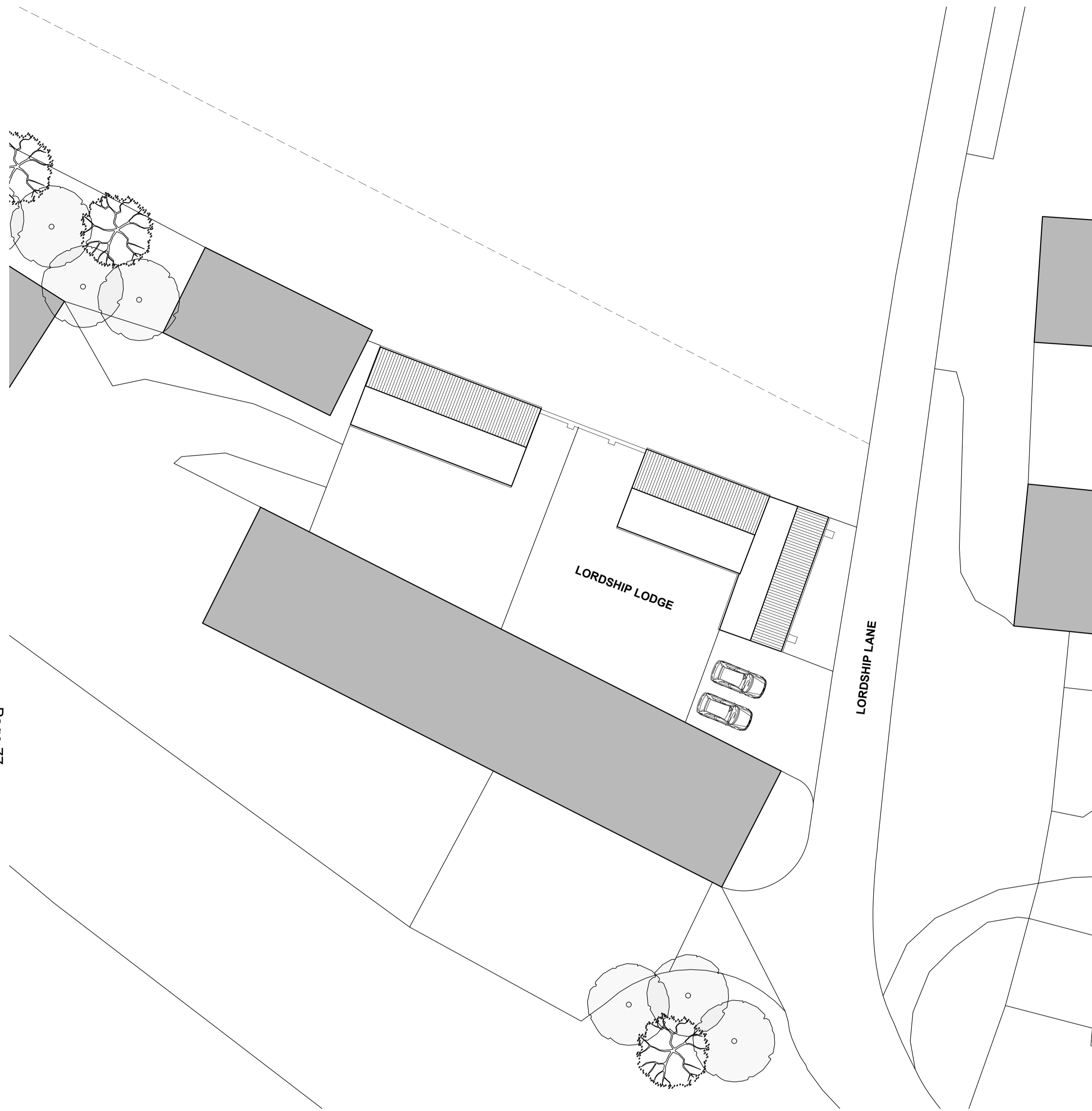
Lodge Farm, Wistow Lordship, Wistow
2022/0838/FUL



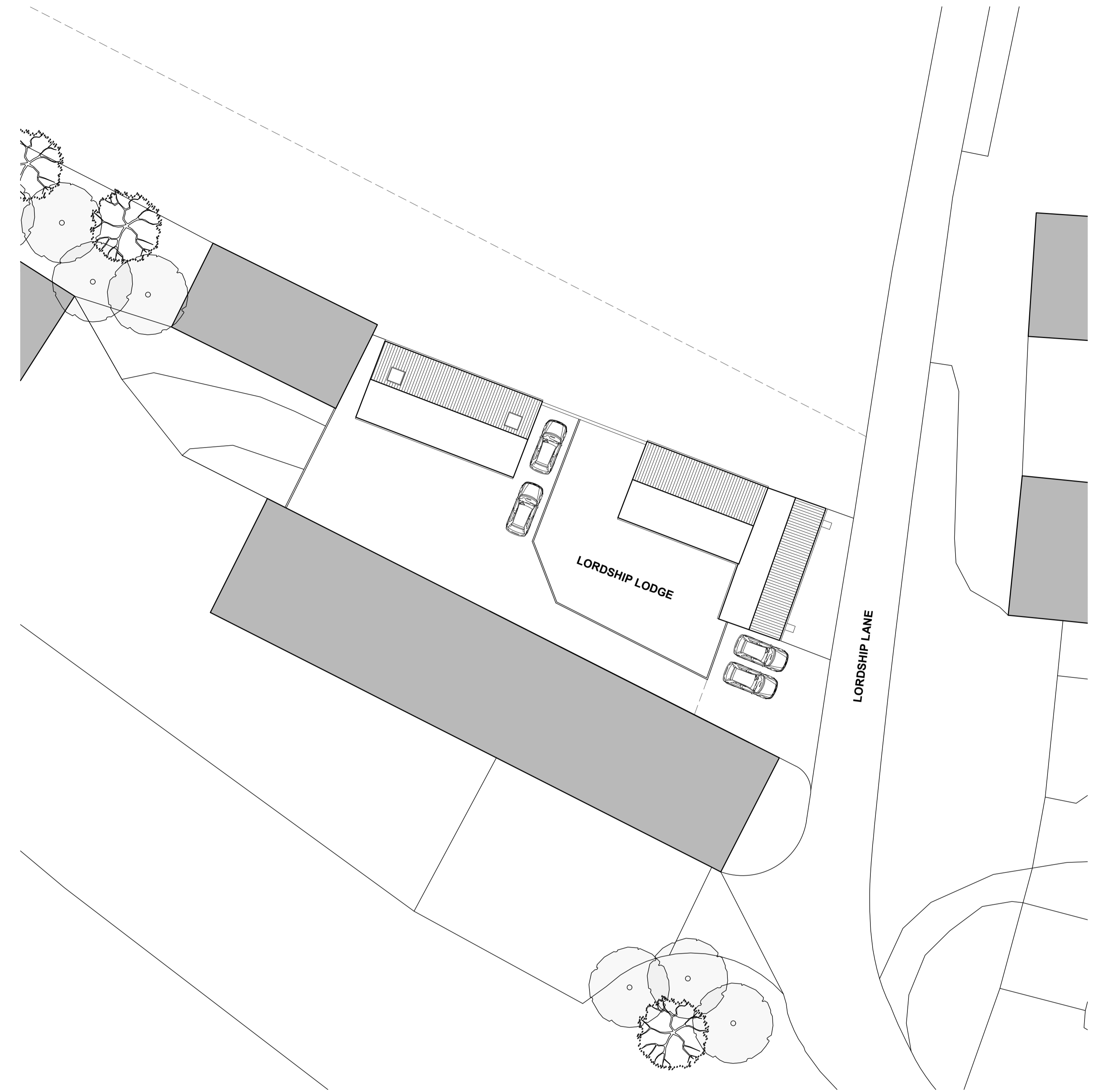
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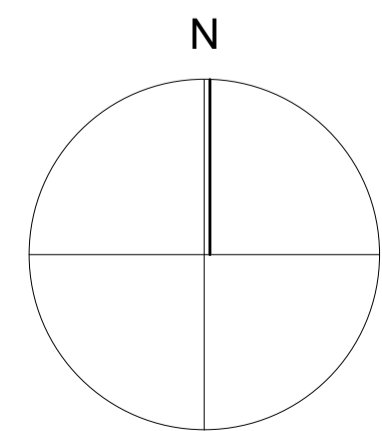
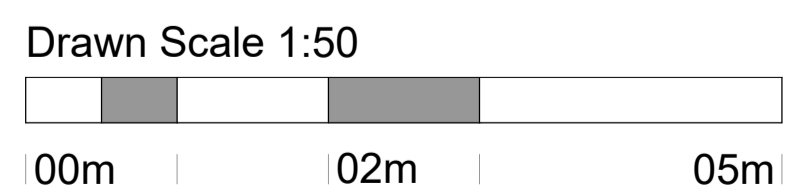
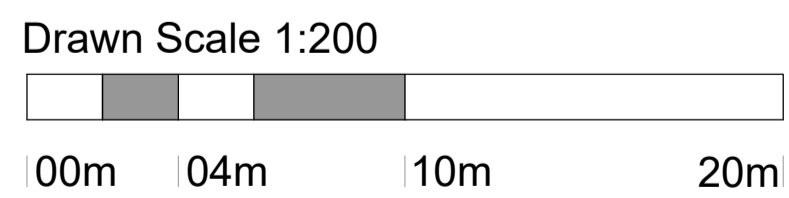
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EXISTING SITE PLAN 1:200 @ A1



PROPOSED SITE PLAN 1:200 @ A1



AMENDED
DRAWING

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION	
In addition to the hazards / risks normally associated with the types of work detailed on this drawing, note the following significant risks and information.	
It is assumed that all works will be carried out by a competent contractor, working where appropriate, to an approved method statement.	
CONSTRUCTION	1. None.
MAINTENANCE	1. None.
DEMOLITION	1. None.

Rev A: 04.11.2022 : Parking arrangements amended

Issue Purpose: PLANNING APPLICATION

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 architects

Client Mr Lee Hirst
 Project 2332 : Lodge Farm : Domestic Extension
 Title Existing and Proposed Site Plans

Issued From
 Date June 2022
 Scale 1:200 @ A1

Drawing Number 2332 - D - 20 - 041
 Revision A

Do not scale from this drawing. Work to figure dimensions, and any discrepancy to be reported to the Architect.
 Refer to larger scale drawings where available.

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Report Reference Number 2022/0838/FUL

To: Planning Committee
Date: 11th January 2023
Author: Linda Drake (Planning Project Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0838/FUL	PARISH:	Wistow Parish Council
APPLICANT:	Mr Lee Hirst	VALID DATE:	1st August 2022
		EXPIRY DATE:	20 th January 2023
PROPOSAL:	Conversion of building to form 2 bed dwelling with parking and private garden		
LOCATION:	Lodge Farm Wistow Lordship Wistow Selby North Yorkshire YO8 3RS		
RECOMMENDATION:	GRANT		

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

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a single storey brick and tile outbuilding which originally belonged to Lodge Farm. There is no longer any agricultural activity at Lodge Farm and the buildings immediately to the east of the application site have been converted to residential use. To the west of the building lies a Dutch barn and further modern buildings to the west and south. Fields lie to the north.
- 1.2 The application site lies outside of development limits and lies in open countryside.

The Proposal

- 1.4 The application seeks permission to convert the agricultural outbuilding to a one 2-bed dwelling, with parking and private garden. The building is constructed from brick and stone and is open to the south with metal columns supported on concrete plinths. The building has recently been re-roofed and blockwork internal walls have been erected. It is currently used for storage.
- 1.5 The application has been amended since the original submission to amend the design and reduce the number of openings to the northern elevation, with changes to the access and location of proposed parking.

Relevant Planning History

- 1.6 The following historical planning applications relate to the application building:
- 2020/1146/ATD - Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development - REFUSED 16-DEC-20 and DISMISSED on APPEAL
- 1.7 The following applications relate to adjacent buildings and are considered relevant to the determination of this application:
- 2021/0316/FUL - Conversion of agricultural barn to 3 nos. commercial units (retrospective) REFUSED 16-JUL-21
 - 2020/0475/FUL - Conversion of the existing barn into a dwelling house after Class Q permitted approval (retrospective) PERMITTED 13-AUG-20
 - 2005/1166/COU - Proposed Change Of Use and conversion of redundant barns to form holiday accommodation REFUSED 02-DEC-05

2. CONSULTATION AND PUBLICITY

- 2.1 **Wistow Parish Council** – No response received within the statutory time period.
- 2.2 **NYCC Highways Canal Rd** - No local highway authority objections to the proposed development and condition recommended relating to creation of private access.
- 2.3 **Yorkshire Water** - No response received within the statutory time period.
- 2.4 **Selby Area Internal Drainage Board** - Have no objection in principle to the proposal and recommend a drainage condition in the event of any approval.
- 2.5 **County Ecologist** - Recommends an informative advising of wildlife protection legislation and the need to seek professional advice if necessary.
- 2.6 **Contaminated Land Consultant** – Due to potential contamination on site from the agricultural use conditions in relation to land contamination are recommended.
- 2.7 **Environment Agency** – Following consideration of the FRA, have no objection to the proposed development provided it is built in accordance with the submitted FRA. The Flood Risk Assessment submitted should be listed as an approved plan.
- 2.8 **Publicity** - The application has been publicised by a press notice and site notices. One representation in support (with no supporting text) was received.

3. SITE CONSTRAINTS

- 3.1 The application site is located outside of defined Development Limits within open countryside. The site is located within Flood Zones 2 (medium probability) and 3 (high probability).

4. POLICY CONSIDERATIONS

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

4.7 The relevant Core Strategy Policies are:

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

Selby District Local Plan 2005 (SDLP)

4.8 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
ENV2 – Environmental Pollution and Contaminated Land
H12 – Conversion to Residential Use in the Countryside
T1 – Development in Relation to the Highway Network
T2 – Access to Roads

Minerals and Waste Joint Plan

4.9 The relevant Minerals and Waste Joint 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)

4.10 The relevant sections are:

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

5. APPRAISAL

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

- Principle of Development
- Suitability of the building for re-use
- Design and Visual Amenity
- Impact on Residential Amenity
- Impact on Highways
- Flood Risk, Drainage
- Land Contamination
- Ecology
- Minerals and Waste

Principle

- 5.2 The application site lies to the west of Lordship Lane set within a cluster of agricultural buildings. These buildings originally formed part of Lodge Farm but have now been sold off separately with the former barns to the east now converted to dwellings.
- 5.3 The application site lies outside of any defined development limits and therefore is located within open countryside in planning policy terms. The building to be converted is a brick-built agricultural storage building, which is currently used for storage but is no longer used for agricultural purposes.
- 5.4 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building.
- 5.5 Core Strategy SP2 sets out the Council's hierarchical spatial strategy that seeks to direct development to existing towns and larger villages in order to deliver sustainable development. Under SP2A(c) the policy seeks to restrict development in countryside.
- 5.6 Policy H12 of the Local Plan (adopted 2005) stipulates the criteria in which conversions of rural buildings will be permitted. Criteria 1 of Policy allows proposals for the conversion of rural buildings to residential uses provided "*it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". The proposal does not meet this criterion and is therefore contrary to the requirements of the Development Plan. However, the approaches taken by Core Strategy Policy SP2A and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12(1), with paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities.
- 5.7 It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.

Suitability of the building for re-use

- 5.8 Criterion (3) and (4) of Local Plan Policy H12 require that "the building is structurally sound and capable of re-use without substantial rebuilding" and "the proposed reuse or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension".
- 5.9 In terms of Criterion (3), evidence on file for application 2020/1146/ATD shows that in 2020 the building was in a poor state of repair. In the intervening period prior to this application being submitted, the building structure was stabilised and re-roofed. The applicant has stated that these works took place to prevent collapse of the building however, the degree of those works are clearly extensive and are beyond repair and required planning permission. However, it is a fact that these works have now taken place and it is the condition of the building as it is now stands which must be assessed on its suitability for conversion.

- 5.10 Whilst no structural survey has been submitted, a visual check on site confirms that the building as it stands is structurally sound. The proposed conversion from its current condition would not result in extensive alteration or rebuilding. On this basis it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.11 In terms of Criterion (4), the proposals would involve a new first floor to parts of the building and staircases. The kitchen area will be dug out by 1m to achieve headroom. No extension to the building is required to facilitate the conversion and the proposals would take place within the fabric of the building as existing. The works required are those reasonably required to convert the building to residential use. On this basis, it is considered that the proposal would comply with Criterion (4) of Policy H12.
- 5.12 In respect of criterion (5), "The conversion of the building and ancillary works, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside". As submitted the design of the proposed conversion was unacceptable. Negotiations have resulted in the following design changes: the removal of openings to the northern wall, which now remains blank, with only two rooflights proposed and insertion of a narrow window to the eastern elevation. The southern elevation would be fully glazed. As submitted the access to the site was shown to be via an existing track on the northern (field) side of the proposed dwelling. This has since been amended with access now gained from the south of Lordship Lodge. The applicant has also agreed to improve the visual appearance of the track. As amended, the proposal retains the strong northern boundary to the former farmstead and would not result in an adverse impact on the character of the building nor local character. A condition is proposed to remove permitted development rights in order that the Local Planning Authority has control over any proposed new openings and a condition is also proposed to require improvements to the existing track.
- 5.13 The approved drainage and septic tank to the adjacent dwelling (approved 2020/0475/FUL) lies to the north-west of the proposed dwelling. It is proposed to connect the proposed dwelling to the same septic tank. Access to maintain and empty the tank is along the field edge to the north, within land owned by the applicant. In order that the access can take the weight of service vehicles the track has been surfaced with hardcore, however this has resulted in a highly visible track being introduced to this rural area, especially when the site is approached from the north. No surfacing details were provided or required as part of the previous application. As part of the current application the applicant has agreed to mitigate the visual impact of this track through grubbing up the central third and grassing that section. Subject to a condition requiring a plan for the greening of the track, it is considered that the level of visual impact can be reduced to a more acceptable level and the impact on the local character reduced. As the track lies outside of the red line a Grampian condition is required, to which the applicant has agreed.
- 5.14 It is considered that, subject to the conditions stated in the above paragraphs that criterion 5 can be met.
- 5.15 In respect of criterion 6, "The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity." As submitted, access and parking to the site was from the north, along the field boundary. The application has now been amended to show access to the south of the existing buildings and parking within the curtilage.

- 5.16 The Highway Authority raised no objection subject to conditions to the proposed access as submitted nor to the amended access.
- 5.17 The proposals are acceptable in principle taking account of saved Policy H12 of the Selby District Local Plan, Policy SP2 of the Core Strategy.

Design and Visual amenity

- 5.18 Saved policy ENV1 of the Local Plan, Core Strategy SP19 and chapter 12 of the NPPF seek to achieve well designed places. The application seeks to convert the existing rural building to residential use. As amended the proposed design is appropriate and would be in keeping with the other conversions at Lodge Farm. It is however recommended that all permitted development rights are removed from the building for future alterations and extensions to ensure that the overall character of the building is not affected by future works.
- 5.19 UPVc windows are proposed and similar have also been used on the adjacent dwelling. It is considered that these are appropriate. The curtilage is appropriate in size and adequate private amenity space provided.
- 5.20 The site is visible in wider views from the north. The existing wall linking the application building to Lordship Lodge is retained and no openings are now proposed to the north. The amended proposal retains the agricultural character of the site.
- 5.21 It is considered that the proposal would not have an adverse impact on the open character of the area or the visual amenity of the local area and thus would accord with Paragraph 150 of the NPPF and Policy SP3 of the Core Strategy.

Impact upon Residential Amenity

- 5.22 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan.
- 5.23 To the north of the proposed development lie open fields. To the east lies Lordship Lodge and a further dwelling the other side of Lordship Lane. There are former agricultural buildings to the south and west. The main windows to the proposed dwelling would face into the private amenity space to the south and would not impact on the amenity of the neighbouring dwelling. Adequate private amenity space is provided for the proposed dwelling.
- 5.24 It is considered that the proposals are acceptable in terms of residential amenity in accordance with Policies ENV1 (1) and H12 (7) of the Selby District Local Plan and national policy contained within the NPPF.

Highway Safety

- 5.25 Policies ENV1(2) and saved policy T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.

- 5.26 The proposed development uses an existing access and would provide parking for two vehicles. NYCC Highways Officers have been consulted on the application and have raised no objections subject to a condition relating to access construction.

Flood Risk and Drainage

- 5.27 The application site is located within Flood Zone 3, which has a high probability of flooding, and the proposal is supported by a Flood Risk Assessment.
- 5.28 The proposal is essentially a 'change of use' of the existing building. As such, the proposed development is not subject to the application of the sequential or exception tests, as set out at paragraph 168 of the NPPF and the more recent National Planning Policy Guidance (2022). However, a site-specific flood risk assessment is still required.
- 5.29 The application was accompanied by an outdated Flood Risk Assessment from November 2015, which described how existing floor levels would be maintained and flood proofing introduced. The Environment Agency have been consulted and have raised no objections to the proposed development subject to a condition which ensures the development is carried out in accordance with the Flood Risk Assessment. The section plans however show how the floor of the building will be excavated in 2 parts at the end of the building, to enable the bedrooms in the roofspace to be created. Although lowering the floor level will make the building more susceptible to flooding, it will in turn provide a first floor place of safety for the inhabitants. The Environment Agency was reconsulted on this specific point and have confirmed that they included the proposed excavation as part of their assessment and have confirmed they have no objection to the proposal.
- 5.30 In terms of drainage, the submitted application form sets out that surface water would be disposed of via a sustainable drainage system and the foul sewage would be disposed of via septic tank. The Ouse and Derwent Internal Drainage Board, Yorkshire Water and the Environment Agency have been consulted on the proposals and none have raised objections to the proposals. The IDB have suggested a condition relating to the disposal of surface water drainage, which could be attached to any permission granted.
- 5.31 The proposal is considered acceptable in terms of drainage, and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

Land Contamination

- 5.32 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.33 The application is supported by a Phase 1 contaminated land assessment. The contaminated land consultant has been consulted and has raised no objections subject to a standard condition relating to unexpected contamination.
- 5.34 The proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 118, 170, 178 and 179 of the NPPF.

Ecology

- 5.35 Core Strategy Policy SP18 (1) and (3) seeks to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats. Paragraph 180 of the NPPF is also relevant.
- 5.36 The Council's Ecologist has been consulted and has advised that as the building has a modern roof and is well maintained and sealed, not providing suitable ledges for nesting birds or barn owls, and only a small possibility of bats using the building, that an ecology survey is not necessary. An informative is recommended advising that professional advice is sought if found necessary.
- 5.37 The proposal complies with the NPPF, Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

Minerals and Waste

- 5.38 The application site is located within an area identified for the safeguarding of mineral resources. 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.
- 5.39 However, the application site involves the re use of a building and would not prejudice or sterilise the site for future mineral resource extraction. In terms of Policy D13 (Coal Mining Risk), again, the proposal involves the use of a building which is in the exemption list and no new buildings are proposed.
- 5.40 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 The application for the conversion of a rural building to a dwelling with parking and private amenity space. Whilst the proposal effectively is contrary to policy H12 criteria 1 which requires a sequential approach to considering the re-use of buildings in rural areas to a business use in the first instance, this is superseded by the Core Strategy and the NPPF, both of which are considered to be more up to date than the local plan policy H12 and as such limited weight is attached to the preference for business use and the proposal meets with all other criteria contained in policy H12. The Government objective is to significantly boost the supply of homes and as such the proposal is considered acceptable.
- 6.2 Subject to relevant conditions it is considered that the proposal would not result in an adverse impact on residential amenity; land contamination; highway safety, ecology or mineral safeguarding and would accord with Policies ENV1, ENV2, H12 and T2 of the Selby District Local Plan, Policies SP1, SP2, SP3, SP15, SP18 and SP19 of the Core Strategy, S01 and D13 of the Minerals and Waste Local Plan and the NPPF and as such is recommended for approval.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to conditions:

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

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

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

- 2332-D20-040 Rev A - Location Plan
- 2332-D20-041 Rev A - Existing and Proposed Site Plans
- 2332-D20-042 Rev B - Existing and Proposed Ground Floor Plans
- 2332-D20-043 Rev C - Existing and Proposed Elevations
- Flood Risk Assessment (AAH Planning Consultants, reference 39446, dated November 2015)
- Sections Drawing

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 03 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the specification of the Local Highway Authority
- The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

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

- 04 Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy and within 3 months of development progressing on site.

Reason:

To prevent increased flood risk downstream of the site during works/development.

- 05 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.

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

Reason:

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

- 07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further openings shall be inserted in the dwelling hereby approved, without the grant of further specific planning permission from the Local Planning Authority.

Reason:

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

- 08 The materials to be used in the conversion of the building shall match those of the existing building in size, colour, texture, bonding and mortar treatment.

Reason:

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

- 09 Prior to commencement of the development hereby approved full details of the proposed method of drainage for both foul and surface water drainage shall be provided to the Local Planning Authority for approval, including soakaway tests should this method of surface water drainage be proposed. The drainage shall be undertaken in accordance with the details approved.

Reason:

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

- 10 Prior to development commencing the access track on the northern side of the approved and existing dwelling shall be reduced in width to two hardcore strips only, these shall retain the existing surfacing material and be appropriate in width for a service vehicle. The central third and the excess hardcore to either side of the

hardcore strips shall be returned to grass. The works shall then thereafter be retained.

Reason:

To protect the landscape character of the local area and to comply with Policy SP3 and SP19 of the Core Strategy and Saved Local Plan Policy H12

INFORMATIVES:

- 01 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 N
- 02 The applicant should be mindful of wildlife protection legislation and seek professional advice if necessary.
- 03 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing in d est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20in%20d%20est%20roads%20street%20works%202nd%20edi.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 03.

- 04 The applicants attention is drawn to the sites location within a coal mining area.

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 2022/0838/FUL and associated documents.

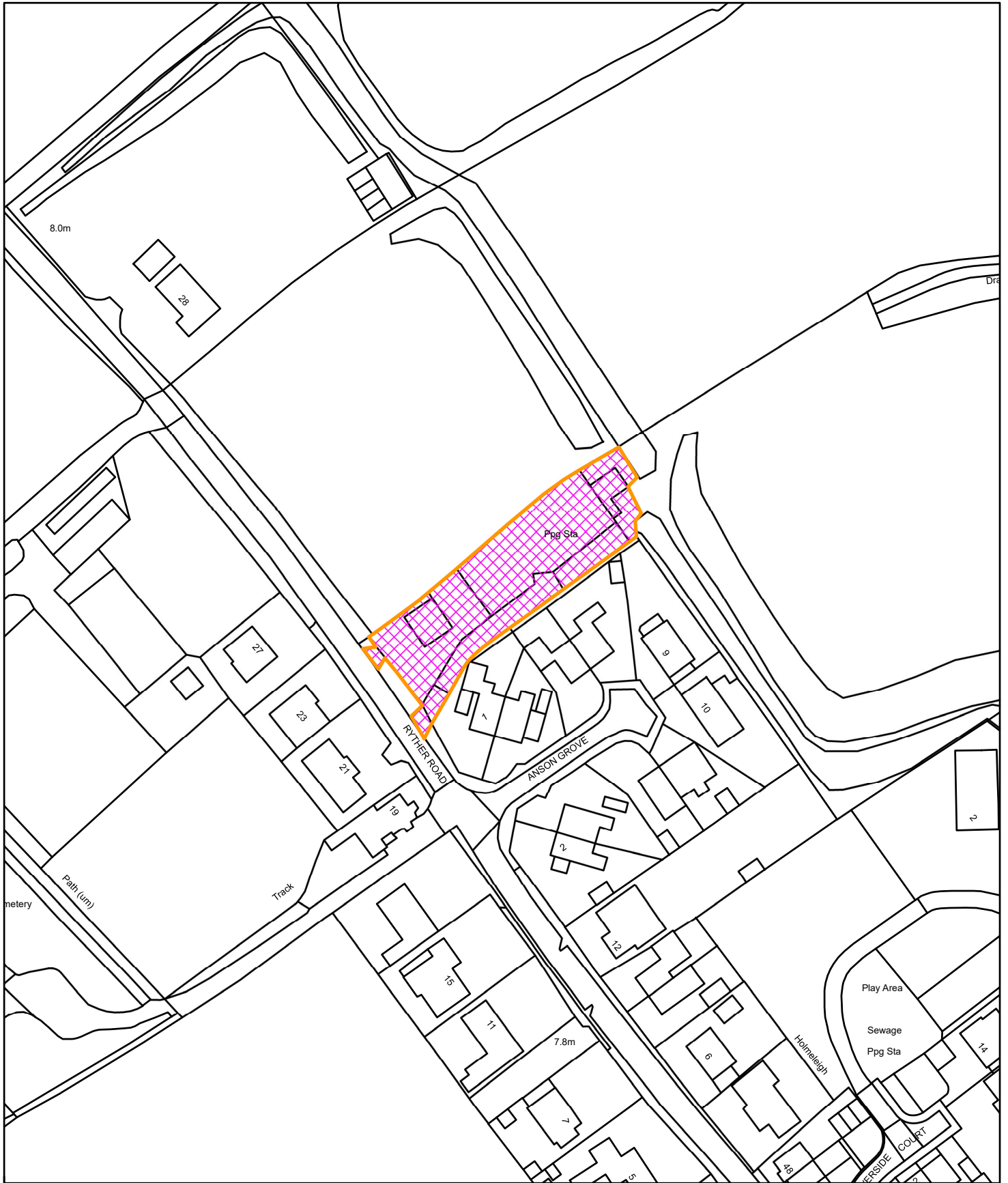
Contact Officer: Linda Drake (Planning Project Officer)

Appendices: None

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Agenda Item 5.5

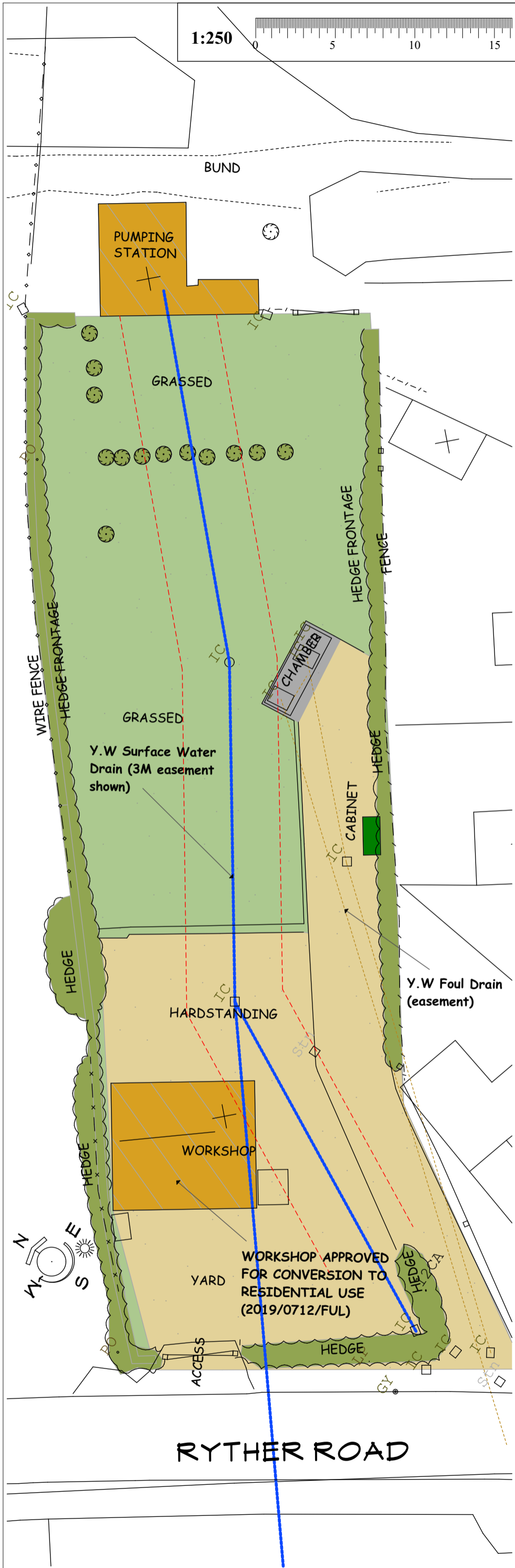
The Workshop, Ryther Road, Cawood
2022/0789/FUL



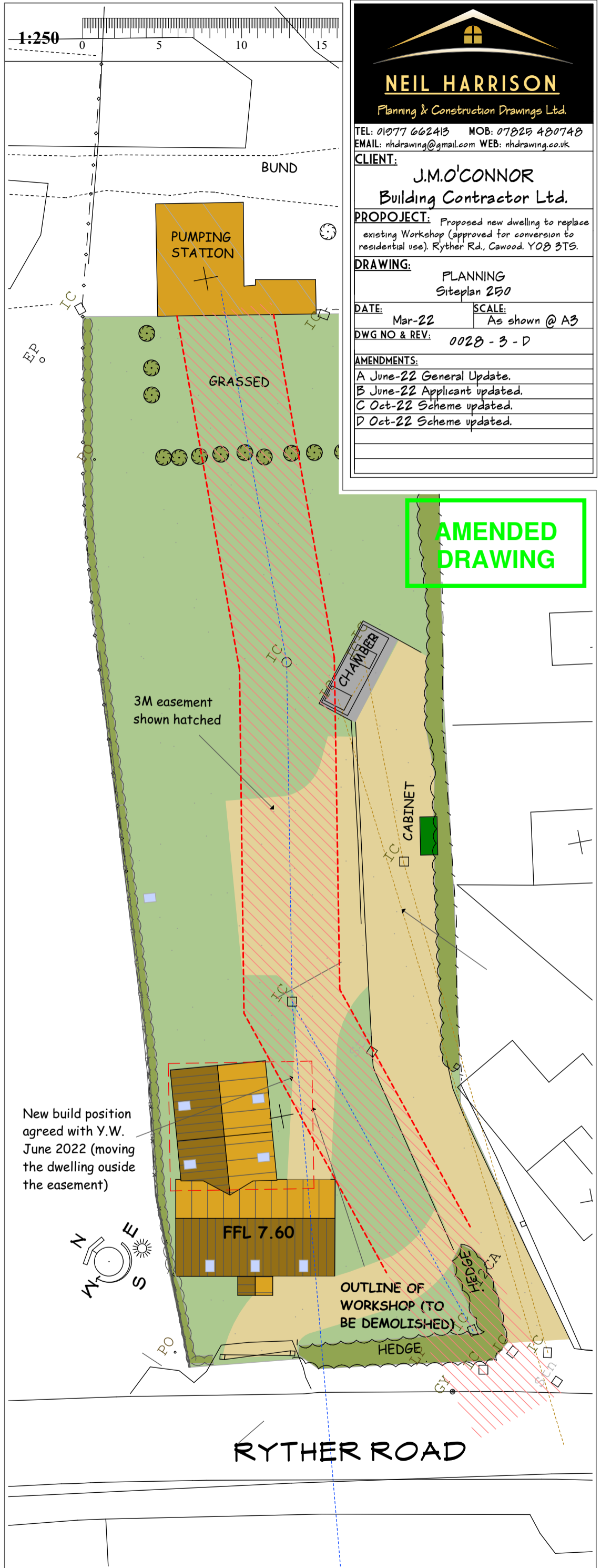
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Siteplan (existing)



Siteplan (proposed)



NEIL HARRISON
Planning & Construction Drawings Ltd.

TEL: 01977 662413 MOB: 07825 480748
EMAIL: nhdrawing@gmail.com WEB: nhdrawing.co.uk

CLIENT:
J.M.O'CONNOR
Building Contractor Ltd.

PROPOJECT: Proposed new dwelling to replace existing Workshop (approved for conversion to residential use), Ryther Rd., Cawood, YO8 3TS.

DRAWING: PLANNING
Siteplan 250

DATE: Mar-22 **SCALE:** As shown @ A3

DWG NO & REV: 0028 - 3 - D

AMENDMENTS:

A	June-22	General Update.
B	June-22	Applicant updated.
C	Oct-22	Scheme updated.
D	Oct-22	Scheme updated.

AMENDED
DRAWING

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Report Reference Number 2022/0789/FUL

To: Planning Committee
Date: 11th January 2022
Author: Jac Cruickshank (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0789/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Mr & Mrs Julian O'Connor	VALID DATE:	4th August 2022
		EXPIRY DATE:	29th September 2022
PROPOSAL:	Erection of 1no dwelling to replace existing workshop		
LOCATION:	The Workshop, Ryther Road, Cawood		
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 SP2 of the Selby District Core Strategy) but it is considered there are other material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located off Ryther Road at the north-eastern edge of the settlement of Cawood. The site lies outside the development limits of the settlement and, as such, is located within the open countryside.
- 1.2 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres with eaves to 4 metres. The application site benefits from a sizable plot at the edge of the settlement of Cawood.

The Proposal

- 1.3 The application is seeking permission for the demolition of the existing building and its replacement with a detached single dwelling. The application site lies outside the development limits of the settlement of Cawood and lies within Flood Zone 3, which has a high probability of flooding.

- 1.4 It is noted that there is an extant permission (2019/0712/FUL) for the conversion and alteration of a storage building to a residential dwelling. The approval included raising the ridge height of the building to 7.5 metres.
- 1.5 The proposal has been amended since submission with the scale of the dwelling reduced.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application:
- 2019/0712/FUL (PER – 08/07/2021) Conversion and alteration of storage building to form a single dwelling. The extant permission will expire on 8th July 2024.
 - 2018/1358/DOC (COND – 24/01/2019) Discharge of condition 02 (drainage) of approval 016/0171/FUL for change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.
 - 2016/0171/FUL (PER – 23/08/2016) Change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.
 - 2014/1147/COU (PER – 08/01/15) change of use of storage building to single dwelling.
 - 2014/0896/FUL (REF – 20/10/2014) Proposed change of use of storage building to single dwelling.
 - 2014/0096/FUL (PER – 18/03/2014) Proposed conversion of storage building to provide tourist accommodation.
 - 2013/0831/FUL (REF – 28/10/2013) Proposed conversion of storage building on land adjacent to Anson Grove to provide tourist accommodation.
 - CO/1991/0757 (PER – 29/07/1991) Proposed erection of a storage shed to house two vintage commercial vehicles and the construction of a new vehicular access.

2. CONSULTATION AND PUBLICITY

- 2.1 **Cawood Parish Council** - No objection.
- 2.2 **NYCC Highways** – No objections. Recommended conditions relating to gates and the surfacing of the private access.
- 2.3 **Yorkshire Water** – No comments received.
- 2.4 **Selby Area Internal Drainage Board** – No objections. Recommended condition relating to drainage.
- 2.5 **County Ecologist** - The information provided by the applicant on the existing workshop does suggest that the building is unlikely to support roosting bats or other protected species. On this basis we would not insist on a professional survey.

However, we would suggest an Informative stating that the applicant is responsible for ensuring that any work is compliant with wildlife protection legislation.

- 2.6 **Environment Agency** – No objections provided the proposed development is built in accordance with the submitted FRA, which should be listed as an approved plan/document. Strongly recommend raising finished floor levels 600mm above existing ground levels.
- 2.7 **Lead Local Flood Authority** – No response at time of writing.
- 2.8 **Publicity** – The application has been advertised by site notice resulting in no letters of representation being received.

3. **SITE CONSTRAINTS**

- 3.1 The application site is located outside the defined development limits of any settlement and is therefore, in policy terms, located within the open countryside.
- 3.2 The application site is located within Flood Zone 3, which has a high 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. As long as 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
SP9 - Affordable Housing
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
T1 - Development in Relation to Highway
T2 - Access to Roads

Minerals and Waste Joint Plan (2022)

- 4.9 The relevant Minerals and Waste Joint 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 coal mining.

National Planning Policy Framework

- 4.10 The relevant sections are:

2 - Achieving sustainable development
4 – Decision-making
5 – Delivering a sufficient supply of homes
12 – Achieving well-designed places
14 – Meeting the challenges of climate change, flooding and coastal change

5. APPRAISAL

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

- The Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Access and Highway Safety
- Flood Risk & Drainage
- Impact on Ecology
- Affordable Housing
- Waste and Minerals
- Waste and Recycling Facilities

The Principle of Development

- 5.2 The application site is located outside the defined development limits of Cawood and is therefore located in the open countryside. The proposal seeks to demolish an existing storage building and replace it with a dwelling. The application site has an extant consent for the conversion of the storage building into a dwelling.
- 5.3 Relevant policies in respect to the principle of development and the presumption in favour of sustainable development include Policies SP1 and SP2 of the Core Strategy, Policy ENV1 of the Selby District Local Plan and advice contained within the NPPF.
- 5.4 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.5 Policy SP2A(c) of the Core Strategy (CS) 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."
- 5.6 Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply. Paragraph c) provides an exception for the re-use of redundant or disused buildings and where development would enhance the immediate setting.
- 5.7 Saved policy H13 of the Selby District Council Local Plan 2005 supports replacement dwellings in the countryside subject to meeting the criteria set out regarding whether the dwelling has been abandoned, the original dwelling is not of architectural merit, the size and scale would be similar, and the design and materials are appropriate for the character of the area.
- 5.8 The proposed development would replace an existing building that has already been permitted as a conversion to a dwelling (2019/0712/FUL). The conversion has

not been undertaken, however there is a reasonable prospect that the building would be converted. This represents a considerable fallback position and has already established the principle of a dwelling on the site. Whilst the proposed dwelling is larger than the building it replaces, it is of a scale and character that will not harm the character of the countryside. It will also be read in context with the settlement given its position.

- 5.9 The dwelling is also immediately next to the Designated Service Village of Cawood, which is a sustainable 3rd tier settlement and therefore is not an isolated dwelling. The proposal would contribute towards and improve the local economy and enhance maintain the vitality of the rural community.
- 5.10 The building is a replacement building, albeit it larger than the building that exists, is not the reuse of a building (despite an extant permission existing), however, it is a well-designed new building on previously developed land which would contribute to the local economy. Therefore, whilst proposal does not meet with the strict interpretation of SP2, significant weight is attached to the fact that there is an extant permission for residential use on the site which has secured the principle of residential use. A significant weight in favour of the proposal has been attached to this in considering the planning balance.
- 5.11 It is on this basis that the principle of development and the use of land is considered to be acceptable and in accordance with the relevant local and national planning policies set out above.

Design and Impact on the Character and Appearance of the Area

- 5.12 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1), (4) and Policy SP19 of the Core Strategy.
- 5.13 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.14 Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 5.15 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site is situated off Ryther Road and benefits from a sizable plot at the edge of the settlement of Cawood.

- 5.16 The application proposes the demolition of the storage building and the erection of a two-storey, three-bedroom dwelling. The proposed dwelling would have a pitched roof with a ridge height of 7.4 metres and eaves to 4.8 metres from ground level. The main part of the proposed dwelling would have a width of 10 metres and a depth of 6 metres. The dwelling would have a gable projection to the rear, which would project out from the rear elevation of the main dwelling by approximately 3 metres at first floor level and by a further 4.5 metres at ground floor level. This part of the dwelling would have a maximum ridge height of 6.9 metres.
- 5.17 It is noted that the initial plans proposed indicate a gable projection to the rear that would have measured a total of 23.3 metres. This has been significantly reduced in size, as concerns were raised over the size of the initial proposal due to it being significantly larger than the original building and would sprawl into the open countryside.
- 5.18 With regards to the impact the proposed development would have on the character of the local area, the proposed scheme would introduce a dwelling in the open countryside. It is noted that the site has an extant permission (2019/0712/FUL) where the residential use of the site has already been established. However, this is for the conversion of the existing building to a dwelling rather than for the erection of a single dwelling.
- 5.19 The proposed dwelling would not be significantly larger than what was previously approved under application 2019/0712/FUL. The volume of the approved dwelling would be 538 cubic metres, whereas the proposed dwelling would have a volume of 546 cubic metres, which is an increase of 8 cubic metres.
- 5.20 The proposed dwelling would be traditional in its appearance with brick and pantiles, sash windows, chimneys and a central porch. This would be cottage-like in its design from the frontage and would complement the appearance of dwellings within the village and being constructed opposite. A condition to control the proposed materials would be attached to any permission granted to ensure that these would match those used within the locality.
- 5.21 In terms of the impact on the countryside, this submission seeks to create a large residential curtilage to the proposed dwelling. The garden area to the rear would measure more than 45 metres in length. However, this was also considered to be acceptable in the 2019 approval. A condition, which removes Permitted Development Rights for outbuildings would allow the Local Planning Authority to control development at the site. Furthermore, the application does not propose making changes to the existing landscaping or the existing boundary treatments, which consist of a mature hedge along the front and along the boundary which runs parallel to the neighbouring field.
- 5.22 Given the above, it is considered that the proposal would not have a significant impact on the character and appearance of the area. As such, the proposed development complies with Policies ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Residential Amenity

- 5.23 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

- 5.24 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 5.25 With regards to overlooking, the proposed dwelling would have 3 no. windows at first floor level to the front elevation and 1 no. window at first floor level to the rear elevation. The windows to the front would face out towards the main highway and the window to the rear would face out into the rear garden. It is not considered that these would result in any significant overlooking. There would also be a total of 7 no. roof lights. It is considered that these also would not cause any significant overlooking towards neighbouring properties.
- 5.26 The proposed dwelling would be located approximately 12 metres to the west of the closest neighbouring dwelling on 1 no Anson Grove, Cawood. As such, it is not considered that the proposed dwelling would have any impact on overshadowing.
- 5.27 The proposed development is therefore considered acceptable with respect to the layout and should not have a significant detrimental impact on the residential amenities of the neighbouring properties. The proposal is considered to be in accordance with policy ENV1(1) of the Local Plan, Core Strategy Policy SP19 and the NPPF.

Access and Highway Safety

- 5.28 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.29 The proposed development would result in the erection of 1 no. dwelling. The application form states that there would be no change in off-street parking provision.
- 5.30 NYCC Highway Team was consulted on the application and the Highway Officer has confirmed that there are no objections to the proposed scheme subject to appropriate conditions attached to any permission granted. It is therefore considered that an acceptable scheme can be achieved, in accordance with policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

Flood Risk and Drainage

- 5.31 The application site is located within Flood Zone 3, which has a high probability of river or sea flooding.
- 5.32 Paragraph 159 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 5.33 Paragraph 162 of the NPPF states that “The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source.

Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.” For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.

- 5.34 The Selby District Council Flood Risk Sequential Test Developer Guidance Note (October 2019) and the more recent Flood Risk and Coastal Change National Planning Policy Guidance (NPPG) (August 2022) provide advice on the application of the Sequential Test. The updated NPPG states that:

“For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.”

- 5.35 In considering the above, the application site is located within Flood Zone 3 and is classified as a ‘more vulnerable’ use, i.e. buildings used for dwelling houses. As such, the proposed development would need to pass the Sequential Test and, if this is satisfied, apply the Exception Test.

- 5.36 It is noted that a Flood Risk Assessment (FRA) was submitted to accompany the application. The FRA states that a Sequential Test and Exceptions Test are both required. This has been confirmed by the Environment Agency. However, the applicant has not submitted information to demonstrate the application of the Sequential Test. Furthermore, the Council has identified the following sites which are at a lower flood risk than the application site (i.e. located in Flood Zone 1) and which could accommodate the development and are reasonably available:

Phase 2 allocated sites: BRY/1
 EGG/2
 EGG/3

- 5.37 It is therefore considered that the proposal for one dwelling could be reasonably accommodated elsewhere within the District which is within a lower flood zone and with a lower probability of flooding. As such, the scheme is not considered to be acceptable in terms of passing the sequential test.

- 5.38 As the Sequential Test has not been satisfied, the Exception Test has not been triggered and the application should be refused on these grounds. However, the application site benefits from an extant permission for the conversion of the existing storage building to a dwelling. The approved conversion of the building did not require a sequential test as the proposal was for the change of use of a building.

This fallback position would allow the applicant to create one dwelling within Flood Zone 3. Therefore, the end result of either a converted dwelling or a new building dwelling within this higher risk area would be the same.

- 5.39 It is noted that the revised FRA (Reference TCE-1827-FLA-01 issue 04, November 2022) proposes some flood resilience measures that were not proposed as part of the conversion approval, including the floor levels of the building to be raised to 300mm higher than the existing site levels. This is shown on the proposed plans submitted.
- 5.40 The Environment Agency has not raised any objections to the proposed development subject to a condition to list the FRA within the approved plans and a further condition requiring the measures in the FRA to be implemented on site. This includes setting internal finished floor levels as no lower than 7.6m above AOD to protect the dwelling from future flood events. It is noted that the consultation period for further comments from the Lead Flood Authority is yet to expire and any comments received will be included in any Officer Update at Committee.
- 5.41 Given the above, it is considered that the proposed development complies with the flood risk advice and therefore complies with Policies SP15, SP16, SP19 of the Core Strategy, and advice contained within the NPPF.

Impact on ecology

- 5.42 Relevant policies in respect of ecology issues are Policies ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.
- 5.43 The application proposes the demolition of 1no. building and the erection of 1no. dwelling on a site within the open countryside. North Yorkshire County Council's Ecologist was consulted and raised no objections to the proposed scheme. Given the above, it is considered that the proposal complies with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 5.44 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.45 The NPPF is a material consideration and states at paragraph 64 - "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". '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".
- 5.46 The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that

having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Waste and Minerals

- 5.47 The application site is located within an area identified for the safeguarding of mineral resources, specifically sand and gravel. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 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.
- 5.48 However, the site relates to the erection of a house on the edge of an existing settlement of Cawood that is adjacent to the existing housing of the settlement lying to the south-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. 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.
- 5.49 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 Cawood as falling within a Coal Mine Reporting Area for property transactions and conveyance but does not identify the site within a high-risk area.
- 5.50 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.

Waste and Recycling Facilities

- 5.51 With respect to Waste and Recycling, a contribution for such provision would not be required for a scheme of this scale.

6. CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is acceptable solely on the basis that it replaces and extant consent for the conversion of an existing building into a single dwelling and is close to a sustainable settlement. The proposals would not have a detrimental effect on the character or appearance of the countryside, the residential amenity of the occupants of the neighbouring properties, flood risk, highway safety, protected species or contaminated land. The application is therefore considered to accord with Policies ENV1 and T1 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be Granted, following expiration of the consultation period and no new material considerations being raised, and subject to the following conditions:

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

Reason:

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

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

Drawing no. 0028-1-A	Location Plan	Dated 30/06/2022
Drawing no. 0028-2-D	Site Plan (1:500)	Dated 28/10/2022
Drawing no. 0028-3-D	Site Plan (1:250)	Dated 28/10/2022
Drawing no. 0028-4-D	Plans and Elevations	Dated 28/10/2022
Reference no. TCE-1827-FLA-01	Issue 04 - Flood Risk Assessment by Tillett Consulting Engineers Ltd	Dated November 2022

Reason:

For the avoidance of doubt.

03. Prior to the development reaching above slab level, details of the materials to be used in the construction of the exterior walls and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Only approved details shall be utilised.

Reason:

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

04. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref TCE-1827-FLA-01 Issue 04, dated November 2022) and the following mitigation measures it details: Finished floor levels shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

- The flood resistant and resilient measures detailed within the FRA are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

In order to reduce the risk and impacts of flooding to the proposed development and future occupants.

05. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

06. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

Reason:

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

07. 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.

The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway

Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

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

INFORMATIVES:

[Flood resistance and resilience - advice to LPA/applicant](#)

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

The applicant should be aware that the approved dwelling may potentially not be insurable given its location within Flood Zone 3.

Ecology

Please be aware that the applicant is responsible for ensuring that any work is compliant with wildlife protection legislation.

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

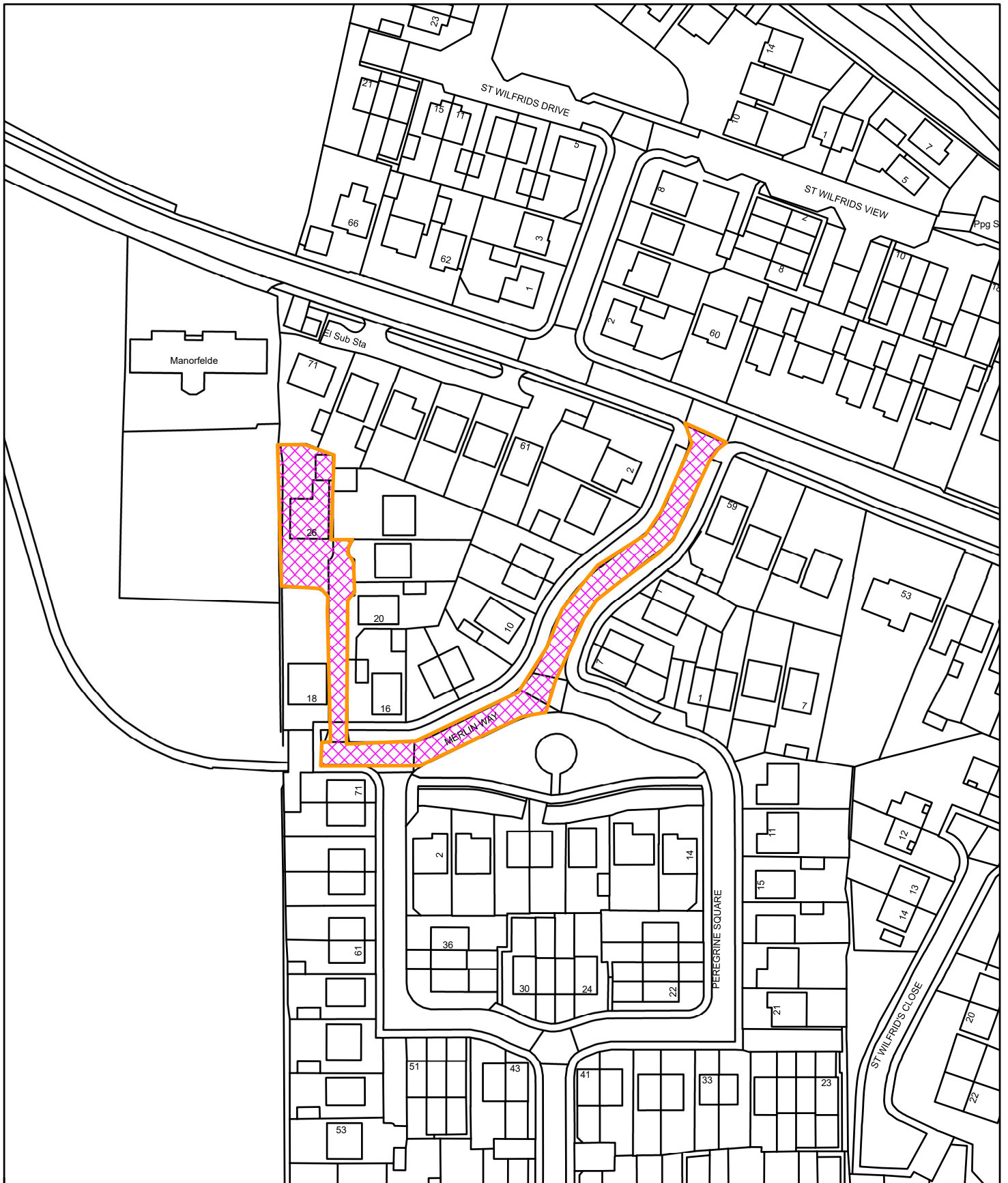
Planning Application file reference **2022/0789/FUL** and associated documents.

Contact Officer: Jac Cruickshank (Senior Planning Officer)

Appendices: None

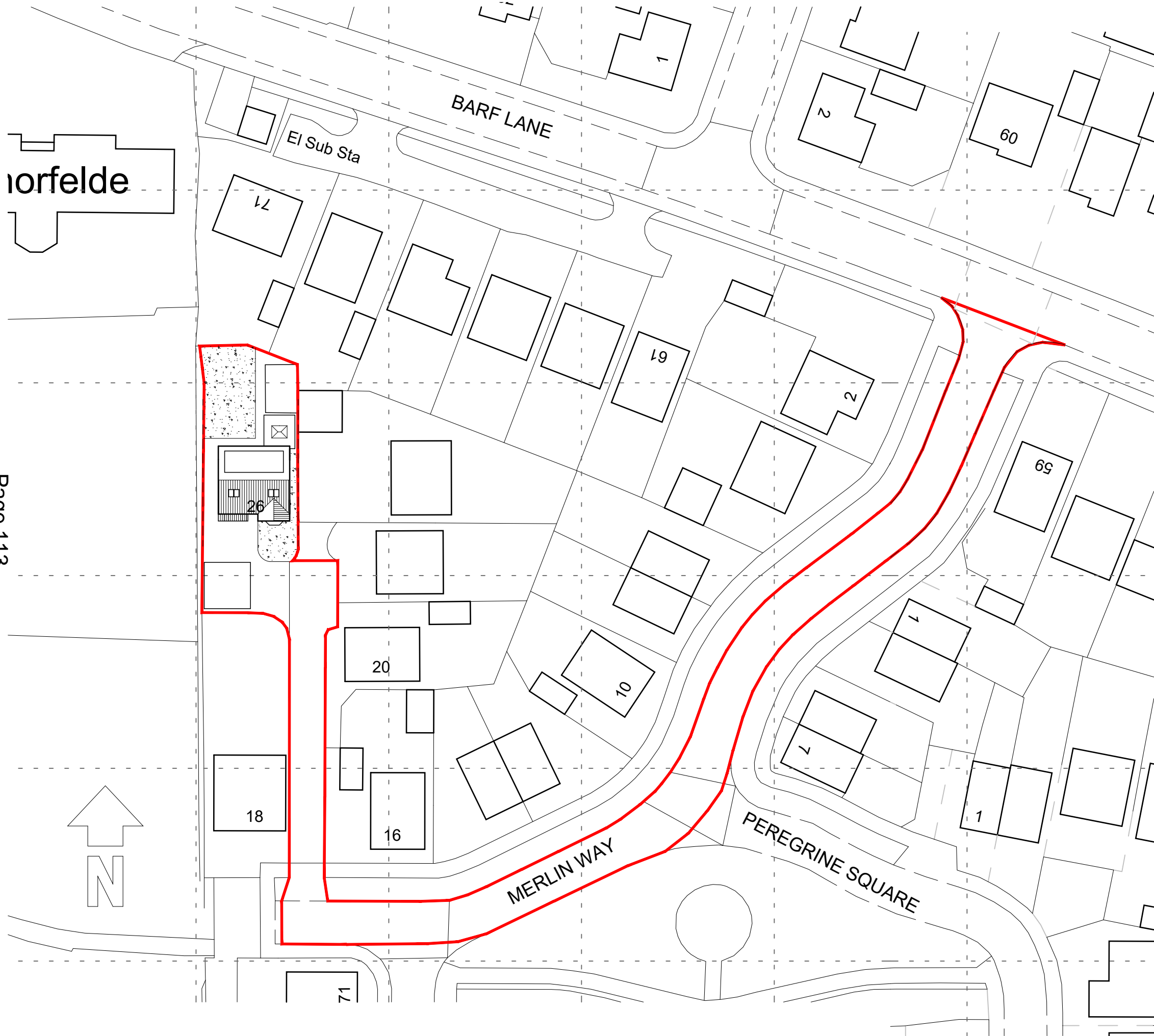
Agenda Item 5.6

26 Merlin Way, Brayton
2022/0941/HPA



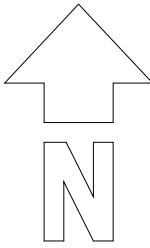
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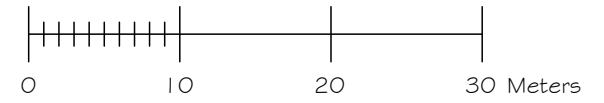


iorfelde

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Site area - 0.410 hectares

Rev A: 19.08.22: SC: Red line boundary changed as requested by LPA.

**ARCHITEK
DESIGN & PLANNING**

26 Merlin Way
Brayton
Site Layout

Scale 1:500 @ A3
Date 01.07.22
Drawn sc

ARCHITEK DESIGN & PLANNING
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w - www.architekdesignandplanning.co.uk

Drawing No.	Revision
ADP22/P22/02A	

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Report Reference Number 2022/0941/HPA

To: Planning Committee
Date: 11th January 2023
Author: Jordan Fairclough (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0941/HPA	PARISH:	Brayton Parish Council
APPLICANT:	Mr Mark Oliver	VALID DATE:	19 th August 2022
		EXPIRY DATE:	05 th December 2022
PROPOSAL:	Raise height of existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden		
LOCATION:	26 Merlin Way Brayton Selby North Yorkshire YO8 9SB		
RECOMMENDATION:	APPROVE subject to conditions		

This application has been brought before Planning Committee as it has had more than 10 letters of objection and whilst this is a minor application, it has been requested to committee by the Head of Planning given the level of objection and councillor involvement, and as the officer recommends determination contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site relates to an existing dwelling located within an existing residential development to the western edge of Brayton. The modern 4-bed dwelling is located within the north west part of the residential development, at the end of a cul-de-sac and there are residential properties to the north, east, and south of the site, and open countryside to the west of it.

The Proposal

- 1.2 The proposal is for extensions to the existing dwelling involving raising the height of existing roof to create additional accommodation in the roofspace, the erection of 2

pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden. The single storey rear extension shown on the plans would fall within Permitted Development rights and therefore does not need planning permission.

- 1.3 The application has been amended since the original submission to include the gazebo and the flat roof dormer has been amended to two smaller pitched roof dormer windows.

Relevant Planning History

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

- 2015/0367/FUL - Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 13-NOV-15
- 2016/0928/FUL - Section 73 application to amend condition 12 (parking) and condition 34 (drawings) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 09-NOV-16
- 2016/1039/DOC - Description: Discharge of condition 02 (Materials), 03 (Landscape Proposals), 04 (Boundary), 15 (Compound Layout), 20 (Main Water Supply) and 29 (Remediation Scheme) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 03-NOV-16
- 2020/0423/HPA - Description: Erection of double garage (retrospective), at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUN-20
- 2020/0524/HPA - Description: Conversion of existing integral garage to games/day room, at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUL-20

2. CONSULTATION AND PUBLICITY

- 2.1 **Brayton Parish Council** - The Parish Council is aware of the fact that many residents are opposed to this application and wish to support their views. The Parish Council believes it is out of character and out of keeping with the area.

- 2.2 **Neighbour summary** – The application has been advertised by site notice erected on 9 September 2022 and was readvertised on 28th October 2022 resulting in 12 individual objections being received. These objections are summarised as below:

Dormer

- Overlooking of garden
- Overlooking of property
- Reduction in privacy.
- Noise impacts from building works.

- Overdevelopment
- Side elevation looking into property
- Overbearing due to roof height raising
- Impact on character of area.
- Installation of security cameras

Gazebo

- Drainage issues

3. SITE CONSTRAINTS

- 3.1 The application site is located outside of the defined development limits of Brayton, though within an existing residential development.

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 2013

- 4.7 The relevant Core Strategy Policies are:

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

Selby District Local Plan 2005

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
H14 - Extensions to Dwellings in the Countryside

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

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

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
8 - Promoting healthy and safe communities
12 - Achieving well-designed places
15 - Conserving and enhancing the natural environment
17 - Facilitating the sustainable use of minerals

5. APPRAISAL

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

- The Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Minerals and Waste Local Plan

Principle of the Development

- 5.2 The application site is located outside the defined development limits of Brayton and is therefore in policy terms in open countryside. The dwelling was however granted as part of a wider housing scheme permitted in 2015 that has been built out and forms an extension to Brayton village.
- 5.3 Core Strategy Local Plan Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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."
- 5.4 Policy H14 also allows extensions to dwellings within the countryside, as does Policy SP2. The application is therefore compliant with Development Plan policies SP1 and SP2 of the Core Strategy and H14 of the Local Plan and there is nothing in the NPPF to identify this type of development as being unsustainable or to preclude in principle development of this type in this location.

Design and Impact on the Character and Appearance of the Area

- 5.5 Relevant policies in respect to the impact of development on character and appearance of the area are Policies ENV1 and H14 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy and the national policy contained within the NPPF.
- 5.6 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.7 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings.
- 5.8 Selby District Local Plan Policy H14 (1) requires extensions of existing dwellings be appropriate to its settings and not visually intrusive in the landscape, with H14 (2) requiring the extensions not to result in disproportionate addition over and above the size of the original dwelling and would not visually dominate it, and H14 (3) requiring the design and materials be in keeping with the host dwelling and the surrounding area.
- 5.9 The surrounding area to 26 Merlin Way comprises a modern residential development consisting of large detached 2 storey houses and semi-detached house constructed predominantly of brick with white UPVC windows and doors and roof tiles. The Parish Council has raised comments that the proposal would be "out of character and out of keeping with the area." Comments were also received from objectors stating that they

believe it is out of character, which preliminary relate to the increase in roof height and dormer windows.

- 5.10 The dwelling which is the subject of this application is a large 4-bed detached dwelling with hardstanding and garage for parking cars to the front and an enclosed garden to the rear. The proposed 2 pitched roof dormers would be sited on the rear of the host dwelling and as such would not be readily visible from the front nor read in the streetscene of Merlin Way. However, they would be seen in private views by those properties backing onto the site to the west and south.
- 5.11 The two pitched roof dormers would have a width of 2.4 metres, a height to eaves of 1.7 metres, and a maximum height of 2.4 metres. The materials are shown as red tile to match the main roof of the dwelling and white upvc windows to match. The dormers would respect the size, scale, design and proportions of the existing dwelling and would not result in disproportionate addition over and above the size of the existing dwelling and would not visually dominate it.
- 5.12 The roof height would be raised by 0.6 metres to allow for an increase in headroom within the roof. Whilst the utilisation of the loft space and increase in height is not characteristic of the wider estate, it would not appear visually intrusive in the landscape, would add very little in terms of massing and would not visually dominate the host dwelling.
- 5.13 The gazebo is a typically sized garden structure and would be 5.21 metres in length, 3.14 metres in width, have a height to the eaves of 2.33 metres and a maximum height of 3.24 metres. It sits close to the boundary. It is considered that given the existing boundary treatments and its hipped roof design this is acceptable. The structure is built from timber and the roof is tiled which is considered appropriate for the area. Having taken into account all of the above, it is considered that the proposed gazebo would not appear visually intrusive in the landscape, would not result in disproportionate addition over and above the size of the existing dwelling and would not visually dominate it.
- 5.14 Given the above and subject to the aforementioned condition, it is considered that the proposal would not have any significant adverse impact on the character and appearance of the open countryside and would not result in a disproportionate addition and is therefore in accordance with Policies ENV1, and H14 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy and the national policy contained within the NPPF.

Impact on Residential Amenity

- 5.15 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.16 The application property has neighbours to the north, east, and south which have been considered in this report. It is noted that there have been 12 individual objections received to the application.

- 5.17 Given the size, scale, siting, design and orientation of the proposed extensions and alterations and its relationship with the neighbouring properties, it is considered that the two pitched roof dormers would not result in any detrimental effects of overshadowing or oppression of any neighbouring properties. Whilst concerns were raised regarding overbearing due to the raising of the roof height, it is considered that these would not cause a significant impact due to the separation distances between the application property and surrounding properties.
- 5.18 Whilst the gazebo has an impact on massing and overshadowing given its proximity to the property boundary, this is considered to be limited given the separation distances to the dwelling to the north and the screening from the outbuilding to the property to the east. The roof also slopes away from both boundaries due to its hipped design. Given the above, the scheme is considered acceptable and the harm is not such to warrant a refusal.
- 5.19 The proposed two pitched roof dormer windows have the potential to cause additional overlooking into neighbouring properties rear gardens causing a reduction of privacy. One of the dormers serves an ensuite, so would have obscure glazing thus removing any overlooking concerns. It is considered that the pitched roof dormers would not result in any significant overlooking/reduction in privacy to what would already be experienced from the first floor rear windows given the separation distances. Therefore, the proposal is considered to be acceptable. Likewise, the gazebo would not result in any significant overlooking due to the boundary treatments and orientation of the structure.
- 5.20 Finally concerns were raised regarding the installation of security cameras on the dwelling which do not have permission. The applicant will have the option of applying for these separately.
- 5.21 Having taken into account all of the above, it is considered that the proposal would not result in any significant detrimental effects of overshadowing, oppression and from overlooking so as to warrant refusal on the residential amenities of any neighbouring properties and would therefore be in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Minerals and waste

- 5.22 The Minerals and Waste Joint Plan is part of the Development Plan, though application is for householder development it is exempt from the safeguarding of land for minerals and waste policies and Policy D13 relating to high risk Coalfield areas.

6. CONCLUSION

- 6.1 This application seeks permission to raise the height of existing roof to create additional accommodation, the erection of two pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden.
- 6.2 The site is located outside of the defined development limits of Brayton, though within an established residential area that sits adjacent to it. National and local planning policy supports extensions to residential properties in principle. The application has been amended during the determination process to include the gazebo and the flat roof dormer has been amended to two smaller pitched roof dormer windows. The development proposed is considered not to harm the character and appearance of

the host dwelling or wider countryside setting, nor would it cause significant harm to the amenity of nearby residents and is not considered as a disproportionate addition.

- 6.3 Other material considerations is considered to be acceptable and in accordance with the Development Plan and national policy contained within the NPPF. 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:

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

Reason:

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

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

- Drawing No. ADP22/P22/01A – Location Plan - Received 3rd August 2022
- Drawing No. ADP22/P22/02A – Layout Plan - Received 3rd August 2022
- Drawing No. ADP22/P22/05F – Proposed Floor Plans - Received 21st October 2022
- Drawing No. ADP22/P22/06F – Proposed Elevations - Received 21st October 2022
- Drawing No. ADP22/P22/07 – Existing Pergola Floor Plans and Elevations - Received 14th October 2022

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 3rd August 2022. Only the approved materials shall be utilised.

Reason:

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

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 2022/0941/HPA and associated documents.

Contact Officer: Jordan Fairclough (Planning Officer)

Appendices: None

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Agenda Item 5.7



Report Reference Number: TPO 11/2022

To: Planning Committee
Date: 11th January 2023
Author: Ellis Mortimer (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	TPO 11/2022	PARISH:	Womersley Parish Council
TPO SERVED:	25 th July 2022	DEADLINE FOR CONFIRMATION:	25 th January 2023
LOCATION:	1 Barn Cottages Main Street Womersley Selby DN6 9AY		
RECOMMENDATION:	TPO be confirmed with no modification		

This application is being presented to Members for decision in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to “Confirm with no Modification”, Tree Preservation Order No. 11/2022. A copy of the Order is at Appendix A.

1. INTRODUCTION

- 1.1 The tree subject to the Tree Preservation Order (TPO) ('the Tree') is a Sycamore tree that is located within the south-east corner of the rear curtilage of the dwelling known as 1 Barn Cottages, Main Street, immediately north-west of the dwelling known as 1 School Cottages, Cow Lane. It is located to the front of 1 School Cottages, to the west of its vehicular access and parking area. The main garden area lies to the south of the property.
- 1.2 The site is located within the Womersley Conservation Area, north-east of Main Street, positioned between Main Street and Cow Lane. The site is also within the Green Belt. The Womersley Village Design Statement (VDS) notes that the

abundance of trees adds to the views of the village, with corridors of trees particularly along the southern side of Main Street. The location of the TPO to the north-east of Main Street does not have an abundance of trees, and the Sycamore is one of only two mature trees in the immediate locality that provide amenity value to this part of the Conservation Area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping.

Relevant History

1.3 The following historical planning applications are considered relevant to the confirmation of this TPO.

- 2008/0070/FUL – Proposed conversion of existing schoolroom to a dwelling and erection of 3 dwellings with car ports following the demolition of existing temporary school buildings. Approved 24.07.2008.

- The Trees and Landscape officer consulted on 2008/0070/FUL commented that the Sycamore tree in the north-west corner of the site should be protected during construction. Plans indicate that the tree referred to is the Sycamore subject of this TPO. Therefore, the Sycamore tree was present prior to the construction of the dwellings 1-3 School Cottages.

- 2022/0570/TCA – on 13th June 2022 the Council made valid an application for notification of intent to fell 1 Sycamore within the Womersley Conservation Area. The application for consent to fell the tree was refused on the 21.07.2022. The Council served the provisional TPO 11/2022 in response to this.

- The applicant of the notification was the occupant of adjacent dwelling 1 School Cottages, which shares a boundary with 1 Barn Cottages and which parking area is located immediately adjacent to the Sycamore.

2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 11/2022

2.1 The Council received an application (2022/0570/TCA) as notification of intent under Section 211 of the Town and Country Planning Act 1990 (as amended) to fell a Sycamore Tree which is located in the Womersley Conservation Area. The proposed tree removal was not supported and notice of this decision was given on 21 July 2022 on the basis that the tree is a healthy specimen and adds to the visual amenity of the Womersley Conservation Area and its removal would have an adverse impact on character and appearance. Subsequently, a provisional TPO was issued on the 25th July 2022 in order to immediately protect the tree and provide long-term protection to the Tree given its size, healthy condition and positive contribution to amenity and the Conservation Area.

2.2 The Order was served following the advice of the Council's Tree Officer, a qualified arboriculturist, who recommended that the Sycamore tree is a healthy specimen which appears to have been present when the dwellings 1-3 School Cottages were constructed. The planning history and aerial imagery on Google Earth confirms this.

2.3 The Town and Country Planning Act 1990 (as amended) sets out the relevant legislation with regards to the making of tree preservation orders and the preservation of trees in conservation areas and in the Town and Country Planning (Tree Preservation)(England) Regulations 2012. These enable local planning

authorities to make an Order if it is 'expedient in the interests of amenity to make the provision for the preservation of trees or woodland in their area'.

- 2.4 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where removal or works to the tree(s) would have a significant negative impact on the local environment and its enjoyment by the public. Factors in the consideration of amenity include: visibility; individual, collective and wider impact, i.e. landscape setting and/or preservation or enhancement of character and appearance of the conservation area; and, other factors such as nature conservation or response to climate change.
- 2.5 The Order comes into effect immediately on the day the Council makes it and this provisional status lasts for six months, unless the authority either confirms the Order to provide long-term protection or decides not to confirm it.
- 2.6 Regulation 5 of the 2012 Regulations set out at 5(1) the procedure after making an Order and requires the local planning authority as soon as practicable after making the Order to serve a copy of it on persons interested in the land affected by the Order and particulars, and make a copy available for public inspection. The particulars are listed in Regulation 5(2) and include:
- (a) the reasons for making the order;
 - (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority;
 - (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and
 - (d) a copy of Regulation 6 setting out how to object or make representations.
- 2.7 The TPO as served relates to a single Sycamore Tree (T1), as shown on the plan associated with the TPO, which is attached to this report at Appendix B. It was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012 on the person interested in the land, who has been identified as the owner of the property at 1 Barn Cottages. A copy of the order was made publicly available at the site for inspection. Comments on the provisional Order were invited to be received by 26th September 2022.

3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER

- 3.1 One objection to the TPO was received from the owner of the tree at 1 Barn Cottages. It can be summarised as follows:
- Do not object to the removal of the tree, although they acknowledge they would not necessarily have considered its removal themselves if not for issues caused to their neighbour at 1 School Cottages.
 - The tree was self-seeded and may soon begin to cause damage to the neighbouring garage roof.
 - There is insufficient space for the tree.
 - They do not object to the removal of the tree to prevent future issues.

4. APPRAISAL

- 4.1 The main issues for consideration are:

- Whether the tree is worthy of protection;
- Justification and consideration of objection.

Whether the tree is worthy of protection

- 4.2 As noted above, the Council's Tree Officer has advised that the Tree is a healthy specimen of an acceptable form and appears to be have been present when the dwellings were constructed.
- 4.3 The Womersley Village Design Statement notes that the abundance of trees adds to the views of the village, with corridors of trees particularly along the southern side of Main Street. The location of the Tree to the north of Main Street does not have an abundance of trees, and the Sycamore is one of only two trees in the immediate locality that provide amenity value to the area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping. Therefore, Officers consider that the Tree makes a valuable contribution to the character and appearance of the Conservation Area and as such should be retained.

Justification and consideration of objection

- 4.4 No technical information was submitted with the Section 211 notification to fell the Tree. The application stated that the applicant (who is not the owner of the tree) has to spend time clearing blossom and leaves resulting from the Tree. The applicant advised that they sought permission from the owners of the land for which the tree is located, to remove the Tree. The applicant stated in their form that the reason for seeking the permission to fell the Tree is due to maintenance and cleaning up around the Tree. The objection to the making of the Tree Preservation Order also states these reasons.
- 4.5 The Council and its arboricultural consultant have considered the submissions made by the objector, the applicant of the previous notification to fell the tree and the issues presented. It is considered that:
- (a) Adequate technical justifications for removal of the tree have not been submitted.
 - (b) Account should be taken of the fact that the tree is a healthy specimen with a life expectancy of a further 40-100 years.
 - (c) The large tree gives a positive contribution to the setting of Womersley Conservation Area, particularly in an area where trees are less in number.
 - (d) Sycamore trees in particular are one of the highest performing species for carbon sequestration.
- 4.6 The Council's Tree Officer advises that such inconveniences are consequential to nature and not technical justifications to remove trees. Such reasons are not justifications for removing healthy trees at a time when tree retention is highly valued. Therefore, no weight can be attached to the aforementioned reasons in the consideration of the TPO protection.
- 4.7 It is noted that surrounding vegetation, which is predominantly ornamental trees, garden shrubs and hedges, does not offer the same visual or environmental benefits as the large Sycamore, which is beneficial both in terms of visual amenity to the immediate locality but also as a high-performing species for carbon sequestration, providing improved air quality by way of oxygen output.

4.8 In summary, the Tree makes a valuable contribution to the character and appearance of the Womersley Conservation Area and no technical justification or material reasons have been provided to outweigh the advice of the Council's Tree Officer and justify the removal of the Tree.

6. CONCLUSION

6.1 Special attention must be paid to the desirability of preserving the character and appearance of the Womersley Conservation Area. It is considered that there is not enough evidence or justification for removal of the healthy Sycamore tree at this time and none of the factors presented have mitigated this. The Council's Tree Officer has concluded that none of the matters raised by the objector, or applicant of the notification to remove the tree, undermines the tree's suitability for protection by TPO.

6.2 Having regard to the above, the proposal to fell 1 Sycamore Tree would have a detrimental impact on the character and appearance of the Womersley Conservation Area. This Tree Preservation Order (11/2022) would provide long term protection of a large, healthy and high amenity tree which provides a valuable contribution to the green and rural character of Womersley Conservation Area, contributing to the area both visually and environmentally.

7. RECOMMENDATION

Taking into account all of the above, Officers recommend that Members confirm the Tree Preservation Order 11/2022 to protect the Sycamore Tree at 1 Barn Cottages, Main Street, Womersley.

Contact Officer: Ellis Mortimer, Senior Planning Officer

Appendices:

A – TPO 11/2022 Schedule

B – TPO 11/2022 Map

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TOWN AND COUNTRY PLANNING ACT 1990

The SELBY DISTRICT COUNCIL

1 Barn Cottages Main Street Womersley Selby North Yorkshire DN6 9AY

TREE PRESERVATION ORDER 2022

Number 11 of 2022

The SELBY DISTRICT COUNCIL in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order —

Citation

1. This Order may be cited as the SELBY DISTRICT COUNCIL – 1 Barn Cottages Main Street Womersley Selby North Yorkshire DN6 9AY – Tree Preservation Order 2022 Number 11 of 2022.

Interpretation

2. (1) In this Order “the authority” means the SELBY DISTRICT COUNCIL.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 25th July 2022

Signed on behalf of SELBY DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'HKB', followed by a long horizontal line extending to the right.

Hannah Blackburn - Planning Development Manager

Authorised by the Council to sign in that behalf

SCHEDULE AND SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

T1 - Sycamore Tree

*Located in the rear garden of 1 Barn Cottages
Main Street Womersley Selby North Yorkshire
DN6 9AY*

GROUPS OF TREES

NONE

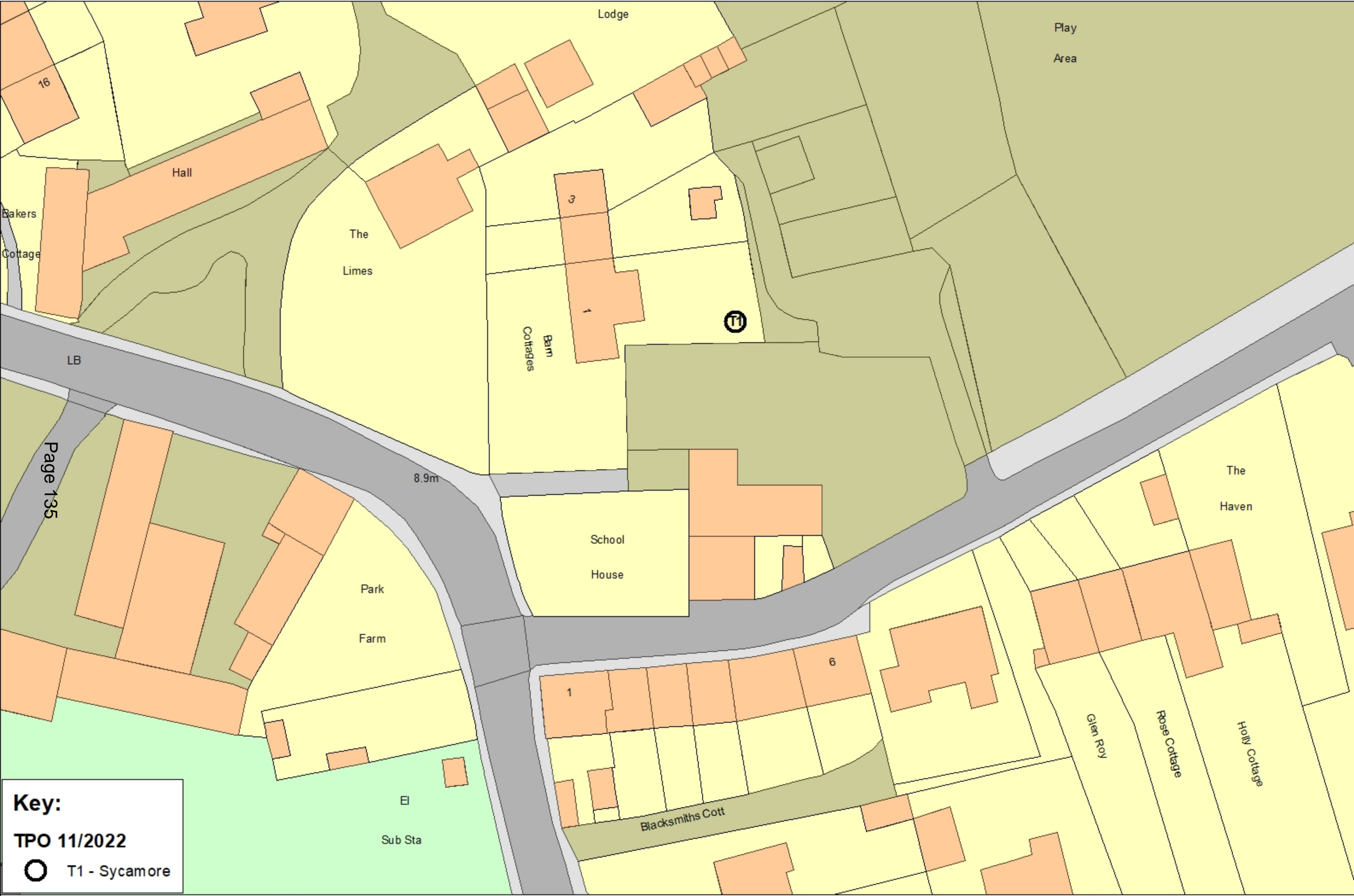
WOODLANDS

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a continuous red line on the map)

NONE

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Key:
TPO 11/2022
 ○ T1 - Sycamore



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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
2022/1089/HPA	Mr Simon Poole	14 Auster Bank Road Tadcaster LS24 8AX	Single storey and part two storey rear extension with new front porch	PERMITTED 21 Nov 2022	Jordan Fairclough
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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List of Planning Applications Determined by North Yorkshire County Council

Application Number	Applicant	Location	Proposal	SDC Recommendation	Decision and Date
2021/0944/CPO NY/2021/0046/S73	Samuel Smiths Brewery (Tadcaster)	Highmoor Quarry Warren Lane Bramham Tadcaster	Variation of Condition 1 of Planning Permission C8/73/150L/PA which relates to an extension of time for the continued of magnesian limestone and storage of materials extracted until 23 April 2023	No Objections 26.08.2021	Permitted 22.11.2022
2020/1248/CPO NY/2020/0184/73	Mr Michael Coleman	Eggborough Sand Pit Weeland Road Hensall	Variation of Conditions 2, 3 and 22 of C8/2018/0563/CPO for the extraction of sand for a further three years until 31st December 2023, revise the restoration contours and a Restoration Aftercare Management Plan	No Objections 20.04.2021	Permitted 01.12.2022

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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