



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 8 FEBRUARY 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, R Packham, P Welch, J Duggan and D Mackay**

## Agenda

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

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

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

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

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

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

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 January 2023.

5. **Planning Applications Received (Pages 15 - 20)**
- 5.1. **2022/0918/OUT 7 Low Street, Sherburn in Elmet (Pages 21 - 46)**
  - 5.2. **2019/0559/FULM - Ibbotsons, Colton (Pages 47 - 70)**
  - 5.3. **2021/1353/FUL - Land Adjacent A163, North Duffield (Pages 71 - 96)**
  - 5.4. **2019/0458/OUTM - School Road, Hemingbrough (Pages 97 - 116)**
  - 5.5. **2022/1142/FUL - Strome House, Hemingbrough (Pages 117 - 134)**
  - 5.6. **2022/1316/HPA - 8 Broadacres, Carlton (Pages 135 - 146)**
  - 5.7. **TPO/21/2022 - The Orchards, Church Fenton (Pages 147 - 156)**
  - 5.8. **TPO/19/2022 - Whitings Lodge, Burn (Pages 157 - 168)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

<b>Dates of next meetings (2.00pm)</b> Wednesday, 8 March 2023
---

Enquiries relating to this agenda, please contact Democratic Services on [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk).

### **Recording at Council Meetings**

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



## Minutes

### Planning Committee

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

Date: Wednesday, 11 January 2023

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, P Welch and J Duggan

Officers Present: Martin Grainger, Head of Planning; Hannah Blackburn, Planning Development Manager; Glenn Sharpe, Solicitor to the Council; Emma Howson, Planning Officer; Elizabeth Maw, Senior Planning Officer; Linda Drake, Planning Project Officer; Diane Holgate, Principal Planning Officer; Jac Cruickshank, Senior Planning Officer; Ellis Mortimer, Senior Planning Officer; and Gina Mulderrig, Democratic Services Officer

#### **55 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Packham and Mackay.

Councillor Duckett was in attendance as substitute for Councillor Packham.

#### **56 DISCLOSURES OF INTEREST**

Councillor Topping declared a non-pecuniary interest in agenda item 5.1, as one of the representatives involved in the scheme was a client of the firm of which he was a Director. Councillor Topping confirmed that he had had no involvement with the application so would not leave the meeting during consideration thereof.

#### **57 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.

## **58 MINUTES**

The Committee considered the minutes of the Planning Committee meeting held on 7 December 2022.

### **RESOLVED:**

**To approve the minutes of the Planning Committee meeting held on 7 December 2022 for signing by the Chairman.**

## **59 PLANNING APPLICATIONS RECEIVED**

The Planning Committee considered the following planning applications.

## **60 2022/0534/FUL - TAMWOOD , STATION ROAD, RICCALL**

**Application:** 2022/0534/FUL

**Location:** Tamwood, Station Road, Riccall

**Proposal:** Erection of 4 dwellings with associated garages/parking spaces and construction of access

The Principal Planning Officer presented the application which had 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.

Members noted that the application sought outline approval for Erection of 4 dwellings with associated garages/parking spaces and construction of access.

Members noted the Officer Update Note which detailed amended plans that demonstrated emergency vehicles could now turn within the site. The Update Note confirmed the North Yorkshire County Council Highways Officer had no objection to the amended plans and set out the Amendment to Conditions and the new Conditions and Informatives recommended by the North Yorkshire Council Highways Officer.

The Committee stated that the Conservation Officer had concerns over the application due to the site being on the boundary with the Conservation Area and asked the Principal Planning Officer if they were satisfied the application was appropriate given the concerns.

The Principal Planning Officer confirmed that the site was on the boundary with the Conservation Area but was rejected for inclusion in it when the limits of the Conservation Area were last reviewed as it did not meet the requirements. The Principal Planning Officer stated she was satisfied the site was well screened to reduce the visual impact of the development and while



the comments on the heritage asset had been taken into account, the National Planning Policy Framework required consideration of the benefit to the public. The Head of Planning agreed the concerns had been taken into consideration in detail in the report alongside the merits of the application to reach a recommendation.

The Committee asked for confirmation that comments from all interested parties had been considered on this application and former applications relating to this site.

The Principal Planning Officer confirmed there had been one objection to the current application regarding overdevelopment which had been addressed in the report and that previous comments on applications relating to the site were not considered as part of this application but had informed the development of the application to its current form.

Members questioned whether the trees marked for retention would be protected during the development. The Principal Planning Officer confirmed the Tree Officer had completed a Tree Impact Assessment and a Tree Survey and advised Selby District Council to apply for a Tree Protection Order for trees deemed high value. All works on site had been halted pending the outcome of the Tree Protection Order application and a condition on provision of tree protection prior to any works was detailed in the report. The Principal Planning Officer showed Members a presentation detailing which trees would be removed and which would be protected and confirmed this map detailing tree constraints formed part of the Tree Protection Order application.

Members noted previous applications relating to this site had received objections relating to overdevelopment and questioned if Officers were now satisfied with the spacing of buildings in the application. The Principal Planning Officer stated the proposal met the separation distance requirement measurements and that she was satisfied the density of dwellings proposed in the application was consistent with surrounding buildings.

The Architect Leo Tindall was in attendance and spoke in favour the application.

A Member of the Committee expressed concern regarding the impact of the proposed development on dwellings adjacent to the site and to Station Road and it was suggested a site visit would give the Committee an opportunity to better understand the application. A site visit was proposed, and a vote was taken but the Proposal fell.

Other Members noted the Committee had already visited the site and expressed there was sufficient detail in the report to form the recommendation.

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 and the details set out in the Officer Update Note.**

**61 2021/1501/FUL - CARU, BECKFIELD LANE, FAIRBURN**

**Application:** 2021/1501/FUL

**Location:** Caru, Beckfield Lane, Fairburn

**Proposal:** Erection of one dwelling following demolition of existing garage.

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

The application was deferred at the November 2022 Planning 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 had been received for which the Local Highways Authority have raised no objection, therefore, the application was brought back before Planning Committee.

Members noted that the application was for the erection of one dwelling following demolition of the existing garage.

Members noted the Officer Update Note which included an amendment to the Location Plan and details of an additional objection from a local resident. The Officer Update Note also included a correction to paragraph 5.29 of the report.

The Committee asked the Senior Planning Officer for confirmation that the reason for the recommendation of refusal was that the application did not comply with planning policy.

The Senior Planning Officer confirmed the primary reason for recommending refusal was that the application did not conform to SP4(a) which stated that the filling of small linear gaps in otherwise built-up residential frontages was permitted in Secondary Villages but that a gap must already exist. In this case there was a garage in situ and therefore no gap currently existed, so the application was interpreted as not complying with the aforementioned policy. The Senior Planning Officer confirmed the application was not categorised as a conversion or as occupying previously developed land.

The Committee asked for clarification on how many households use the road for access and questioned whether the Council had identified a need for the extra housing.

It was established four households used the road for access to their houses. The Senior Planning Officer explained that the Council had not identified a need for further housing, that they were currently meeting their housing targets

and that Secondary Villages are identified as the least sustainable areas for housing growth. The Head of Planning clarified policy had been applied to reach the recommendation to refuse but that the application was presented to be viewed as a whole by the Committee to reach their conclusion.

Representative for the Applicant, Mr Gerald Swarby, was in attendance and spoke in favour the application.

Members debated the application further stating that the existing garage being replaced by the proposed building would have no significant impact. Support was shown for the resolution of concerns from North Yorkshire County Council Highways and the application in general.

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 conditions reserved to the Head of Planning Services in consultation with the Chair and Vice-Chair of Planning Committee subject to the conditions set in paragraph 7 of the report and the details set out in the Officer Update Note.**

**62 2022/1081/COU -WESTACRE, WISTOW**

**Application:** 2022/1081/COU

**Location:** Westacre, Station Road, Wistow

**Proposal:** Change of use from just residential to include commercial holiday let (retrospective).

The Planning Project Officer presented the application which had been brought before the Planning Committee as it was recommended to be approved contrary to the requirements of the Development Plan (Policy H5 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for retrospective change of use from just residential use to include commercial holiday let.

Members noted the Officer Update Note which detailed a correction to paragraph 5.13 to clarify the proposal would not result in a detrimental impact on the local amenity.

The Committee asked the Planning Project Officer to confirm that this application was retrospective for a business that had been running since 2017 and questioned why a similar application had been refused in 2022.

The Planning Project Officer explained that the property had been built and occupied by the applicant prior to use as a holiday let but that the applicant

had been unaware Planning Permission was required for the change of use, so the application was retrospective. The Planning Project Officer explained the application for change of use submitted in 2022 was refused as it was contrary to Policy H5. This application was a re-submission accompanied with further supporting information supporting the economic benefits detailed in the report which now led Officers to recommend the application.

Councillor David Buckle, Lead Executive Member for Communities and Economic Development was in attendance and spoke in favour of the application.

The Applicant, Mr Jeff Anspach, was in attendance and spoke in favour of the application.

Members debated the application expressing support for the economic benefits of tourism to the area and the positive history and reputation of the business which had had minimal concerns raised about it by the local community. Members questioned whether conditions could be imposed to ensure that, were the business to be sold, future owners would be required to continue the Applicant's policy of refusing bookings with potential to be disruptive to neighbouring dwellings.

The Head of Planning explained this would be difficult to impose or enforce and the Planning Solicitor confirmed it would not be possible to define groups with potential to be disruptive, such as stag parties, with enough precision to make any condition or Section 106 obligation enforceable should the property be sold and continue to function as a holiday let.

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.**

**63 2022/0838/FUL - LODGE FARM, WISTOW**

**Application:** 2022/0838/FUL

**Location:** Lodge Farm, Wistow Lordship, Wistow

**Proposal:** Conversion of a building to form a 2-bed dwelling with parking and private garden.

The Planning Project Officer presented the application which had been brought before the Planning Committee as the proposal was 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 was considered that there were material considerations which would justify approval of the application.

Members noted that the application was for the conversion of a building to form a 2-bed dwelling with parking and private garden.

The Committee asked the Planning Project Officer to clarify the location of the building on the map and the number of dwellings in the vicinity.

The Planning Project Officer demonstrated the location of the site and confirmed that there were 2 barn conversions already on the land alongside the original farmhouse.

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.**

**64 2022/0789/FUL- THE WORKSHOP, RYTHER**

**Application:** 2022/0789/FUL

**Location:** The Workshop, Ryther Road, Cawood

**Proposal:** Erection of one dwelling to replace existing workshop.

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 SP2 of the Selby District Core Strategy) but it was considered there were other material considerations which would justify approval of the application.

Members noted that the application was for the erection of one dwelling to replace an existing workshop.

Members noted the Officer Update Note which confirmed the consultation period for comments from consultees had now expired and no further comments were received.

The Committee asked the Senior Planning Officer for details of the increase in size of the amended layout plan in this application for the 1-bed dwelling from the original layout plan (2019/0712/FUL) with extant permission granted in 2019.

The Senior Planning Officer explained the amended proposal was 8m<sup>3</sup> larger than the original proposal rising to 546m<sup>3</sup> from 538m<sup>3</sup> and this was not considered a significant increase.

Members debated the application further expressing support for the amended layout plan over the original plan. The Committee understood the site was outside development limits and did not meet with the strict interpretation of Policy SP2 of the Core Strategy but that a precedent had been set for residential development with the extant permission granted on the site in 2019

and significant residential development near the 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.**

**65 2022/0941/HPA - 26 MERLIN WAY, BRAYTON**

**Application:** 2022/0941/HPA

**Location:** 26 Merlin Way, Brayton, Selby

**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

The Planning Development Manager presented the application which had been brought before the Planning Committee as it had more than 10 letters of objection and whilst this was a minor application, it had been requested to go to Planning Committee by the Head of Planning given the level of objection and Councillor involvement, and as the Officer recommendation was contrary to these representations.

Members noted that the application was for the raise in height of the existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to the rear and roof lights to front, and the retention of gazebo in the rear garden.

Members noted the Officer Update Note which confirmed Officers had been made aware of, and noted, a document sent directly to Members of the Committee in support of the public speaker speaking in objection to the application.

The Committee asked the Planning Development Manager to confirm when 26 Merlin Way and the surrounding estate had been built and to clarify if there were any 3 storey buildings in the development.

The Planning Development Manager explained that original planning permission for the estate had been granted in 2015 with a Section 73 application granted in 2016 and confirmed that no roof conversions indicating 3 storey dwellings were visible in this development but were present in the wider vicinity of Brayton.

Members drew attention to proximity of the site to residential housing used for residents requiring additional care and support.

Objector, Carla Cox, was in attendance and spoke against the application.

Members debated the application further expressing concerns with the application including objections from local residents. Members agreed with the objections that the proposal would have a detrimental effect on neighbouring properties due to loss of privacy. Members stated the proposal would be intrusive and overbearing to neighbouring properties and would also alter the character of the estate which could set a precedent to other new build estates throughout Selby District.

The Committee criticised the scope of the application and questioned the dimensions of the gazebo included in the application and asked whether this was within permitted development rights.

The Planning Development Manager detailed the dimensions of the gazebo as stated in the report and explained that some plots in the estate, including 26 Merlin Way, had their permitted development rights removed in 2016 due to considerations of residential amenity so needed to apply for planning permission for proposals usually covered by permitted development rights.

Members questioned which parts of the application would be covered by permitted development rights if 26 Merlin Way had them and the Planning Development Manager stated the dormer windows would potentially be covered by permitted development rights but the proposed raising of the roof would not be covered. The Planning Development Manager also stated the height of the gazebo would likely disqualify it from being allowed under permitted development rights, had the plot retained them.

The Committee asked for clarification on whether the proposed dormer windows to the rear of the property would use clear or obscured glazing and questioned the effect of the security cameras on the application.

The Planning Development Manager explained the western window proposed clear glazing and the eastern window obscured glazing. The Head of Planning emphasised that existing or future security cameras did not form part of this planning application and were not to be considered as part of it.

It was proposed and seconded that the application be REFUSED as the proposal would be detrimental to the residential amenity of neighbouring properties from overlooking and was out of character for the existing estate. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application be REFUSED on the following grounds:**

**The proposed development, in particular the insertion of dormer windows, would lead to increased overlooking of adjacent properties resulting in a detrimental impact on living conditions and amenity of neighbouring occupants and would be out of character with other properties in the vicinity. The proposal is therefore considered to be contrary to policy ENV1 of the Selby District Local Plan 2005 and**

**SP19 of the Selby District Core Strategy Local Plan 2013.**

**66 TPO 11/2022 - BARN COTTAGES, WOMERSLEY**

**Application:** TPO 11/2022

**Location:** 1 Barn Cottages, Main Street, Womersley, Selby

**Proposal:** Confirm Tree Preservation Order No. 11/2022 with no modification.

The Senior Planning Officer presented the application which had been brought before the Planning Committee for decision in accordance with the scheme of delegation 3.8.9(b)(viii); the confirmation of the Tree Preservation Order could not 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 sought the permission of the Planning Committee to "Confirm with no Modification", Tree Preservation Order No. 11/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 11/2022

The Committee expressed support for the protection of trees which enhance the area and asked the Senior Planning Officer whether there were any safety concerns regarding the tree and if it was regularly inspected by a professional.

The Senior Planning Officer confirmed the tree was a healthy specimen with no health concerns and a predicted 40 to 100 years life span remaining. The Senior Planning Officer explained the tree was privately owned so it was up to the owner to organise inspection and maintenance.

It was proposed and seconded that the Tree Preservation Order be confirmed with no modification. A vote was taken on the Proposal and was carried.

**RESOLVED:**

**That the application for Tree Preservation Order No. 11/2022 be confirmed with no modification.**

The meeting closed at 16:05



## 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](mailto: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](mailto:planningcomments@selby.gov.uk). All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
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](mailto:democraticservices@selby.gov.uk)

This page is intentionally left blank

# Agenda Item 5

## Officer Update Note Planning Committee – 8 February 2023

### Item 5.1

APPLICATION NUMBER:	2022/0918/OUT	PARISH:	Sherburn In Elmet Town Council
APPLICANT:	Taylor Property Developments (Yorkshire) Ltd	VALID DATE: EXPIRY DATE:	9th August 2022 15 <sup>th</sup> March 2023
PROPOSAL:	Outline application for development of 5 new detached houses including access, appearance, layout and scale (all other matters reserved) (amended plans) on land to the rear of		
LOCATION:	7 Low Street Sherburn In Elmet Leeds North Yorkshire LS25 6BG		
RECOMMENDATION:	<b>GRANT</b> subject to a S106 Agreement to ensure the access is kept clear for the lifetime of the development; for the maintenance of the railings and area of open land and for Recreational Open Space and Waste/ Recycling Contributions		

### **Amendment to Report**

Paragraph 1.1 refers to 'previously Jacksons the Butchers' - for clarification the retail unit is still operating as Jacksons the Butchers.

### **Additional representations**

A further representation has been received. Raising objections to the scheme with regards to the lack of need and the fact that it would be impractical to build in this location. The additional representation does not raise any additional issues that are not already covered in the Officer report.

A query has been received in relation to the number of units using the access and whether this should be adopted which has been circulated to Members.

### **Highways Clarification**

The application seeks permission for 5 no. dwellings however there is an upstairs flat above the Butchers Shop. The Highways Authority does not adopt all roads where there are 6 or above units using the access. There are sites within North Yorkshire where unadopted streets serve more than 6 residential units. The Highways Authority have confirmed that they would not seek to adopt the highway in relation to this application and therefore there are no changes to their recommendations.

### **Clarification Points following the site visit**

Clarification was sought on the size of the site and various dimensions on the site visit. These dimensions are as follows:

Dimensions of site:

From the rear elevation of the outbuilding to rear of no. 7 Low Street to the eastern end of the site – 194.7m

Site Widths at various points along the site below.

Turning Head Behind Shop - 18.9M

Boundary Between Plots 1 & 2 - 18.7M

Boundary Between Plots 3 & 4 - 16.7M

Boundary Between Plots 5 & 5 - 17.5M

Turning Head Behind Plot 5 - 16.2M

Width between the railings at narrowest point: 3.2m

Width of access between outbuilding and site boundary 3.68m



## **Item 5.2**

APPLICATION NUMBER:	2019/0559/FULM	PARISH:	Colton Parish
APPLICANT:	Braegate Produce Ltd	VALID DATE: EXPIRY DATE:	05.06.2019 28.02.2021
PROPOSAL:	Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal road way and footpath, construction of water tanks, excavation of lagoons, and construction of hardstandings.		
LOCATION:	Ibbotsons Mill Hill Braegate Lane Colton Tadcaster LS24 8EW		
RECOMMENDATION:	<b>REFUSE</b>		

### **Amendment to Introduction**

Whilst no further traffic statement or Landscape Visual Impact Assessment has been provided an amended planning statement was provided by the agent along with a spreadsheet of potato loads for 2021.

The statement says that:

- On average there are 20 goods vehicles per day into or out of the site or 40 traffic movements
- The previous conditions recommended to manage impact on residential amenity through control of hours particularly at weekends would affect the survival of the business.
- The trees to the north of the site are outside the application site, there will be some tree removal but the applicant's intention is to replace the trees with a hedge.
- In terms of the outdoor storage the applicant accepts that this needs planning permission and that a condition requiring details of outdoor storage will manage the visual impact.
- When the application was first considered there was 86 jobs now there are around 106 staff.
- The Local Highways Authority has raised no objections on two occasions but then revise their comments requiring additional information. The applicant should be given time to prepare the information.

### **Amendment to paragraph 2.18 of the report**

A further representation was received from Veritas Planning Ltd on behalf of Samuel Smith Old Brewery (Tadcaster).

This representation was received on the 11 January 2022 before the committee on the 12 January 2022 and included in the Officer Update Note.

The representation is summarised below:

- The proposal is contrary to policy – spatial strategy restricts development in countryside locations with preference being urban centres and locations
- The site is in the countryside and adjacent to the Green Belt but not within it – this has not been assessed. The use will have an impact on the Green Belt due to the activities associated with the use.
- The lawful use is agriculture, and the use of the site is unauthorised
- Additional policies referenced that are not included/should not be included in the officer report namely:  
 ENV 2 (Environmental Protection and Contaminated land),  
 ENV 21 (Landscaping Requirements),  
 EMP7 (Employment Development in the Countryside),  
 T2 (Access to Roads)  
 SP2 Green Belt  
 SP13 Scale and Distribution of Economic Growth
- Insufficient information provided to assess the proposal in terms of landscape impact and impact on openness of Green Belt
- The proposal is not sustainable development
- The proposal leads to highway safety issues
- The proposal is not sustainable development due to it being remove from the main centres
- The site is not previously developed land as the NPPF definition excludes agricultural buildings
- The proposal is not diversification or expansion of an existing industrial/business use
- The proposal will result in significant new journeys that could otherwise be directed to rail/bus/walking/cycling
- The location of the site does not provide a safe access

### **Item 5.3**

APPLICATION NUMBER:	2021/1353/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mr Matthew Gath	VALID DATE: EXPIRY DATE:	3rd November 2021 28 February 2023
PROPOSAL:	Erection of 5 dwellings and associated infrastructure		
LOCATION:	Land Adjacent A163 Market Weighton Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	REFUSE		



Comments have been received yesterday from North Duffield Parish Council stating;

*“Councillors would like to reiterate their support for this application and would like to see the application passed as soon as possible. There is a lack of two-bedroom starter homes available in the village and councillors believe this development would benefit the community immensely.”*

**Item 5.4**

APPLICATION NUMBER:	2019/0458/OUTM	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr B Falkingham & WA Hare & Son Ltd	VALID DATE: EXPIRY DATE:	3rd May 2019 10th February 2023
PROPOSAL:	Outline application including access (all other matters reserved) for residential development for up to 40no custom built dwellings		
LOCATION:	Land Off School Road School Road Hemingbrough Selby North Yorkshire		
RECOMMENDATION:	<b>REFUSE</b>		

**Correction to report (paragraph 5.15, page 104):** Emerging allocation HEMB-G has been identified to have an indicative capacity of 123 dwellings, not 120 as stated.

**Additional representations received:**

2 further objections (both from same writer) have been received. Additional grounds of objection to those set out on pages 98-99 of the report are:

- Noise and disturbance from access via Chapel Balk Road
- Nothing has changed since previous refusal
- does the junction of School Road and A63 have capacity?
- does school have capacity for increased numbers?
- detrimental to residential amenity neighbouring dwellings

**Additional consultation responses received:**

**NYCC Minerals and Waste:** Confirm that they have no objection to the proposal.

**LLFA –** Following the LLFA’s original consultation response objecting to the proposal the applicant submitted additional drainage information dated July 2019. The LLFA have been consulted on this additional information and maintain their objection, as detailed on page 97 of the report, that the applicant has not robustly followed the discharge hierarchy for surface water as set out in Part H of the building regulations and that the applicant not demonstrated that the site will not increase flood risk elsewhere.

**Landscape Architect:** Following the Council's Landscape Architect's original consultation response the applicant submitted a Landscape Impact Review dated January 2021. The Landscape Architect has considered this information and provided a further consultation response dated 30th January 2023 stating:

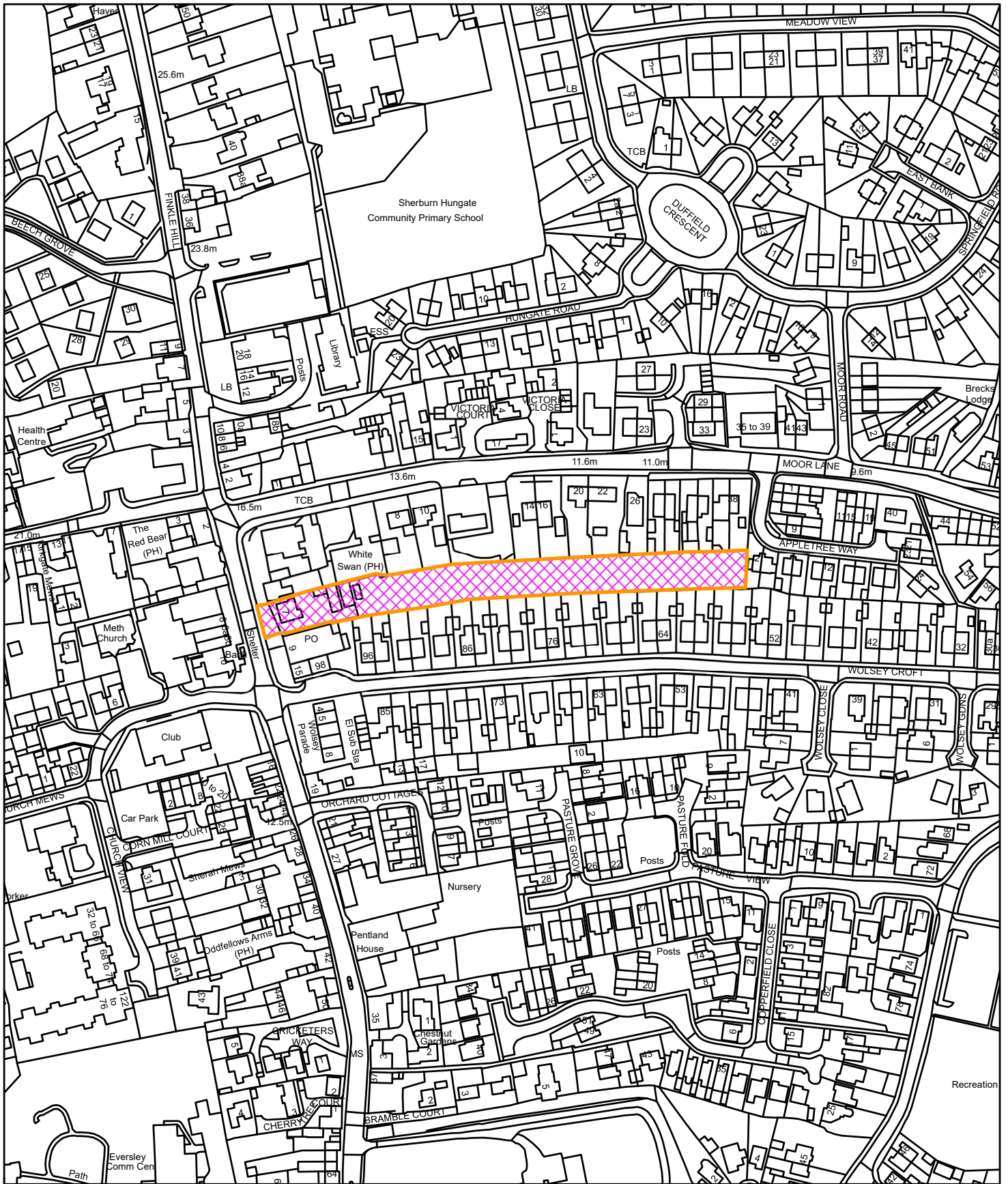
*I have reviewed the further landscape related information and 'Landscape Impact Review' submitted by the Applicant contained within the 'Custom Build Development', email cover letter dated 19/8/2021.*

*The Applicant has not provided any further information which would demonstrate that the landscape concerns previously raised could be sufficiently addressed or resolved. This further information does not change my previous opinion or assessment of the Application.*

*The Landscape objection and landscape consultation comments previously made on 21 August 2019 would remain.*

# Agenda Item 5.1

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



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.

N  
1:2,500

This page is intentionally left blank





This page is intentionally left blank



Report Reference Number 2022/0918/OUT

**To:** Planning Committee  
**Date:** 8<sup>th</sup> February 2023  
**Author:** Emma Howson (Planning Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0918/OUT	PARISH:	Sherburn In Elmet Town Council
APPLICANT:	Taylor Property Developments (Yorkshire) Ltd	VALID DATE: EXPIRY DATE:	9th August 2022 15 <sup>th</sup> March 2023
PROPOSAL:	Outline application for development of 5 new detached houses including access, appearance, layout and scale (all other matters reserved) (amended plans) on land to the rear of		
LOCATION:	7 Low Street Sherburn In Elmet Leeds North Yorkshire LS25 6BG		
RECOMMENDATION:	<b>GRANT</b> subject to a S106 Agreement to ensure the access is kept clear for the lifetime of the development; for the maintenance of the railings and area of open land and for Recreational Open Space and Waste/ Recycling Contributions		

This application was brought before Planning Committee on 7<sup>th</sup> December, due to the fact that 3.8.9(b)(vi) was triggered as there has been more than 10 letters of representation received that raise material planning considerations and where officers would otherwise determine the application contrary to these representations.

The application was deferred for a site visit and for a Traffic Management Plan to be submitted.

A Car Park Management Plan has been submitted and the drawings amended to remove the bollards which were wrongly shown on the highway.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

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

### **The Proposal**

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

### **Relevant Planning History**

- 1.4 The following historical applications are considered to be relevant to the determination of this application:
- Application Number: 2020/0665/OUT  
Description: Outline application for development of 6 new detached houses including access, layout and scale (all other matters reserved) on land attached to the rear of 7 Low Street, Sherburn In Elmet  
Decision: WDN, Date: 09-OCT-20
  - Application Number: 2020/1140/OUT  
Description: Outline application for development of 5 new detached houses including access, layout and scale (all other matters reserved) on land to the rear of 7 Low Street, Sherburn In Elmet,  
Decision: REF, Date: 24-FEB-22

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **HER Officer** - recommends an archaeological mitigation recording.
- 2.2 **Sherburn in Elmet Parish Council** – Object to the proposal on the following grounds:
- Highway Safety
  - Adverse effect on the character and appearance of the site.
  - Detrimental impact on residential amenity.
  - Loss of car parking to frontage and inaccessible parking to rear of site No clear efforts to achieve net gain in biodiversity.
  - Original plan for Wolsey Croft development at the time of planning consent was for the land in question to be maintained as a dividing strip.
- 2.3 **NYCC Highways** - The Highway Authority has no objections to the proposed development as the site is not to be adopted and recommend conditions. The



Highways Officer has reviewed the Car Park Management Plan and has agreed that this is acceptable.

- 2.4 **Yorkshire Water Services Ltd** – Recommend conditions.
- 2.5 **Selby Area Internal Drainage Board** - As this proposal is located slightly outside the Board's district, Selby Area IDB have no comment.
- 2.6 **Contaminated Land Consultant** - The report does not include a summary of the site history or historical maps of the site. No site walkover survey was conducted and no preliminary human health risk assessment or conceptual site model is provided. Historical tanks are noted bordering the site, and other potential contamination sources are recorded within 250 m of the site. The Landmark report does not constitute a Phase 1 preliminary contaminated land risk assessment report. Potential contamination sources, namely historic tanks, are identified within a potentially influential distance of the site, however no risk assessment has been carried out nor conceptual site model produced. Other valuable sources of information, such as the site walkover and historical map review, are not included. As a minimum, a Phase 1 Preliminary Contaminated Land Risk Assessment report will need to be submitted. Conditions recommended.
- 2.7 **County Ecologist** – From the location and examined maps and aerial photography, the likelihood of protected/important species or significant habitats being present is very low. There would be no impact on protected wildlife sites. On this basis, an ecological assessment is not warranted. However, the applicant does need to demonstrate that they could deliver net gains for biodiversity in line with the requirements of the NPPF. This might include, for example, native-species tree planting and using native-species hedgerows as garden boundaries. The DEFRA Small Sites Metric (The Small Sites Metric - JP040 ([naturalengland.org.uk](http://naturalengland.org.uk)) is useful for sites like this, though the applicant may benefit from professional advice in using this tool. Biodiversity Net Gain is not always easy to deliver in urban locations where most of the developed site would be within domestic curtilage. It may therefore be useful if the applicant can show, in outline, that they have considered this.
- 2.8 **Waste and Recycling** –Collection vehicles will not normally access private drives or use them for turning but in this case as a presentation point at the junction of the main road is not possible, the location of this area is suitable provided that the Council are not held liable for any ongoing repairs of maintenance to the access road. As there are more than 4 properties, the developer will be required to pay for the waste and recycling containers.
- 2.9 **Parish Council** - Remain concerned with regards to the unadopted road proposal, and the sizing used for the bin lorries and car parking, which would make the turning circle unworkable and passing of vehicles unworkable. The proposal will lead to a loss of 3 car parking spaces to the front of the development reducing the overall level of car parking in the town centre. Also raise concerns that the houses are not bungalows.
- 2.10 **Publicity** – The application has been advertised and readvertised following changes to the application by site notices.

There have been 101 representations received raising objections to the application on the following grounds:

- Loss of parking
- Overdevelopment

- Damage to trade
- Lack of accessibility
- Poor access
- Residential Amenity – Overlooking, overshadowing, parking, loss of privacy, outlook, noise and disturbance
- Impact on village
- Highway Safety
- Wrong location for housing
- Drainage
- Materials
- Ecology
- House Values (not a material planning consideration)
- Lack of notification as residents did not receive letters
- Lack of infrastructure
- Original refusal reasons still stand
- Noise from pub
- Not the required housing type

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

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

### **3. SITE CONSTRAINTS**

#### **Constraints**

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

### **4. POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.
- 4.3 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"219. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should*

*be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.5 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28<sup>th</sup> October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

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

- 4.7 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP4 – Management of Residential Development in Settlements  
SP5 – Scale and Distribution of Housing  
SP6 – Managing Housing Land Supply  
SP8 – Housing Mix  
SP9 – Affordable Housing  
SP12 – Access to Services, Community Facilities and Infrastructure.  
SP15 – Sustainable Development and Climate Change  
SP18 – Protecting and Enhancing the Environment  
SP19 – Design Quality

#### **Selby District Local Plan**

- 4.8 The relevant Selby District Local Plan Policies are:

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

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

4.9 The relevant Minerals and Waste Local Plan Policies are:

S01 – Safeguarded Surface Mineral Resources

S02 – Developments proposed within Safeguarded Surface Mineral Resource areas

S07 – Consideration of applications in Consultation Areas

D13 – Consideration of applications in Development High Risk Areas

### **National Planning Policy Framework**

4.10 The relevant sections of the NPPF are:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

7 Ensuring the vitality of town centres

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

17 Facilitating the sustainable use of minerals

### **Other Policies/Guidance**

4.11 The other relevant documents are noted as follows:-

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

## **5. APPRAISAL**

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

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

### **Principle of Development**

- 5.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.3 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints." Sherburn in Elmet is a designated Local Service Centre where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement. Proposals on non-allocated sites such as this must meet the requirements of Policy SP4 of the Core Strategy.
- 5.4 Policy SP4 a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits." For Sherburn In Elmet, SP4 a) sets out that the redevelopment of greenfield land (amongst other things is acceptable in principle.
- 5.5 The application site is a greenfield site in line with the NPPF definition as it an area of open space within a built-up area. The site sits within the settlement limits of Sherburn in Elmet and is therefore acceptable in principle given that the Councils spatial strategy allows for growth within the settlement of an appropriate scale.
- 5.6 Core Strategy Policy SP4 (c) states "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations."
- 5.7 To conclude, whilst the development of the site is acceptable in principle, it will be subject to the considerations of the area character in addition to impacts on residential amenity, biodiversity, drainage, and on the public highway as detailed below.

### **Housing Mix**

- 5.8 Policy SP8 of the Core Strategy states that ALL proposals for housing must contribute to the creation of mixed communities by ensuring the types and sizes of dwellings provided reflect the demand and profile of the households evidenced from the most recent strategic housing market assessment and robust housing needs assessment whilst having regard to the existing mix of housing in the locality. Policy H4A of the local plan states that, subject to respecting the character of the area and site suitability, new housing development will be required to provide an appropriate mix of dwelling types and sizes in order to: 1) avoid the creation of large areas of housing of similar characteristics, 2) help create mixed and inclusive communities, and 3) assist in redressing shortages of particular types of dwelling as may be indicated by housing needs assessment and annual monitoring of housing provision.
- 5.9 The Housing and Economic Development Needs Assessment (HEDNA) October 2020 is the most up to date assessment. Chapter 10 sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban

and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2- and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.

- 5.10 The HEDNA does not specify smaller sub-areas, i.e. per village. The need for 2-3 bed homes is across the Selby District North and East area and whilst there is some difference between areas it is not substantial enough to suggest a mix of housing as being needed in different areas. There is also a need for bungalow type of accommodation, however there is no quantitative data as to the extent of need in the District.
- 5.11 The properties proposed are modest sized bungalows with rooms in the roofspace (no dormers) and are shown on the layout as 3 bedrooms. As such, it is considered that the proposed development would be appropriate in terms of housing mix.

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

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

- 5.18 Railings are proposed to the street frontage, it is considered expedient to require details of the proposed railings as part of the reserved matters information in relation to landscaping, to ensure that these are in keeping with the locality and offer a visual improvement to the streetscene, and that the ongoing maintenance of the railings is provided for by entering into a S106 legal agreement.
- 5.18 In light of the above, the proposal is considered to be acceptable in terms of its design and impact on character and appearance of the area and therefore accord with the aims of Policy ENV1 of the Local Plan and SP19 of the Core Strategy.

### **Residential Amenity**

- 5.19 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 1) and 4) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.20 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking, overshadowing of neighbouring properties and whether dominance and enclosure would result from the size, scale and massing of the dwelling proposed.
- 5.21 The proposed dwellings are shown on plans to be positioned in closer proximity to the rear (northern) boundary with a separation distance of at least 18m to the residential properties on Moor Lane. The properties are 7.3m in height and have velux windows in the northern elevation. These are however shown to be set at 1.9m above the floor and thus would be for light and ventilation only as an average person would be unable to look out of the windows at this height. The remaining windows to the rear elevation are at ground floor level and would not overlook the properties to the north due to the existing boundary treatments. Further, the proposed properties are shown to be off set from the properties on Moor Lane to avoid any direct views between the properties. Given the above, the separation distance between the properties and those on Moor Lane is considered to be acceptable to avoid any undue loss of privacy to the existing dwellings.
- 5.22 As the properties are situated to the south of the properties on Moor Lane, there is the potential for overshadowing, however this is limited by the height of the proposed properties and the offset arrangement.
- 5.23 The proposed dwellings are situated a minimum of 20m from the properties on Wolsey Croft, which is considered to be an acceptable separation distance, and again the buildings are off-set from the existing dwellings. The proposed dormer window to the front elevation has been omitted from the design of the dwellings and replaced with a velux window which is again positioned at 1.9m above floor level and therefore would not create an issue with overlooking or loss of privacy.
- 5.24 The proposed layout, which lays out the properties in a position offset from the existing dwellings, would allow outlook to be retained for the existing dwellings as well as those proposed. Whilst this may be reduced by the physical built form, there are sufficient gaps between the properties to allow views through the site from both Moor Lane and Wolsey Croft.

- 5.25 The access arrangement follows the rear boundaries of Wolsey Croft and replacement parking is proposed to the rear of the commercial property. The proposal provides 5 no. car parking spaces to replace those lost on the site frontage and 2 further car parking spaces per dwelling. There is an element of disturbance at the western end of the site associated with the commercial vehicle movements associated with the business use of the site. However, as there would be the potential for additional disturbance to the properties on Wolsey Court from the new access road it is considered expedient that any planning approval should require the installation of acoustic fencing to the rear of the property boundaries on Wolsey Court to minimise the level of disturbance that could be caused by vehicle movements to the rear of their gardens.
- 5.26 The application does not include landscaping as a matter for consideration and thus the reserved matters application for landscaping details would be required by condition to include these details. It is considered that suitable landscaping could be accommodated in the scheme, particularly at the site's eastern end where a planted area is proposed.
- 5.27 A turning head has been provided at the end of the site, however the plots have sufficient parking and turning adjacent to the properties that this would only be required to be used by larger vehicles such as the waste and recycling lorry and thus any disturbance would be limited.
- 5.28 The proposed properties are approximately 21m apart and have 1.8m high boundary fencing shown on the layout plan, which would provide a suitable level of amenity from each other. The gable end windows only serve bathrooms and thus would not create issues of overlooking between the properties. It is however considered expedient to condition these windows to be obscure glazed and be retained as such. It is also considered expedient to impose a condition to ensure no additional windows are inserted in future which could give rise to new overlooking.
- 5.29 The properties meet the required minimum separation distances and thus, due to the constrained nature of the site, it would also be considered appropriate to condition the removal of permitted development rights to the properties for extensions, additional windows, dormer windows or outbuildings which could compromise the residential amenity of the neighbouring properties if not controlled.
- 5.30 Due to the proximity of the neighbouring properties, it is considered expedient to restrict the times of the development works to ensure that residential amenity is not unduly compromised.
- 5.31 It is therefore considered that the proposed layout, scale and appearance would not have a significant adverse impact on the residential amenity of both existing and future occupiers subject to conditions and would therefore accord with Policy ENV1 of the Local Plan; Policy SP18 of the Core Strategy and paragraph 130 of the NPPF.

### **Access and Highway Safety**

- 5.32 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and Core Strategy Policy SP15. The aims of these policies accord with paragraph 110 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety. Within this context,



paragraph 112(c) requires development to create places that are safe and minimise conflict between pedestrians, cyclists and vehicles.

- 5.33 Two previous applications 2020/0665/OUT and 2020/1140/OUT relating to the site have been withdrawn and refused respectively due to concerns over highway safety. To address these issues, a full highway survey has been submitted with the application. The parking area to the frontage of the site is removed and replaced with 5 no. car parking spaces to the rear of the commercial premises.
- 5.34 A Car Parking Management Plan has been submitted which demonstrates the accessibility of the spaces for parking and turning in line with NYCC standards and also to set out a management plan for the operation of the car parking arrangements to ensure that the access is kept clear. The details have been considered by the Highways Authority and are acceptable. It is considered that as the management plan will need to be in operation for the lifetime of the development, this should be included within the S106 legal agreement required for the site.
- 5.35 Concerns have been raised by the members of the public over the safety of the proposal, however by removing the parking to the frontage of the commercial properties and the provision of railings to the area, this would reduce the number of vehicle/vehicle conflicts and vehicle/pedestrian conflicts associated with the area. The proposal restricts pedestrian access to a particular crossing point which is in full visibility of drivers accessing and egressing the site.
- 5.36 A large number of objections to the application relate to the loss of the car parking to the frontage of the development. However, planning permission is not required by the landowner to remove this parking and this could be removed at any time.
- 5.37 Whilst the access into the site and the car parking area is restricted at this point, this serves to reduce traffic speeds as only one vehicle can use this access point at one time. The parking area provides a suitable turning area for vehicles so that the vehicles are able to remain forward facing when accessing and egressing the site.
- 5.38 The plans have been considered by NYCC Highways who raise no highway safety concerns to the proposal subject to conditions including one of the provision of signage giving priority to those accessing the site over those egressing the site to reduce any likelihood of vehicles backing up on to the highways.
- 5.39 It is considered expedient that any planning approval requires the installation of the railings prior to the commencement of any development on the site, to ensure pedestrian safety.
- 5.40 The proposal is therefore considered to accord with Policies ENV1(2), T1 and T2 of the Local Plan, Core Strategy Policy SP15 and paragraphs 110(b), 111 and 112(c) of the NPPF.

### **Impact on Biodiversity**

- 5.41 NYCC Ecology Officer has considered the information provided and examined maps and aerial photography, the likelihood of protected/important species or significant habitats being present is very low. There would be no impact on protected wildlife sites. On this basis, an ecological assessment is not warranted.

- 5.42 In line with the NPPF, it is important to demonstrate that the proposal could deliver net gains for biodiversity. The landscaping scheme for the site is a reserved matter and is not included within this application for consideration. It is possible for a net gain in terms of biodiversity could be provided by a suitable scheme which might include, for example, native-species tree planting and using native-species hedgerows as garden boundaries.
- 5.43 The application site also includes an area of 'open space' to the western edge of the site, which the applicant has confirmed would be managed by a landscape management company. A condition would be required to provide a detailed plan for the management of this area. The landscaping scheme would include this area which provides an area where biodiversity net gain can be maximised. To ensure that the land is maintained the management of this land should also be included within a S106 legal agreement for the site.
- 5.44 It is therefore considered that subject to a suitable landscaping scheme being provided, that the site is capable of providing a biodiversity net gain in line with the NPPF.

### **Minerals and Waste**

- 5.45 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Limestone. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Referral Area to which Policy D13 applies.
- 5.46 However, the site relates to a strip of land sitting within an existing built-up settlement that is enclosed by existing housing development. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the location of the site, it is unlikely that this site would be considered as a suitable or appropriate site for mineral resource extraction and therefore needs to be safeguarded for the future. The proposal is not considered to sterilise the mineral or prejudice future extraction.
- 5.47 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Referral Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies Sherburn in Elmet as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.
- 5.48 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.
- 5.49 Turning to local waste management, whilst waste collection vehicles would not normally access private drives or use them for turning, in this case as a presentation point at the junction of the main road is not possible, the location of this area within the site is considered to be suitable provided that the Council are not held liable for any ongoing repairs of maintenance to the access road.

- 5.50 The Council is seeking to ensure that adequate provision is designed into all new dwellings and building conversions to housing units for waste storage, separation of recyclables and access for collection. The Council's SPD on Developer Contributions sets out the requirement for a developer to provide adequate waste bin provision on developments providing 4 or more residential units. As the proposed development will provide 5 no. units the waste and recycling contribution would be paid under the Section 106 Agreement/Unilateral Undertaking in accordance with Developer Contributions.

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

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

### **Contaminated Land**

- 5.56 Saved Local Plan Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.57 It is not considered that the application has been submitted with adequate information to enable confidence that the site is not contaminated and thus it is recommended that any approval on the site includes pre-commencement conditions relating to land contamination. Subject to such conditions, the application accords with the aims of national and local planning policy.

### **Impacts on Heritage**

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

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

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

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

### **Affordable Housing**

- 5.60 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.61 However, the NPPF is a material consideration in the determination of planning decisions and postdates the Core Strategy. At paragraph 64 it states that 'Provision of affordable housing should be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer'.
- 5.62 Major development is defined in the NPPF as, for housing, development where 10 or more homes are provided or the site has an area of 0.5 hectares or more. As the application proposes the erection of five dwellings on a site which has an area of less than 0.5 hectares, it is not considered to be major development. Having regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application would not require an affordable housing contribution.

### **Open Space**

- 5.63 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space.
- 5.64 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and up to and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality.
- 5.65 Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:
- provide open space within the site;
  - provide open space within the locality;
  - provide open space elsewhere;
  - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.66 Sherburn in Elmet Town Council have confirmed that they would prefer a contribution towards existing space in the locality and are willing to provide details of a scheme that the monies can be used towards. In accordance with the Developer Contributions Supplementary Planning Document, this is a permitted scenario. In line with the SPD, the S106 would set out a criteria-based system for allocating the funds. In the first instance, Sherburn in Elmet Town Council would be given another opportunity to spend the money in the first three years. If the money remains unspent at the end of year three, then the adjacent parishes would be given an opportunity to put forward a detailed bid. Finally, at the end of year four if the money remains unspent then the District Council can use the money within the District for the improvement of existing or the provision of new leisure/recreation facilities. If the monies deposited in the fund have not been spent within five years, then they will be returned to the developer with interest. The cost per dwelling for upgrading existing open space is £991. Payment would be secured through the applicant entering into a Section 106 Agreement prior to the issuing of any planning permission.

## **Other Issues**

### **Parish Council Query**

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

### **Parking area outside the Spar**

- 5.68 The area of car parking to the front of the SPAR does not form part of the application site and thus the applicant is not claiming ownership of this land. The proposal includes a set of railings along the boundary with this car parking area, removing access from the application site. There remains access from the highway and the plans have been amended to clarify this.
- 5.69 The applicant has stated that there is no legal right of access to this area from the application site and has provided a copy of the title deeds. No evidence has been

provided which disputes this statement, however this is a legal matter between the relevant parties and not a material planning consideration.

- 5.70 As stated earlier in this report, it is considered expedient that the railings are installed prior to commencement of the development to ensure that the site can be safely accessed and egressed and to reduce vehicle/pedestrian conflicts.

### **Accessibility**

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

## **6. CONCLUSION**

- 6.1 The application seeks outline consent for the erection of 5 no houses on the site and includes the matters of access, appearance, scale and layout (landscaping is a reserved matter).
- 6.2 The site is located within the defined development limits of Sherburn in Elmet and is considered to be acceptable in principle.
- 6.3 The design of the scheme has been amended during the application process to enable a safe form of access can be achieved from the site and that the proposed dwellings meet all the recommended separation distances and window positioning has been amended to protect the amenity of the neighbouring properties.
- 6.4 Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF.
- 6.5 The proposal is therefore considered to be acceptable in planning terms and is recommended for approval subject to conditions and a Section 106 Legal Agreement. The Agreement would cover the follow matters and is considered to meet the tests for planning obligations in paragraph 57 of the NPPF:
- Financial contribution of £991.00 per dwelling for upgrading existing open space.
  - Financial contribution of £65 for the waste and recycling provision per dwelling.
  - The ongoing management of the car parking area as set out in the car parking management plan.
  - The ongoing maintenance of the access railings
  - The ongoing management and maintenance of the area of open land to the east of the site.

## **7. RECOMMENDATION**

This application is recommended to be **GRANTED** subject to the following conditions and the applicant enters into a S106 agreement for Recreation Open Space and Waste/ Recycling Contributions and the management and maintenance of the car parking area; access railings and area of open land to the east of the site:

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

Reason:

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

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

Reason:

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

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

Location Plan – LOC01 submitted to the LPA 28<sup>th</sup> July 2022

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

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

Site Blockplan and Layout – RAS220707/P1 Rev D submitted to LPA 24<sup>th</sup> January 2023

Site Layout – 1954-102D submitted to LPA 24<sup>th</sup> January 2023

Visitors Parking – 1954-103A submitted to LPA 24<sup>th</sup> January 2023

Access Arrangements – 1954-101F submitted to LPA 24<sup>th</sup> January 2023

Car Parking Management Plan submitted to the LPA on 13<sup>th</sup> January 2023

Reason:

For the avoidance of doubt

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

Reason:

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

5. A) No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local

planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

Reason:

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

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

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV2 of the Selby District Local Plan.

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

Reason:

To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors and to accord with Policy ENV2 of the Selby District Local Plan.

8. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried



out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination and to accord with Policy ENV2 of the Selby District Local Plan. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

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

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV2 of the Selby District Local Plan.

10. There must be no access or egress by any vehicles between the highway and the application site at 7 Low Street, Sherburn In Elmet, Leeds until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety and to accord with SDLP Policies T1 and T2.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at 7 Low Street, Sherburn In Elmet, Leeds have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

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

1. restriction on the use of the access for construction purposes;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours; 6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity and to accord with Saved Policy ENV1 of the Local Plan.

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

Reason:

In the interests of safety and the general amenity of the development and to accord with SDLP Policies T1 and T2.

14. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external walls and roof of the dwellings, hereby permitted, shall be provided to the Local Planning Authority for approval. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and to accord with Policy ENV1 of the Local Plan and Policy SP19 of the Core Strategy.

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

Reason:

In the interests of enhancing biodiversity and to accord with the NPPF and Core Strategy Policy SP18. .

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

Reason:

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

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

Reason:

In the interests of residential amenity and biodiversity and to accord with Core Strategy Policy SP18 and Saved Local Plan Policy ENV1.

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

Reason:

In the interest of satisfactory and sustainable drainage and to accord with Core Strategy Policy SP15.

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

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to accord with Core Strategy Policy SP15.

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

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

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

Reason:

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

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

Reason:

In the interests of visual amenity and the residential amenity of the surrounding properties and to accord with Saved Local Plan Policy ENV1 and Core Strategy SP19.

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

Reason:

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

24. Prior to the commencement of development, the railings along the access to the frontage of the site shall be installed, and shall be retained and maintained as such for the lifetime of the development.

Reason:

In the interests of highway safety and to reduce the level of vehicular and pedestrian conflict, and to accord with SDLP Policies T1 and T2.

## **8. Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

## **9. Financial Issues**

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

## **10. Background Documents**

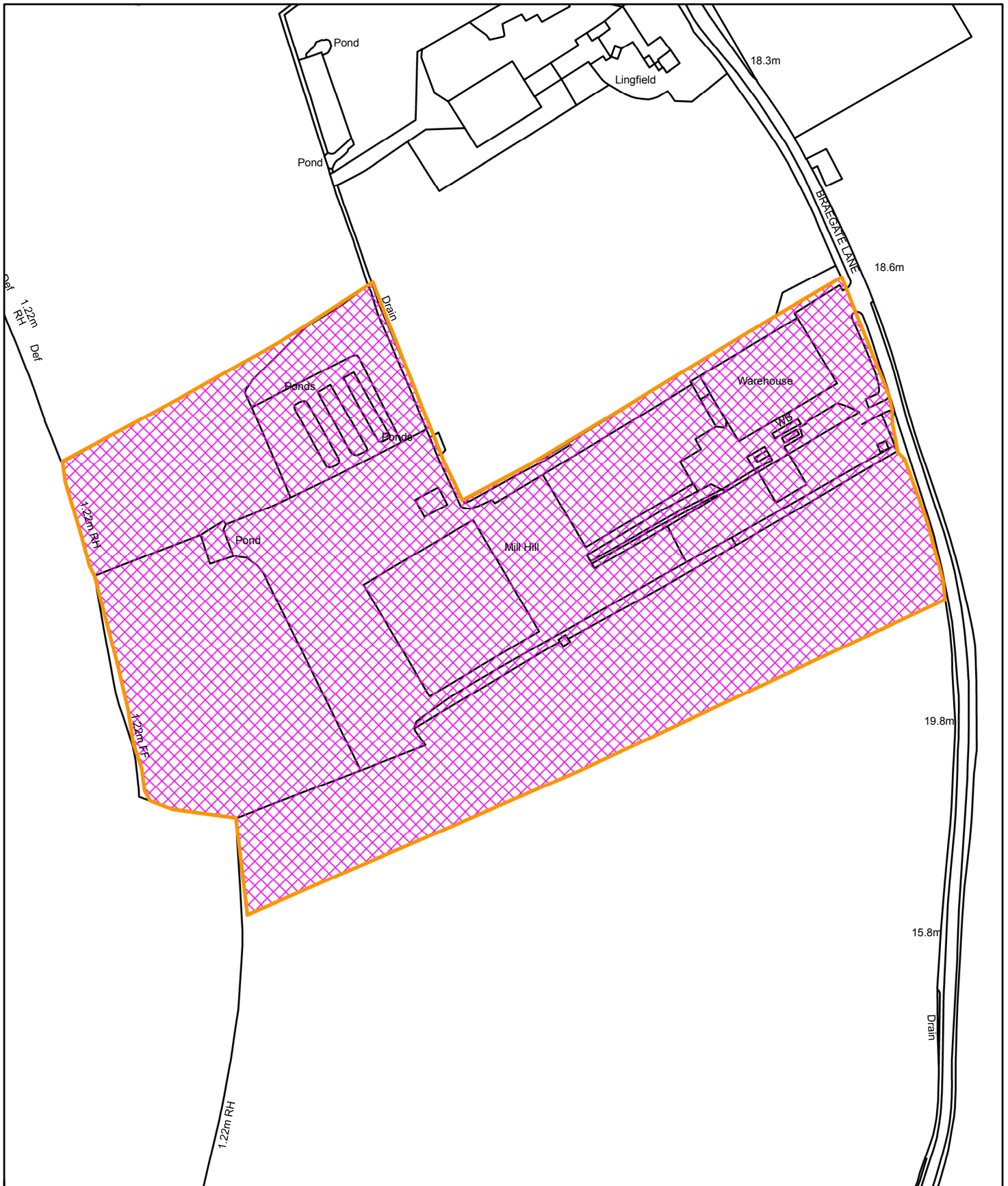
**Planning Application file reference 2022/0918/OUT and associated documents.**

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

**Appendices:** None

# Agenda Item 5.2

Ibbotsons, Mill Hill, Braegate Lane, Colton  
2019/0559/FULM

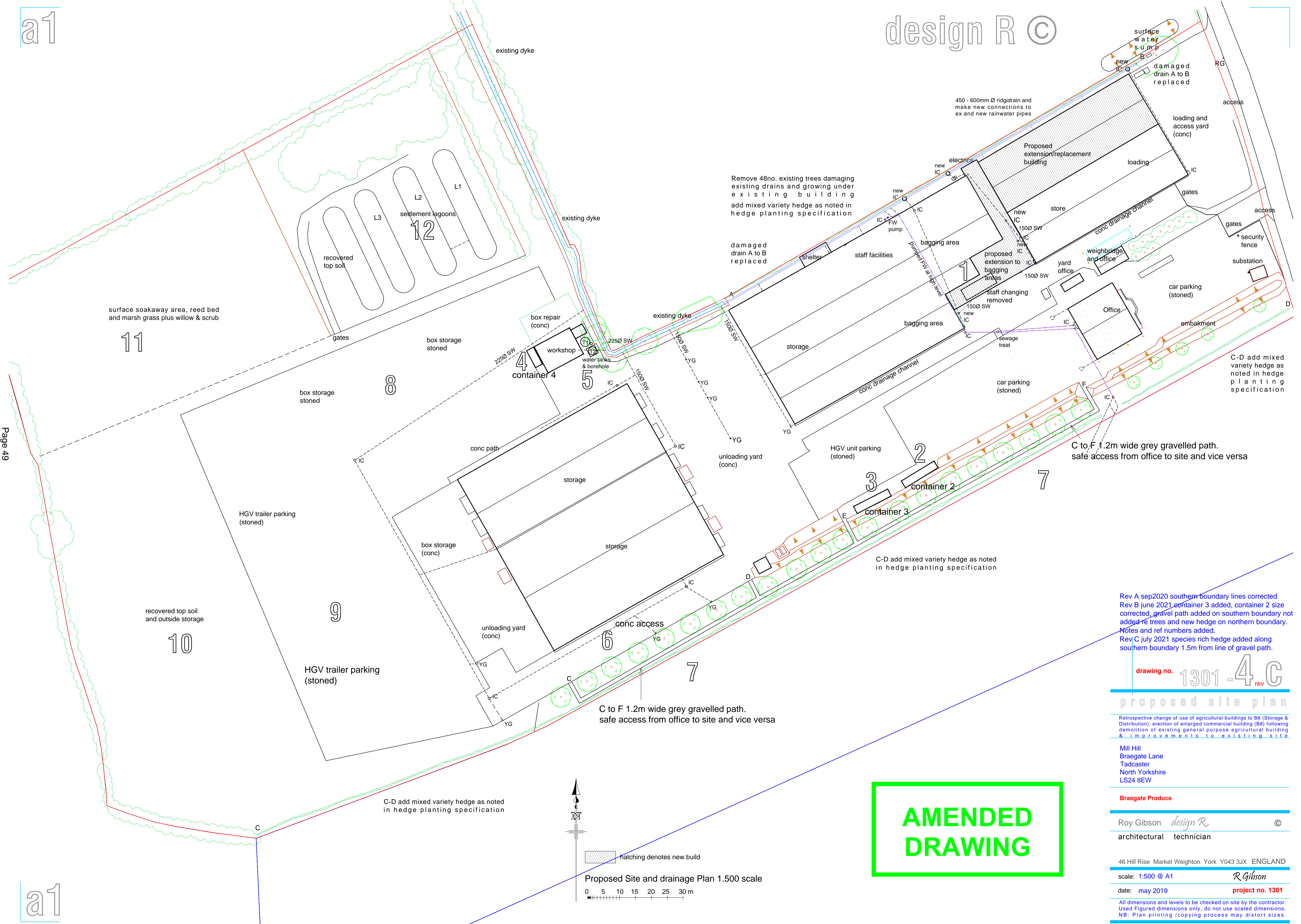


Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.

N  
1:2,500

This page is intentionally left blank





Page 49

Rev A sep2020 southern boundary lines corrected  
 Rev B june 2021 container 3 added, container 2 size corrected, gravel path added on southern boundary not added re trees and new hedge on northern boundary. Notes and ref numbers added.  
 Rev C july 2021 species rich hedge added along southern boundary 1.5m from line of gravel path.

drawing no. 1301-4 rev C

proposed site plan

Retrospective change of use of agricultural buildings to B8 (Storage & Distribution); erection of enlarged commercial building (B8) following demolition of existing general purpose agricultural building & improvements to existing site.

Mill Hill  
 Braegate Lane  
 Tadcaster  
 North Yorkshire  
 LS24 8EW

Braegate Produce

Roy Gibson design R. ©  
 architectural technician

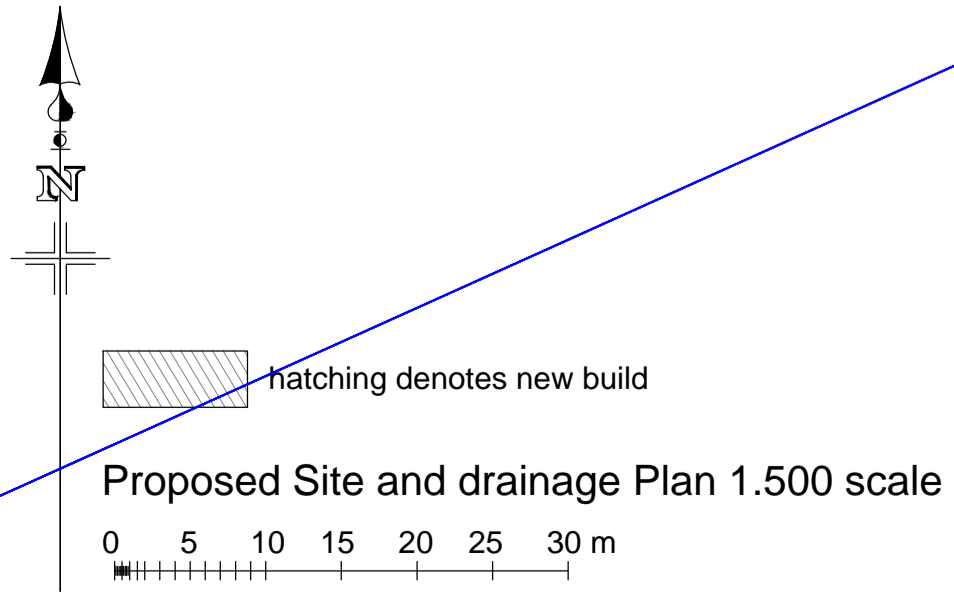
46 Hill Rise Market Weighton York Y043 3JX ENGLAND

scale: 1:500 @ A1 R. Gibson

date: may 2019 project no. 1301

All dimensions and levels to be checked on site by the contractor. Used Figured dimensions only, do not use scaled dimensions. NB: Plan printing /copying process may distort sizes.

**AMENDED DRAWING**



Proposed Site and drainage Plan 1.500 scale

This page is intentionally left blank





**Report Reference Number : 2019/0559/FULM**

**To: Planning Committee**  
**Date: 8<sup>th</sup> February 2023**  
**Author: Diane Holgate (Principal Planning Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

APPLICATION NUMBER:	2019/0559/FULM	PARISH:	Colton Parish
APPLICANT:	Braegate Produce Ltd	VALID DATE:	05.06.2019
		EXPIRY DATE:	28.02.2021
PROPOSAL:	Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal road way and footpath, construction of water tanks, excavation of lagoons, and construction of hardstandings.		
LOCATION:	Ibbotsons Mill Hill Braegate Lane Colton Tadcaster LS24 8EW		
RECOMMENDATION:	<b>REFUSE</b>		

This application was brought before Planning Committee at the request of Councillor Musgrave on the 12 January 2022. The application was deferred in order for further information, as set out below, to be collected and evaluated as part of the scheme before being brought back to the Committee. Members should note that no further information has been provided as such this has resulted in a change in officer recommendation.

Information requested was:

- details of how the site had;
- developed over time;
- the verification of traffic data;
- the effects on residential amenity;
- tree removal and surveying;
- visual screening and the provision;
- of a landscape visual appraisal; and,
- that company records relating to information on traffic and vehicle movements be requested of the applicants.

## **1.0 INTRODUCTION AND BACKGROUND**

- 1.1 This application is for full planning permission for the intensification of the use of the agricultural buildings and land for the processing and storage of potatoes. The proposal also includes the erection of an enlarged storage building following demolition of the existing building along with the construction of a new internal roadway, footpath, water tanks, lagoons and hardstandings.
- 1.2 The application was submitted on the 5 June 2019 following the previous application 2018/0562/FULM being withdrawn on officer advice due to insufficient information. The proposal was resubmitted (this application) which was deferred from Planning Committee for further information.
- 1.3 The use and some of the works have been implemented and as such the proposal is for part retention of the development. The demolition and re-construction of the storage building has not yet commenced.
- 1.4 The site was formerly occupied by Ibbotson potato farmers from 1982 prior to be acquired by Braegate Produce Ltd supplies in 2018 who supply potatoes to supermarkets, wholesalers and processors around the UK.
- 1.5 The use has changed from a storage facility in connection with potato farming in the local area by a local farmer, to a processing, storage and distribution facility where potatoes are provided by various growers. Braegate Produce Ltd procure produce from various potato growers, the product is processed and packed then distributed to supermarkets, wholesalers and processors all around the UK. In legal terms, any buildings which were substantially completed more than 4 years ago have become lawful and immune from enforcement action. This only applies to their structures. The same applies to engineering works. The Courts have held that the period of immunity for a structure is 4 years, but the use of that building needs to have taken place for 10 years for it to have become immune. The Applicant submitted an application for a certificate of lawful existing use to seek to demonstrate the lawful parts of the site. This application was refused under delegated powers due to their being insufficient evidence to issue the certificate. Lawful Development Certificate applications are not based on planning merit but on evidence and the balance of probability.
- 1.6 The application is supported by the following information:
  - Existing and proposed elevations
  - Site Plan
  - Proposed elevations and sections
  - Design and Access Statement
  - Ecology Assessment and Net Gain Assessment
  - Transport Assessment
  - Travel Plan
  - Planting Specifications
  - Topographical Survey
  - Planning Statement

- 1.7 On visiting the site officers identified a number of developments that do not have the benefit of planning permission and in the case of the operational development are less than 4 years old:
- Water towers
  - Internal road
  - Path
  - Hard surfaces
  - Lagoons
- 1.8 The applicant has commissioned a topographical survey of the site to accurately identify all development on site and amended plans and up to date ecological assessments have been provided.
- 1.9 Potatoes are delivered to the site 5 days per week Monday to Friday, and deliveries out of the site, to customers, are 7 days per week. Deliveries in generally are between 06:00 to 16:00 Monday to Friday, deliveries are generally 04:00 to 22:00.
- 1.10 Generally the packing operations work 6 days per week, 06:00 Monday through to Sunday morning 04:00. The business runs a day shift and a night shift. The number of packing lines in use and, consequently, the staff present on site is based on the daily orders.

### **Relevant Planning History**

CO/1976/31152	General farm building. Granted 30 June 1976
CO/1974/31133	General Farm Store Granted 28.08.1974
CO/1975/31150	Potato Store Extension Granted 21.08.1975
CO /1980/31153	Erection of general purpose agricultural building. Granted 30.04.1980
CO/1985/1122	Erection of extension to existing general purpose agricultural storage building Refused 21.06.85
CO/1985/1121	Proposed erection of extension to existing general purpose agricultural storage building refused 31.05.1985
CO/1986/1228	Erection of an extension to existing potato storage building. Granted 12.01.1993
CO/1986/1226	Proposed alterations to raise the roof height of existing potato storage. Granted 24.11.1986
CO/1996/0456	Erection of general purpose storage building. Granted 22.01.1997.
CO/1997/0145	Erection of lean-to extension to existing potato storage building. Granted 07.04.1997
CO/1998/0519	Continued development of general purpose storage buildings without complying with Condition 3 (roof to be sprayed with

	slurry) imposed on consent 8/77/1s/PA dated 22/01/1997. Granted 17.09.1998
CO/1997/0326	Proposed erection of 2 bay extension to storage building. Granted 26.06.1997
CO/1998/0562	Proposed removal of planning condition No 3 of planning permission 8/77/1V/PA dated 22/1/97. Granted 17.09.1998
2008/1118/FUL	Erection of an office building. Granted 24.11.2088
2009/0513/DPC	Discharge of condition 2 (materials) in relation to approval 8/77/46/PA (2008/1118/FUL) for the erection of an office building. 01.07.2009
2009/0648/DPC	Application to discharge condition 2 (materials) of approval of 2008/1118/FUL 10.08.2009
2018/0562/FULM	Retrospective change of use of agricultural buildings to B8 (Storage & Distribution); erection of enlarged commercial building (B8) following demolition of existing general purpose agricultural building & improvements to existing site access. Withdrawn 29.01.2019
2022/1092/CPE	Lawful development certificate for existing use of land and buildings for the processing of vegetables including warehousing, offices and parking. Refused 19.01.2023

## 2.0 CONSULTATION AND PUBLICITY

### Consultation Responses

- 2.1 **NYCC Ecology** – The ecology walkover survey doesn't raise any ecological issues. The site is of low ecological value and the calculations show that the proposed hedgerow planting would achieve a net gain for biodiversity. Hedge planting should follow the plan 1301 Rev A submitted in October 2019.
- 2.2 **NY Fire and Rescue** – No objections
- 2.3 **NYCC Highways** - NYCC highways initially raise no objections but have since provided a further response requesting the following information:
- Swept Path Analysis for largest vehicles.
  - ELV
  - Access to public transport
  - Improvement of traffic flows to reduce interaction between pedestrians and vehicular traffic
  - Details of how pedestrian trips will be encouraged
  - Speed survey data
  - Stage 1 Road Safety Audit
  - Further statistics for personal injury collision history
  - Parking Standards
  - Details of existing vehicle trips

- Traffic survey data
- Trip distribution
- Trip generation
- Temporal growth
- Traffic generation to take account of committed developments
- Junction assessment

No further information has been received as such Highways maintain a holding objection.

2.4 **NY Police** – No comments.

2.5 **NYCC Local Lead Flood Authority (LLFA)** – The supporting statement states that surface water currently drains to soakaways, a condition is recommended requiring details of drainage.

The proposed reconstruction of the agricultural building and side extension are proposed on existing hardstanding that is already draining to the watercourse network as shown on the existing site layout plan. The proposed extension would not therefore result in an increase in surface water rate and volume entering the watercourse, thus not increasing flood risk elsewhere.

Notwithstanding this, in accordance with the NYCC SuDS design guide, any runoff from the redevelopment of a brownfield site should be reduced by 30%. The applicant has not provided any calculations to demonstrate how the runoff from the proposed reconstructed unit and extension will be managed and reduced by 30%.

The following condition is recommended:

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a minimum 30% reduction of the existing positively drained runoff rate in accordance with the NYCC SuDS Design Guide. A 30% allowance shall also be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

2.6 **NYCC Archaeology** – There are no known archaeological sites in the area indicated or within the immediate vicinity. No objections.

2.7 **Ainsty IDB** – Discharge rate to the watercourse has not been agreed. The site is outside the district with no Board maintained watercourse within the immediate vicinity. The preferred option is discharge to soakaways. If there has been a previous discharge to a watercourse and if soakaways are not possible the existing rate should be reduced by 30%. If approved, conditions are requested relating to surface water disposal.

2.8 **The Countryside Charity (CPRE)** – An agricultural use has been in operation for some years. The increased activity at the site have started to cause some concerns with local CPRE Members and residents in the area particularly in relation to traffic movements.

Furthermore, from the site, the vehicles travel along Braegate Lane to the A64. Until the A64 is reached, both Braegate Lane and Colton Lane are typical rural lanes and whilst residents are used to some large vehicular movements, the number of these movements are now causing distress and intimidation to many local road users.

The NPPF states very clearly that planning decisions should ensure any significant effects on the transport network, including from highway safety, can be mitigated to an acceptable level. It goes on to state that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

The application includes the erection of a 40m new building, following the demolition of an existing general purpose agricultural building. It is recognised that whilst the new building is particularly large, it is in-keeping with the remaining buildings on site in terms of scale. CPRENY has no specific comments to make on the building and welcomes the use of solar panels on site in relation to the mitigation of climate change.

In terms of ecological improvements, CPRENY are dismayed that so many boundary trees and hedgerows are to be removed to facilitate the proposals, although understand that the submitted planting plan has included replanting of native species which will provide a good mix of habitats for biodiversity. However, it is disappointing that the applicant has not sought to provide net gain for biodiversity as part of the proposals in line with the revised NPPF (para.170) and the emerging Environment Bill.

Whilst CPRENY do not object in principle to the proposals, it is considered that as a minimum conditions should be attached to any future planning permission to secure effective hours of operation which do not include night time vehicular movements, restrictions on daily traffic movements and an appropriate biodiversity management plan. Furthermore, a condition relating to night-time noise control should be attached if proved appropriate. If the Council are not satisfied that the proposal can be made satisfactory by effective conditions then the application should be refused and enforcement action undertaken to ensure that vehicle movements and hours of operation return to the pre-sale level and commencement of operations by the applicant.

2.9 **SDC Environmental Health** – No objections. Aware of concerns raised by neighbouring receptors with regards to light spill from the development. Condition about artificial lighting is recommended.

2.10 **Environment Agency (EA)** – No response.

2.11 **NYCC Public Rights of Way (PROW)** – No response.

2.12 **Yorkshire Water** – No response.

2.13 **Bolton Percy, Colton and Steeton Parish Council** – conflicts with Green Belt policy, concerns in relation to noise, traffic and highways. Concerns with regards to

the number of HGV traffic movements, width of the existing country lane and the impact on the condition of the road due to the weight of the vehicles.

2.14 **NY Bats** – No response.

2.15 **Yorkshire Wildlife Trust (YWT)** – No response.

2.16 **Tree Consultant** – The Tree Consultant has advised that there has been a gradual reduction in tree cover across the site frontage and side. The tree consultant has visited the site and raises no objections overall as there is planting over the boundary to the north of the site which provides good screening but recommends planting to the east and south boundaries to soften the built form.

#### **Publicity -**

2.17 The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. A site notice was placed outside the site and then again after the submission of amended details and additional reports.

2.18 Various letters of objection have been received from one contributor.

The objections raised are paraphrased below:

- The application is a major departure from open countryside and with an enormous environmental impact from the vehicles servicing the site.
- A Transport Assessment has not been supplied with the application.
- The applicant's Travel Plan and Traffic Impact Assessment are fundamentally flawed and the County Council seem to have accepted them without checking, this is not acceptable, especially when to accept them is a breach of our rights within Article 8 of the Human Rights Act - the right of peaceful enjoyment of ones possessions and property.
- There are no details provided with regards to operating times. The key factor to the application is that it is a commercial operation without restrictions on specific usage in open countryside and this definition of use applies along its transport route. At any time it could change operations to any content of storage and vehicle operations.
- If there were reasonable operation hours and if the applicant stuck to the vehicle movements stated then a substantial element of our objections would cease.
- The proposal is for 17.9 acres of commercial development in the open countryside and access along a disproportionate narrow country road where the volume of HGV's servicing the site is far greater than the declared.
- Movements, forcing cyclists and pedestrians off Colton Lane and eroding the verges along the lane by up to 1m in places.

- The Applicant has submitted details of employees on the site, the huge majority do not contribute anything to the local economy. There is no overriding economic necessity of this site.

### **3.0 SITE CONSTRAINTS**

3.1 The main constraints identified are:

- Low risk coal authority area.
- Adjacent to but outside designated Green Belt land.

### **4.0 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 (2013)**

4.6 The relevant policies of the Core Strategy are:

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

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

4.7 The relevant saved policies of the Selby District Local Plan are:

- ENV1 Control of Development
- EMP9 Expansion/re-development of existing employment uses in the countryside
- T1 Development in Relation to the Highway Network
- T2 Access to Roads

### **National Planning Policy Framework (July 2021)**

4.8 The NPPF confirms the role of the planning system is to contribute towards the achievement of sustainable development. Paragraph 8 of the NPPF sets out the three overarching objectives a) an economic objective, b) a social objective c) an environmental objective. The relevant chapters/paragraphs of the NPPF are:

2. Achieving sustainable development
4. Decision making
6. Building a strong and economic economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Annexe 1 Implementation

Annexe 2 Glossary

### **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
- Selby District Landscape Character Assessment
- National Design Guide

## 5.0 APPRAISAL

5.1 This report will consider the harms and benefits of the proposal and the main issues are considered to be:

- The Principle of Development
- Impact on the Countryside and Landscape Visual Impact
- Impact on the Natural Environment
- Highways and Transportation
- Impact on Residential Amenity
- Design

### The Principle of Development

5.2 The Core Strategy directs most growth to Selby to foster regeneration and strengthen and diversify its economy, encouraging diversification in rural areas and focus some growth the Sherburn in Elmet and Tadcaster.

5.3 The site is located in the rural area outside the development limits of the village of Colton and as such is classed as countryside, policy SP2 (c) of the Core Strategy states that development is generally resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed buildings, proposals of an appropriate scale that would diversify the local economy. The site is not within the Green Belt – the GB boundary runs to the east of Braegate Lane and washes over Colton. Policy EMP9 of the Local Plan allows for the expansion and/or redevelopment of existing industrial and business uses outside of development limits.

5.4 The proposal also involves the erection of a replacement building. The existing storage building has a floor area of 2026 sq m, the proposed storage building (existing plus the replacement) has a floor area of 2044 sq m which results in an increase of 18 sq m. The proposal is therefore considered to be of an appropriate scale in terms of the building.

5.5 The use of the buildings is for employment purposes. The agent has advised that there are 86 employees, including 10 drivers, 9 office staff and 67 production staff.

5.6 The proposal is no longer a supplementary operation to the original farm holding, but constitutes a material change to the former agricultural use. The operation on site may at some point have been a diversification of an agricultural use, however, there is no information with the application to suggest that the original agricultural activities currently take place. This proposal is therefore considered to be a commercial operation which involves re-use of the existing buildings on site for employment purposes.

- 5.7 Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land based rural businesses.
- 5.8 The proposal is considered to be a sustainable business within a rural area that is connected to land based rural businesses that supports a prosperous rural economy making use of the existing buildings on site along with the erection and replacement of buildings that are well designed and in keeping with the existing site. On this basis and taking into account all of the above the proposal would be acceptable in principle.

#### Impact on the Countryside and Landscape Visual Impact

- 5.9 Core Strategy Policy SP18, saved policy EMP9 require the expansion and re-development of existing businesses outside development limits to 2) not have a significant adverse effect on the character and appearance of the area and 4) proposals involving the expansion onto adjoining land would not result in the best and most versatile land and the site would be well related to the existing development and well screened. The SDC Landscape Character Assessment shows the site is in Character Area 1 – York Fridge West, the area is characterised by flat gently undulating low-lying farmland with areas of woodland scattered throughout the landscape. Predominantly arable farmland with a medium-large scale field pattern, defined by mature hedgerows. There are generally no distinct landmarks visible on the skylines. Skylines are generally undeveloped and dominated by woodland and shelterbelts. Therefore, they may be more sensitive to new development. The gently undulating landscape offers open, long ranging views in some less enclosed areas and areas of higher elevation such as at the Colton Bridge. These areas of greater visibility would be more sensitive to changes.
- 5.10 As set out above, the proposed replacement building is marginally larger than the existing building it is to replace. The external finishes are to be a goosewing grey composite panel with verge trims which is not dissimilar to the existing building. The replacement building and re-cladding will improve the aesthetics of the building and in turn improve the appearance of the area.
- 5.11 In terms of expansion onto adjoining land, the land to the west/north was originally agricultural land associated with the Ibbotson's operation, the information provided suggests that this was in agricultural use until 2007 with the new use coming in around 2017. In 2018, google images provided by the agent show that the change of use took place; this is within the last 10 years and as such permission is sought for the use of the parcel of land in connection with the operations. A walkway has been created on the land to the south outside of the original site. The applicant advises that this has been created following health and safety guidance to allow a safe route for staff to ensure there is sufficing separation space from vehicles and people.
- 5.12 Policy EMP9 requires that expansion onto adjoining land should be well related to the development, which it is and be well screened. The proposal involves the removal of the row of trees along the northern boundary of the site. These trees have been identified as moderate value in terms of biodiversity. The Tree Consultant has advised that there has been a gradual reduction in tree cover across

the site frontage and side. The Tree Consultant has visited the site and raises no objections overall as there is planting over the boundary to the north of the site which provides good screening but recommends planting to the east and south boundaries to soften the built form. The proposed hedgerows on the north and south boundaries will provide good screening longer term to the site. The footpath to the south is made up of loose material to provide a hard surface protected walkway and will not be visible from distant views.

- 5.13 DEFRA Maps identify the land as being Grade 2 which is Very Good. In terms of assessing development proposals on agricultural land government guidance states that Grade 2 land is:

*Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.*

The Town and Country Planning (Development Management Procedure (England) Order) (DMPO) 2015 requires local planning authorities to consult with Natural England on proposals for non-agricultural applications that result in a loss of more than 20 hectares of land. The adjoining land is less than 20 hectares. Taking account of the land being well related to the site and screened on boundaries the use of the land would not be practical for agricultural purposes given its scale.

- 5.14 The land to the north is used for outdoor storage and lagoons associated with the washing of the potatoes. Due to the topography, the site boundary screening and the interception of longer distance views by hedgerows and trees the storage area is not significantly visible. In order to manage the open storage area it is recommended that conditions are imposed controlling the height of any equipment stored in this area and of a distance from the boundary.
- 5.15 Chapter 15 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing landscapes, biodiversity, geology and soils recognise soils as a natural capital asset that provide important ecosystem services consider the economic and other benefits of BMV agricultural land and try to use areas of poorer quality land instead of higher quality land.
- 5.16 Members at the previous Planning Committee deferred the application to request further information, included in this was the need for an assessment on the impact of the wider countryside views and the Green Belt opposite the site. For clarity the site is not within the Green Belt but lies directly opposite it. It was suggested the Applicant commissioned a Landscape Visual Impact Assessment. No further information has been received.

#### Highways and Transportation

- 5.17 Saved policies T1 and EMP 9 of the Local Plan, Policy SP19 Design Quality and Chapter 9 of the NPPF set out the considerations in relation to highways and transportation. The application is supported by a Transport Assessment and Travel Plan prepared by Local Transport Projects Chartered Transport consultants.

- 5.18 There are two existing accesses to the site off Braegate Lane that are utilised for the use separating the HGV/commercial traffic from light vehicles. The northernmost access serves all commercial and HGV traffic to the site. This was improved recently with increased junction radii, new surfacing and sight line improvements. This allows safe access and egress for large vehicles, with adequate area provided internal to the site to enable HGVs to turn around and exit in a forward gear.
- 5.19 The second access to the south of the site serves the office part of the site and is also used by shift workers. It is only used by cars/occasional light vans and was also recently improved with new surfacing and widening. The two accesses ensure that HGV movements are completely separate from car traffic at the site, helping to improve safety, including pedestrian safety within the site. The Highways Team have requested a Swept Path Analysis for the largest vehicles to access the site will need to be undertaken for the proposed junction arrangement and internal layout arrangements. The proposed access arrangement must enable the clear movement of the vehicle into the site without encroachment to the opposing carriageway. This will need to be provided to demonstrate that clear and safe manoeuvres can be undertaken. The existing landscape feature also appears to impinge on visibility splays which will need to be assessed.
- 5.20 The speed limit at Braegate Lane is 60mph. Vehicle speed surveys were undertaken to inform the Transport Assessment. The vehicles speeds surveyed were 45/46 mph which is significantly below the 60mph in both directions.

#### *Pedestrian Provision*

- 5.21 Whilst the walking distance to the nearest villages of Colton and Appleton Roebuck are within the 2km suggested as a maximum walking distance by the Chartered Institution of Highways & Transportation (CIHT) the Transport Assessment accepts that the potential for walking trips is limited given the rural location and lack of footways. There are several public footpaths within the vicinity of the site, including three accessed within the village of Colton and several to the west of the site and one within the vicinity of the site. The PROW's are not affected by the development. The NYCC Highways team have advised that details are provided on how the applicant will improve traffic flows and reduce the interaction between pedestrian and vehicular traffic. As suggested in the Transport Assessment, details on the measures to promote and encourage pedestrian trips to and from the site need to be provided and how this will be safely accommodated within the highway extent.

#### *Cycle Provision*

- 5.22 The proposed development site is located within a reasonable cycle ride, up to 5km (approximately 15 minutes at the average cycling speed of 12mph), of the villages of Colton, Appleton Roebuck, Bilbrough and Bolton Percy. The DfT state that "in common with other modes, many utility cycle journeys are under three miles (5km), although, for commuter journeys, a trip distance of over five miles (8km) is not uncommon".

#### *Public Transport*

- 5.23 The Guidelines for Public Transport states that the generally acceptable maximum walking distance that a bus stop should be located from a development site is 400m, although it is acknowledged that actual walking distances can be notably longer. The nearest bus stops to the proposed development site are located in the

village of Colton, approximately 700m north-east of the site. Bus service 21 operates from these stops, which provides services every 2 hours to York via Askham Bar. Measures to promote and encourage trips by public transport to and from the site are detailed within the site Travel Plan (LTP, 2019). The Highways team have asked for details on how safe and reasonable access will be provided to the associated bus stops in Colton. This should also include times/days when the service is available and include details on the quality of the bus stop, to ensure it is of a reasonable standard to promote sustainable travel.

#### *Accident Data*

- 5.24 The Transport Assessment states that, following a survey of the Department of Transport Data, no collisions have been recorded within the vicinity of the site during the 5-year study period of 01.01.2013 and 31.12.2017. It is concluded that there is no collision history over the last 5 years and that the proposals should not have a detrimental road safety impact on the local highway network.

#### *Traffic Impact*

- 5.25 The details supplied outline the current and proposed trip numbers/ traffic movements at the site:

##### HGV:

- 20 two-way HGV movements Monday-Friday; and
- 10 two-way HGV movements Saturday and Sunday.

##### Staff Vehicles:

- 10 office staff;
- 9 HGV drivers (7 full-time, 2 part-time);
- 66 Production staff including 4 managers (including approximately 30% car sharing); and
- 33 to 42 agency staff with various hours (including approximately 30% car sharing).

- 5.26 The Transport Assessment envisages that the traffic flow at the site will remain unchanged as part of the current proposal and due to a significant number of staff trips to/from the site expected to be made outside of the network peak hours, the impact of the proposal on the adjacent highway network is expected to be negligible.
- 5.27 Concerns have been raised by an interested party with regards to the highways impact, particularly the HGV comings and goings in relation to noise and disturbance and the impact on the condition of the public highway.
- 5.28 NYCC Highways team have re-assessed the information submitted with the application and advise that whilst an assessment of Road Traffic Collisions has been undertaken, it does not fully cover the junctions and associated routes.
- 5.29 The Highways Team state that full statistics should be requested from NYCC Traffic Engineering Team and duly analysed within the Transport Assessment. Further, the data for the speed survey is required along with a stage 1 Road Safety Audit. The

Highways Team also advise that details are required to demonstrate that the NYCC parking standards re applied along with manoeuvring arrangements. The information provided within the transport assessment does not provide sufficient detail with regards to junction capacity, traffic flows, trip generation or include assessment of committee developments. All this information is normally required for such proposals.

- 5.30 The applicant has provided information about their intention to implement a travel plan. The information provided has explained the proposed process and monitoring requirements. The Highways Officer has recommended a condition requiring the formal submission of a Travel Plan and designated parking areas should Members resolve to grant planning permission.
- 5.31 The Highways Team advise that there is insufficient information to assess the impact on highway safety or the residual cumulative impact on the highway network.
- 5.32 Paragraph 111 of the NPPF states that development should only be prevented on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. It is therefore not possible for the LPA to consider the full impacts on the highway without the requested information. Paragraph 42 of the NPPF states that 'the right information is crucial to good decision making and paragraph 44 states the a Local Planning Authority should only request supporting information that is relevant, necessary and material to the application in question. Officers are of the view that the information requested is indeed relevant, necessary and material in assessing the potential impacts of the development.

#### Impact on the Natural Environment

- 5.33 Policy SP18 Protecting and Enhancing the Environment of the Core Strategy and Chapter 15 Conserving and enhancing the natural environment of the NPPF set out the key considerations with regards to development and the impact on the natural environment.
- 5.34 An Ecology Appraisal 2018 by Yorkshire Ecology Surveys has been submitted with the application and more recently an updated Walkover Survey by Curtis Ecology. The report concludes that proposals to extend and/or replace existing buildings onsite within the same footprint or on hard standing is on land of Negligible Ecological Value.
- 5.35 The proposal involves the removal of an existing tree line which consists of semi mature *Fraxinus excelsior* (Common Ash) and *Fagus spp* (Beech) along the northern boundary. The consultants advise that the trees affect the foundations of the building immediately to the south and also the bankside of the existing ditch.
- 5.36 Whilst the trees are of amenity value along the northern boundary they are considered by ecologists to be of moderate ecological value. The proposal is to replace the trees with a species rich native hedgerow of greater ecological value. The Council's Tree Consultant has visited the site and advised that there has been a gradual reduction in tree cover across the site frontage and side. The Tree Consultant has visited the site and raises no objections overall as there is planting over the boundary to the north of the site which provides good screening but recommends planting to the east and south boundaries to soften the built form.

- 5.37 A second hedgerow is proposed along the southern boundary to meet with the existing hedgerows to the west and east boundaries of the site.
- 5.38 The surveys conclude that there was very little favourable habitat for bats within the application site. The trees around the perimeter of the site would be of benefit to bats as such the reports recommend the consideration of suitable lighting to ensure that there are no negative effects for the foraging habitats for bats. The lagoons have been considered to be very unlikely habitat for Great Crested Newts due to their location and the water is polluted from the washing of potatoes, the water is regularly disturbed and there are no aquatic plants growing in the ponds which means that GCN breeding pond is definitely not present.
- 5.39 The survey did not indicate the presence of any reptile species and data concludes that the site is not favourable habitat in addition to a lack of connectivity.
- 5.40 The survey did not indicate any nesting birds within the site boundaries. Any clearance and demolition should occur only in the months of October – February inclusive. An informative is recommended should Members resolve to grant permission.
- 5.41 The survey recommendations include long lasting ecological enhancement with species rich hedgerow, bat boxes to be fitted, enrichment plan and dark corridors around the habitat that may be used by trees. Should Members resolve to grant planning permission officers suggest that conditions are attached requiring details of a landscaping and biodiversity enhancement scheme be submitted within an appropriate timescale.
- 5.42 The aforementioned policies and paragraph 174 and 180 of the NPPF seeks to conserve and enhance biodiversity. Whilst the proposal results in a loss of trees of limited weight is attached to their loss due the overall biodiversity net gain through the replacement with a native hedgerow. The proposal is therefore considered to be acceptable in terms of the impact on the natural environment subject to appropriate conditions mentioned above.

#### Impact on Residential Amenity

- 5.43 Saved policies ENV1 Control of Development and EMP9 Expansion of existing industrial/business uses outside development limits of the local plan seek to ensure that new development and expansion of existing industrial/business uses would not have a significant adverse effect on local amenity.
- 5.44 As set out above in section 2.3 above concerns have been raised by an interested party with regard to the impact of the development on their residential amenity. The interested party is located around 500 metres to the north of the site on Colton Lane, this is a significant distance from the site, however, the occupiers are affected by comings and goings along Colton Lane/Braegate Lane as they are particularly close (around 250 metres) to the junction with the A64 and the service station.
- 5.45 The material planning concerns raised mainly relate to the level of comings and goings, which in the opinion of the interested party create noise and disturbance as a result of the change in the use and the impact on the stability and structure of the road and their property.



- 5.46 As set out in paragraph above, NYCC have advised that they agree with the conclusions of the Transport Surveys and Assessment however insufficient information has been provided to properly assess the impact of the development on the highway.
- 5.47 In terms of other impacts from the development such as noise, water pollution and light pollution, the Council's Environmental Health Officer (EHO) has advised that they have no objections to the change of the use from an agricultural storage and processing facility for potato farming to the storage, processing and distribution of potatoes brought onto site from alternative agricultural suppliers.
- 5.48 The EHO has recommended a condition to control lighting, it is accepted that the nearest residential receptor is some distance from the site and as such would not be significantly affected by light pollution. The details of lighting are an important consideration in terms of the night-time visual impact and on ecological receptors. On this basis, it is considered reasonable and necessary to apply a condition requiring technical lighting details should Members resolve to grant planning permission.
- 5.49 Whilst the level of comings and goings has been concluded not to be significant from the outcomes of the reports and advice from the Applicant's competent experts, NYCC Highways Team have advised that further information is required to assess the impact on the highway and therefore no conclusion is made with regards to the level of comings and goings arising from the development.

### Design

- 5.50 Saved policy ENV1 Control of Development and EMP 9 (3) expansion/re-development of industrial and business uses, SP 19 Design Quality of the Core Strategy and Chapter 12 Achieving Well Designed Places of the NPPF and the National Design Guide set out the key principles of quality design. The local and national policies state that the proposal should achieve high quality design, materials and landscaping which complements the existing buildings.
- 5.51 The design and appearance of the collection of buildings are that of a typical agricultural storage facility located within the open countryside. The buildings are large in scale and cover most of the site, however the height and roof span reduce the overall mass of the buildings.
- 5.52 The external appearance of the proposed extension/replacement building will be in keeping with the existing cladding in a grey colour. The design is functional and serves a purpose by responding well to the existing local character and identity. The proposed extension will be seen entirely in context with the existing buildings and as such whilst good design and the creation of high quality, beautiful buildings are fundamental to the planning and development process and a key aspect of sustainable development the design is sympathetic and in keeping.
- 5.53 It is therefore considered that the proposal is acceptable in terms of the design and appearance and the proposal accords with relevant policy in this regard.

### Other Matters

#### *Archaeology*

- 5.54 NYCC have advised that there are no archaeology issues, the proposed new build is to replace an existing building as such there are no heritage assets to consider.

#### *Drainage*

- 5.55 NYCC LLFA have advised that there are no objections with regards to the disposal of surface water from the site, however a detailed drainage strategy is required with regards to the runoff rates. This is echoed by the drainage board. Details provided by the drainage board suggest that approval has not been given for discharge into the water course – despite the watercourse not being owned/managed by the IDB. An informative is recommended advising the applicant to seek the necessary permissions for existing and additional water discharge into any water course.

#### *Minerals*

- 5.56 The site is not located within a minerals safeguarding area or within close proximity to an existing quarry.

## **6.0 CONCLUSION AND PLANNING BALANCE**

- 6.1 The use as a processing, storage and distribution facility at the former Ibbotson's sites has changed from that solely connected with the farming of land by the Ibbotson farmers in the local area to a facility that processes, stores and distributes potatoes that are sourced from a variety of farmers and locations. It has been concluded that this has resulted in a change of use of the site and the applicant has submitted this application to regularise this. The proposal seeks permission for this along with the proposed replacement of a building and the retention of other developments as described in connection with the use. The application also seeks permission for the use of land to the west as outdoor storage, land to the northwest for lagoons connected with the washing of potatoes and the land to the south which has been included in the site to provide a pedestrian path.
- 6.2 The operation of the site has therefore changed from agriculture and ancillary uses to a business use for the processing, storage and distribution of potatoes. It is not clear to officers when this change has occurred.
- 6.3 The Government states in the NPPF that planning decisions should help create conditions in which businesses can invest, expand and adapt. Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities.
- 6.4 The NPPF states in paragraph 84 that planning decisions should enable a) the sustainable growth and expansion of *all* businesses in rural areas both through conversion of existing buildings and well-designed new buildings and b) the development and diversification of agricultural and other land based rural businesses.
- 6.5 Braegate Produce Ltd delivers an important role in food production by supplying UK grown potatoes to the UK market by working with UK producers in addition to employing 86 staff members. The Government in its Food Strategy, June 2022, on its priority to create a prosperous agri-food sector to boost health, sustainability and food security. The proposal seeks permission to retain the economic use of the

land and buildings which would support food security aims and this weighs in favour of the proposal.

- 6.6 Planning Committee previously asked for further information to fully assess the impact of the development, no further information has been received by the LPA.
- 6.7 The NPPF states that the purpose of the planning systems is to contribute towards sustainable development, the objective of sustainable development is to meet the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.8 The concerns raised by interested parties and consultees have been thoroughly investigated and taken into account.
- 6.9 Whilst significant weight has been attached to the NPPF in supporting the economic growth, productivity and food supply, on balance there is insufficient information for the Local Planning Authority and its consultees to properly assess the impacts of the proposal.
- 6.10 Taking into account all of the above material planning considerations, Officers are of the view that the planning balance lies against of the proposal due to a lack of accurate and sufficiently detailed information and as such it is recommended that planning permission be refused.

## **7.0 RECOMMENDATION**

Planning permission to be **REFUSED** for the following reasons:

1. Insufficient information has been provided for the Local Planning Authority to accurately assess whether the proposal would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The proposal is therefore contrary to policies T1 and T2 of the Selby District Local Plan, EMP 9 of the Local Plan, Policy 1 and SP19 of the Core Strategy and Chapter 9 of the NPPF.
2. Insufficient information has been provided for the Local Planning Authority to properly assess whether the proposal will have a harmful impact on the character and appearance of the countryside. The proposal is therefore contrary to policy ENV1 and EMP 9 of the Selby District Local Plan, policy SP1, SP18 and SP19 of the Core Strategy and chapter 15 of the NPPF.

## **8.0 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.

### **9.0 Financial Issues**

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

### **10.0 *Background Documents***

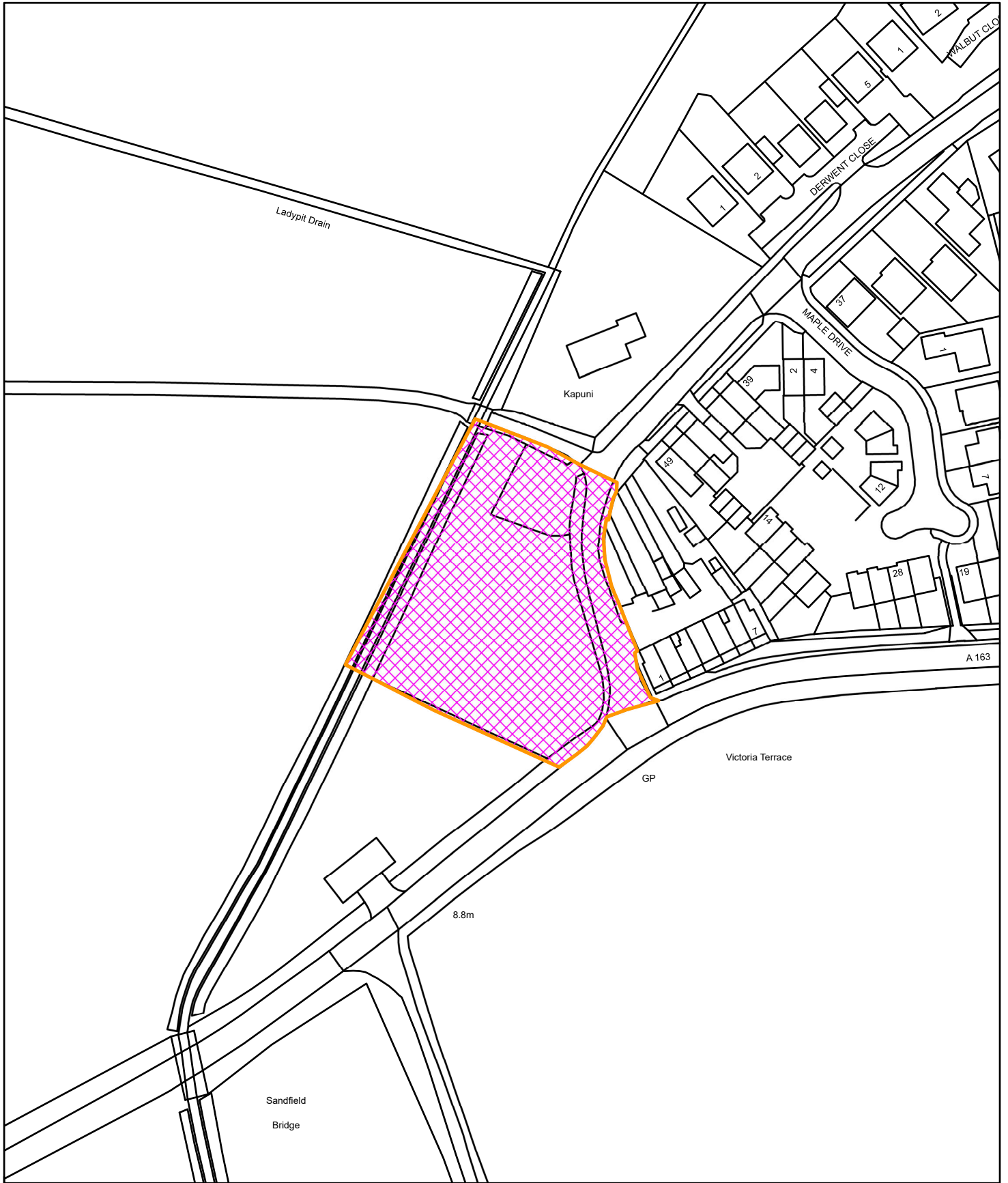
Planning Application file reference 2020/0149/FULM and associated documents.

**Contact Officer:** Diane Holgate (Principal Planning Officer)

**Appendices:** None

# Agenda Item 5.3

Land adjacent to A163, Market Weighton Road, North Duffield  
2021/1353/FUL



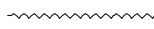



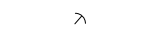








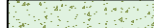
Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.

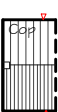




This page is intentionally left blank

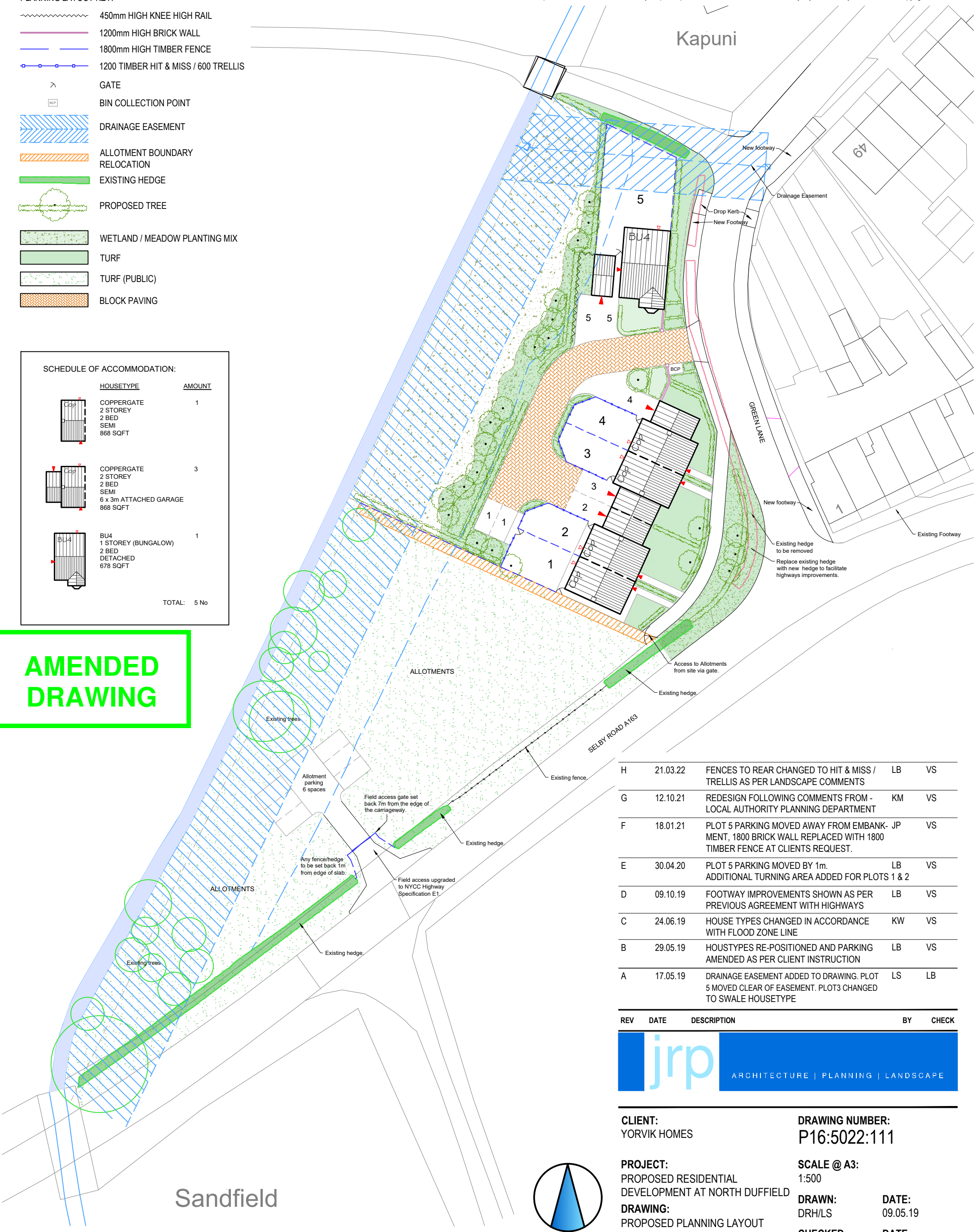


PLANNING LAYOUT KEY:

-  450mm HIGH KNEE HIGH RAIL
-  1200mm HIGH BRICK WALL
-  1800mm HIGH TIMBER FENCE
-  1200 TIMBER HIT & MISS / 600 TRELLIS
-  GATE
-  BIN COLLECTION POINT
-  DRAINAGE EASEMENT
-  ALLOTMENT BOUNDARY RELOCATION
-  EXISTING HEDGE
-  PROPOSED TREE
-  WETLAND / MEADOW PLANTING MIX
-  TURF
-  TURF (PUBLIC)
-  BLOCK PAVING

SCHEDULE OF ACCOMMODATION:		
HOUSETYPE	AMOUNT	
 COPPERGATE 2 STOREY 2 BED SEMI 868 SQFT	1	
 COPPERGATE 2 STOREY 2 BED SEMI 6 x 3m ATTACHED GARAGE 868 SQFT	3	
 BU4 1 STOREY (BUNGALOW) 2 BED DETACHED 678 SQFT	1	
<b>TOTAL:</b>		<b>5 No</b>

AMENDED  
DRAWING



REV	DATE	DESCRIPTION	BY	CHECK
H	21.03.22	FENCES TO REAR CHANGED TO HIT & MISS / TRELLIS AS PER LANDSCAPE COMMENTS	LB	VS
G	12.10.21	REDESIGN FOLLOWING COMMENTS FROM - LOCAL AUTHORITY PLANNING DEPARTMENT	KM	VS
F	18.01.21	PLOT 5 PARKING MOVED AWAY FROM EMBANKMENT, 1800 BRICK WALL REPLACED WITH 1800 TIMBER FENCE AT CLIENTS REQUEST.	JP	VS
E	30.04.20	PLOT 5 PARKING MOVED BY 1m. ADDITIONAL TURNING AREA ADDED FOR PLOTS 1 & 2	LB	VS
D	09.10.19	FOOTWAY IMPROVEMENTS SHOWN AS PER PREVIOUS AGREEMENT WITH HIGHWAYS	LB	VS
C	24.06.19	HOUSE TYPES CHANGED IN ACCORDANCE WITH FLOOD ZONE LINE	KW	VS
B	29.05.19	HOUSTYPES RE-POSITIONED AND PARKING AMENDED AS PER CLIENT INSTRUCTION	LB	VS
A	17.05.19	DRAINAGE EASEMENT ADDED TO DRAWING. PLOT 5 MOVED CLEAR OF EASEMENT. PLOT3 CHANGED TO SWALE HOUSTYPE	LS	LB



ARCHITECTURE | PLANNING | LANDSCAPE

<p><b>CLIENT:</b> YORVIK HOMES</p> <p><b>PROJECT:</b> PROPOSED RESIDENTIAL DEVELOPMENT AT NORTH DUFFIELD</p> <p><b>DRAWING:</b> PROPOSED PLANNING LAYOUT</p>	<p><b>DRAWING NUMBER:</b> P16:5022:111</p> <p><b>SCALE @ A3:</b> 1:500</p> <p><b>DRAWN:</b> DRH/LS      <b>DATE:</b> 09.05.19</p> <p><b>CHECKED:</b> LB      <b>DATE:</b> 09.05.19</p>
--	--

14 MARINER COURT / CALDER PARK / WAKEFIELD / WF4 3FL  
01924 383322 / [www.jrpassoc.co.uk](http://www.jrpassoc.co.uk) / [info@jrpassoc.co.uk](mailto:info@jrpassoc.co.uk)  
jrpassociates is a trading style of John R Paley Associates Limited

PROPOSED  
PLANNING LAYOUT



This page is intentionally left blank





**Report Reference Number 2021/1353/FUL**

**To: Planning Committee**  
**Date: 8 February 2023**  
**Author: Fiona Ellwood (Principal Planning Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

APPLICATION NUMBER:	2021/1353/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mr Matthew Gath	VALID DATE:	3rd November 2021
		EXPIRY DATE:	28 February 2023
PROPOSAL:	Erection of 5 dwellings and associated infrastructure		
LOCATION:	Land Adjacent A163 Market Weighton Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	<b>REFUSE</b>		

This application has been brought before Planning Committee as there are 10 letters of representation which raise material planning considerations and where officers would otherwise determine the application contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The site lies to the north of the A163 Selby Road, on the western entrance to the village off Green Lane. The land is located to the south of a detached dwelling known as 'Kapuni' and to the west of the main built-up form of the village. To the south is an area of allotments. These were provided as a requirement under a Section 106 Agreement for a separate development further north in the village. Northwest and west of the site are open agricultural fields, Beyond Kapuni to the east is recent development of 2.5 storey terrace properties which was part of the earlier local plan housing allocation. To the southeast are older terraced properties which face the A163.
- 1.2 The site extends to approximately 0.69 hectares and is relatively flat with very few natural features with hedgerows to the southeast and northern boundaries and facing the public highway. The boundary to the northwest has little in the way of

existing screening and joins the Internal Drainage Board maintained Moses Drain. A drainage easement area would be maintained along the western boundary of the site along the ditch. Visually the site forms part of the wider open rural countryside setting at this southwestern edge of the settlement.

## **The Proposal**

- 1.3 This application seeks full planning permission for five dwellings comprising one x 2 bedroom detached bungalow; in addition to four x 2 bedroom, two storey semi-detached dwellings. A single access from Green Lane would lead to the rear to serve all 5 dwellings. A new footway is proposed across the site frontage which would terminate at an entrance into the area of allotments. A landscaping scheme has been submitted with the proposals and provides for replacement native hedge planting at the new site frontage with native shrub mix and trees to the western boundary.

## **Relevant Planning History**

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
- 2015/0519/OUT-Outline application (with access and layout for approval and appearance/landscaping and scale reserved) for residential development (6 units), recreational open space and highway improvements. Granted 8<sup>th</sup> October 2015 (Lapsed)
  - 2016/1265/REM- Reserved matters application (landscaping, appearance and scale) for residential development (6 units), recreational open space and highway improvements: Approved 21 December 2016. (Lapsed)
  - 2017/1061/FUL-Retrospective change of use of land to car park and construction of parking bays. (Allotment site).
  - 2019/0759/FUL- Erection of 5 dwellings. This was similar to the current proposal and was Refused by Planning Committee on 2 August 2021. A subsequent Appeal was Dismissed on 12 July 2022.
- 1.5 The most recent application 2019/0759/FUL was refused for the following reason:

*“NPPF Paragraph 12 states that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Although previous permissions for Outline and Reserved Matters were granted on this site, these have now lapsed and were approved at a time when the Local Planning Authority were unable to demonstrate a deliverable 5 year housing land supply and therefore the relevant Local Plan Policies were given no weight as they were at that time considered to be out of date. The principle of development has been determined with the full range of Local Plan Policies now carrying full weight. The proposed housing development is outside the development limits of North Duffield and therefore in the open countryside, in conflict with Local Plan Policy and there are no material considerations that outweigh the conflict with the*

*Development Plan. The proposal is therefore contrary to Core Strategy Policies SP1, SP2, SP4, and SP5 and the NPPF.”*

1.6 A subsequent Appeal was Dismissed on 12 July 2022.

The Inspector concluded that:

*“The site may constitute a suitable ‘rounding off of the village’ in a sustainable location and would contribute to the supply of housing and delivery, but as there is not a current shortage, there would be no reason to depart from the development plan. Under the same conditions, any site outside development limits could come forward and the cumulative effect of such development could cause significant harm to the Council’s spatial development strategy which has been instrumental in establishing a healthy land supply. I therefore conclude that the appeal site is not an appropriate location for housing having regard to the settlement strategy. The proposed development conflicts with Policies SP1, SP2, SP4 and SP5 of the Local Plan (2013). It conflicts with the development plan as a whole and it conflicts with the Framework in relation to achieving sustainable development.”*

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways Canal Rd**

The applicant has confirmed that the site will remain private and there are a number of alterations to make to the existing highway. There has been ongoing liaison with the agent to gain a design which is acceptable to the Highway Authority. The applicant will need to enter into a section 278 agreement with the Highway Authority to carry out the necessary highway works. Conditions are required in respect of construction of access prior to development; crossing of the highway verge and/or footway; Delivery of off-site highway Works; Provision of Approved Access, Turning and Parking Areas at Green Lane; Construction Phase Management Plan- Small sites and Garage conversion to habitable rooms requiring planning permission.

### **2.2 Environmental Health**

No comments to make.

### **2.3 Yorkshire Water Services**

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure through the use of separate systems for foul and surface water and means of surface water. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

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

The Board has assets adjacent to the site in the form of Moses Drain. This watercourse is known to be subject to high flows during storm events. The proposed 9m Buffer/easement indicated is welcomed. Conditions and informatives are recommended.

### **2.5 Landscape Consultant**

Satisfied with the revised scheme submitted which accords with the advice given. Standard condition to secure implementation advised.

- 2.6 **Yorkshire Wildlife Trust**  
Concur that recreational impacts on Skipwith Common and the Lower Derwent Valley should be assessed, including cumulative impacts with other developments.
- 2.7 **County Ecologist**  
Comments on the revised ecology report and Landscape and Ecology Management Plan (LEMP) which have now been submitted. Should Selby District Council be minded to approve this application, it is recommend that a Condition is imposed to adhere to the LEMP. Previous advice is reiterated that Selby District Council should consider a strategic approach to managing recreational pressure arising from new housing development in settlements surrounding the internationally designated wildlife sites of Skipwith Common and the Lower Derwent Valley.
- 2.8 No further comments regarding the revised Landscape Plan. The revised Biodiversity Metric shows only a small net gain in terms of area-based habitats but a much more generous increase in linear habitat provision. As such, this fulfils the NPPF aspiration to ensure that developments deliver net benefits for nature.
- 2.9 **Public Rights Of Way Officer**  
No comments received-
- 2.10 **The Environment Agency**  
Having reviewed the information submitted with the application and as all of the dwellings appear to be located within flood zone 1, there are no objections subject to a condition to ensure ground levels are not altered.
- 2.11 **NYCC Heritage Officer (Archaeology)**  
The developer has provided the results of an archaeological geophysical survey. The survey has identified a number of anomalies that may be of archaeological interest; however the results were unclear due to interference in the data from nearby metal objects (fences etc). Given the known archaeological resource of the surrounding area, consisting of extensive later prehistoric and Roman landscapes and artifact scatters, a programme of archaeological observation and recording is recommended to take place during the development. A condition is recommended.
- 2.12 **Contaminated Land Consultant**  
The report shows that the site is currently vacant, and that no past industrial activities have been located onsite or nearby. The report states that land contamination is unlikely to impact upon the development, and that no further investigation or assessment is considered necessary. Recommend that planning condition for reporting of unexpected contamination is attached to any planning approval.
- 2.13 **Education Directorate North Yorkshire County Council**  
This development falls below the threshold where a requirement for Education contributions in relation to applications for planning permission for residential developments of 10 or more dwellings would be required.
- 2.14 **Waste And Recycling Officer**  
Collection vehicles will not access private drives or use them for turning and a bin presentation point has been identified at the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day. External bin store at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling).

Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal. Finally, as there are 4 properties, the developer will be required to pay for the waste and recycling containers.

#### 2.15 **Parish Council**

Supports the Planning Application.

#### 2.16 **Publicity**

The proposal was advertised as a Departure by way of a site and press notice.

1 letter of objections was received and 11 letters of support. The comments made are summarised below:

Grounds of Objection:

- Object to removal of more green fields.
- Cars park on the bend on Green Lane as it leads to A163 causing traffic hazard. The bend in Green lane at this point is very tight and only just passable by 2 cars if navigating slowly. Hazard to road users, pedestrians and dogwalkers
- Further traffic hazards during construction

Grounds of support:

- Support smaller 2 bedroom dwellings, these are desperately needed, the village has seen plenty of larger detached dwellings . These are needed for younger people and will encourage them to stay in the village.
- Site is untidy and this would be an improvement.
- The scheme is a welcome support in the village
- Outside the development limits but only just and adjacent to other housing
- Footpath provision along frontage is to be welcomed.
- The site will become derelict and an eyesore if this is not granted
- Specific conditions should be imposed to ensure the footpath is provided and to ensure the safety of residents
- It is understood the homes are aimed at first time buyers- they should be made available to people from the local villages who seek to get onto the property ladder.
- Support the development by quality Yorvik Homes

### 3. **SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is situated within Flood Zone 1, with a narrow strip close to the west boundary located in Flood Zones 2 and 3. It lies adjacent to but outside the Development Limits of the settlement and is therefore in the countryside in policy terms. North Duffield is a Designated Service Village as identified in the Core Strategy. The western boundary of the application site is marked by Moses Dyke with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. There is no Conservation Area designation, local listed buildings or other site features that are affected.

#### 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  
SP5 - The Scale and Distribution of Housing  
SP8 - Housing Mix  
SP9 - Affordable Housing  
SP12 - Access Services, Community Facilities and Infrastructure  
SP15 - Sustainable Development and Climate Change  
SP16 - Improving Resource Efficiency  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

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

4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
ENV2 - Environmental Pollution and Contaminated Land  
ENV28 - Archaeological Remains  
T1 - Development in Relation to Highway  
T2 - Access to Roads  
RT1 - Protection of Existing Recreational Open Space  
RT2 - Open Space Requirements

#### **Minerals and Waste Joint Plan (February 2022)**

4.9 The relevant policies are:

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

4.10 **Other material considerations/Guidance Additional Documents**

- Affordable Housing Supplementary Planning Document (2013)
- Developer Contributions Supplementary Planning Document (2007)
- North Duffield Village Design Statement (Feb 2012)
- National Planning Policy Framework (February 2019)

#### **National Planning Policy Framework (NPPF, 2021)**

4.11 The relevant sections of the NPPF are:

2 Achieving sustainable development  
4 Decision making  
9 Promoting sustainable transport  
12 Achieving well-designed places  
14 Meeting the challenge of climate change, flooding and coastal change  
15 Conserving and enhancing the natural environment  
17 Facilitating the sustainable use of minerals

## 5. APPRAISAL

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

- Principle of Development
- Design, layout and scale and visual impact
- Highways, Access & Parking
- Residential Amenity
- Flood Risk & Drainage
- Landscaping
- Ecology
- Contamination/Ground Conditions
- Archaeology
- Affordable Housing
- Recreational Open Space
- Other Matters

### **Principle of the Development**

- 5.2 Outline planning permission was granted on the appeal site in 2015 for the erection of 6 dwellings, with reserved matters approval in 2016. At that time, the Council could not demonstrate a 5-year housing land supply and therefore the Council's policies could not be considered up to date. The site consent has now lapsed.
- 5.3 A similar application to the current proposal (2019/0759/FUL) was refused by this planning committee in 2021 and dismissed on appeal (see planning history).
- 5.4 At present, the Council has a confirmed five-year housing land supply figure of 6.1 years (based on assessment date of 31st March 2022). The fact of having a five-year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five-year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 5.5 The NPPF is a material consideration and states that sustainable development is about positive growth and that the Planning System should contribute to the achievement of sustainable development. The NPPF, taken as a whole, constitutes the Government's view of what sustainable development in England means in practice for the planning system.
- 5.6 Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 5.7 Policy SP2 of the CS sets out the long-term spatial direction for the District and provides guidance for the proposed general distribution of future development across the District. The settlement hierarchy is ranked on the Principal Town of Selby, Local Service Centres, Designated Service Villages and smaller villages. The CS identifies North Duffield as a 'Designated Service Village'. Policy SP2 sets out that service villages have some scope for additional residential and small-scale



employment growth to support rural sustainability and which conform to Policy SP4 of the Core Strategy.

- 5.8 North Duffield has a defined development limit which was established under the proposals map of the Selby District Local Plan, and which demonstrates that the village is relatively compact in form with its rural character well maintained. The Development Limits are part of the adopted plan and a means of implementing the Councils spatial development strategy by constraining development (subject to materials considerations) within the main body and confines of the village. Therefore, for the purposes of planning designation, the application site is located outside of the Development Limits on land within the countryside.
- 5.9 The Core Strategy supporting text states that, development in the countryside (outside development limits) will generally be resisted unless it falls within the exceptions stated within SP2 Criterion (c) which are limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with Policy SP13 or meet rural affordable housing need, or other special circumstances.
- 5.10 The proposal would include a single 2 bedroom bungalow and four two-bedroom semi-detached homes. The proposed development would bring some small-scale economic benefits during construction and would contribute in a small way to the viability of existing local services and facilities. However, given the residential nature of the development, it is considered that the proposal would not contribute towards and improve the local economy beyond the construction phase. It is therefore considered that the development of the application site would not fall within any of the exceptions set out in Policy SP2 of the CS.
- 5.11 The applicant considers that whilst the site is outside the Development Limit boundary as identified on the local plan map, it is not classed as within the open countryside. They state that; *“the development limits associated with the local plan maps was not saved at the time of the preparation and adoption of the Core Strategy 2013 and as such are considered to be out of date”*.
- 5.12 In terms of the Development Limits, it is acknowledged that these were defined a number of years ago and are being reviewed as part of the preparation of the new Local Plan. However, in all cases the overriding consideration and starting point for determination is still the current adopted Development Plan policy, which comprises the saved policies of the Local Plan and the Core Strategy. In addition, there is nothing within the NPPF which suggests that the definition of settlement boundaries is no longer a suitable policy response and that such policies are out of date.
- 5.13 In terms of the emerging Local Plan and the commitment to review Development Limits at the present time this is at an early stage and little weight can be afforded to any progressing policy approach. The saved policies of the Local Plan and the Core Strategy remain the adopted development plan for the area for the purposes of Section 38(6) of the Town and Country Planning Act. Policy SP2 of the CS sets out the Spatial Development Strategy refers to the development limits of settlements. This site lies outside the Development Limits of North Duffield where the approach set out in SP2 c) applies.

- 5.14 In some circumstances, more recently, permission has been granted for small sale development outside of Development Limits, including pockets of greenfield land which project beyond the Development Limits. However, there have generally been a number of factors contributing to such decisions. Mainly these have been in sustainable locations such as Designated Service Villages where additionally a number of other site specific or historic factors in addition to the sustainability of the location or the physical, spatial and visual characteristics have contributed towards the justification. Whilst there are recent developments which have gone beyond the defined settlement boundaries, a carefully nuanced approach has been taken with each case determined on its individual merits and based on site circumstances. As such, it is considered that these do not bind the Council to approve this application.
- 5.15 The applicant has submitted a letter in support of the proposal and in particular refers to the recent application 2020/0183/FUL for the erection of a dwelling at the Paddocks to the rear of York Road which was granted permission at committee in December 2022. The applicant considers the same weight to the Development Limits should be applied to this site. That report stated:
- “The NPPF is a material consideration and as such should be taken in the planning balance and the appropriate weight be considered. The proposal is located just outside the development limit of a Designated Service Village of North Duffield which is within the third tier of the spatial strategy due to the availability of and access to local facilities. The proposal site is therefore not considered to be isolated, and it is well related to the settlement, as such significant weight is attached to the location.”*
- 5.16 It is acknowledged that in evaluating the application, the relationship of the proposal to the edge of the settlement and defined Development Limits (as set out on the Policies Map) should be given due consideration. However, the site referred to at the Paddocks for a single dwelling has differences to this site in terms of the location and its context within the surroundings. It is outside the development limits at the northern end of the village where surrounding development has already occurred. It occupies a site flanked by other development already under construction.
- 5.17 At the Paddocks the existing development that has been approved and implemented on the north-west side of the village extends beyond the development limit. The Paddocks case is situated on a small parcel of land to the south and west of this development and rounds off the development with only obscure views of the application site from the countryside. Mature trees exist along the western boundary which form a defensible boundary with the countryside, these trees are subject to a protection order and as such the boundary will be secured for some time. Taking into account the site characteristics, its planning history, its context in relation to the surrounding development and its lack of visual harm to the character of the area and the setting of the village, the scheme was supported by officers.
- 5.18 This site lies at the southern edge of the village. It is open and exposed and widely visible from the A163 approach to the village from the west. Visually the southern entrance to the village is clearly defined with the housing fronting the A163 and on the east side of Green Lane. Although there are allotments to the southwest, these are essentially open and undeveloped and appear as part of the wider open countryside. There are uninterrupted views across the application site into the larger agricultural field to the west which appear to merge as one larger field. There are no trees or significant visual boundaries to the site to separate it visually from the wider

open countryside. Upon entering Green Lane, there is a clearly defined edge to the settlement marked by newer development of terrace housing on the east. The first dwelling on the west side of Green Lane is Kapuni- a small bungalow set in a generous open plot. Physically and visually, this forms the defined edge to the settlement and is a transitional site which is semi-rural in nature due to the largely green and sylvan setting around the dwelling. North of this bungalow the development becomes more concentrated with newer developments on the west side of Green Lane which were granted at a time the council did not have a 5-year land supply. As such the development limits at this end of the village remain robustly defined. The proposed development would be an intrusive feature altering the balance on the west side of Green Lane from a gentle transition from field to low density low level development to more concentrated development in the village. It would appear as an incongruous feature detracting from the character of this part of the village and jutting out from this clearly defined development limit into open countryside.

- 5.19 It is acknowledged that the location of this application site is on the edge of a Designated Service Village and is a more sustainable location than other secondary villages or rural locations and would contribute to the supply of housing and delivery. These are material considerations. However, it would be beyond the existing extent of development which has spread to the west and south of Green Lane and would add a further projection of development to the south beyond the existing development limits. Furthermore, there is not a current shortage of housing land supply, and as such there is no reason to depart from the development plan. As the Inspector on the planning appeal pointed out

*“Under the same conditions, any site outside development limits could come forward and the cumulative effect of such development could cause significant harm to the Council’s spatial development strategy which has been instrumental in establishing a healthy land supply”.*

- 5.20 These dwellings are not considered to be needed to enhance or maintain the vitality of the rural community of North Duffield. Moreover, any minor economic of community benefits in this respect would not be sufficient to outweigh the harm that would be caused contrary to the Local Plan and the Framework. The principle of development has been determined with the full range of Local Plan Policies carrying full weight. The proposed housing development is outside the development limits of North Duffield and therefore in the open countryside, in conflict with Local Plan Policy and there are no material considerations that sufficiently outweigh the conflict with the Development Plan. The proposal is therefore contrary to Core Strategy Policies SP1, SP2, SP4, and SP5 and the NPPF.”

### **Design, Layout, Scale and Visual Impact**

- 5.21 Core Strategy Policy SP18 seeks to protect (amongst other things) local distinctiveness and Policy SP8 states that proposals should provide an appropriate mix of scale and types of dwellings which reflect the requirements taken from the latest Strategic Housing Market Assessment (SHMA).

- 5.22 Policy SP8 of the Core Strategy states that:

“Proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market

assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality”.

- 5.23 The scheme proposes a mix of a bungalow and two storey semi-detached properties all 2 bedroom. Reference is also made to the Selby District SHMA within the submitted DAS and advises there is a requirement to create a wide mix of dwellings as “*demand continues to outstrip supply.*”
- 5.24 Although the applicants have not provided specific evidence on whether the proposals accord with Policy SP8, Officers consider that the development of the site for this type of accommodation would add to the mix within the settlement and thus would provide a unit type that is appropriate for the locality and as such a condition should be utilised to ensure that the site developed for this specific mix of dwelling types and sizes. With this approach it is considered that the scheme is in accordance with Policy SP8 of the Core Strategy.
- 5.25 The submitted DAS refers to the the sites position at the “*entrance of the village.*” and the existing built form within the immediate locality which is characterised by a range of house types, plot sizes and materials. Residential development adjacent to the site to the east on Victoria Terrace comprises two storey, terraced properties. Dwellings on Maple Drive, a modern development, having terraced, two and a half storey dwellings.
- 5.26 The accompanying DAS also refers to the Village Design Statement (VDS) and includes examples (photographs) of other properties within the village. The submitted plans show that the proposed houses would be built using similar materials to those found locally and would provide a mix of different house types and thereby providing variety in their appearance. In this respect the proposed form and setting would maintain the current visual character and would be seen within the context of this part of the edge of the village. The approach taken in this application accords with the North Duffield Village Design Statement with a mix of house types fronting the Street in materials and form typical of the locality.
- 5.27 The proposed layout sees the properties being located to the frontage of the site and facing Green Lane, with outdoor amenity space and parking situated to the rear (north west). The layout accounts for the 9m strip and the portion of the site which is situated within Flood Zones 2 and 3 ensuring that the dwellings remain within Flood Zone 1.
- 5.28 In conclusion, it is considered that the proposal is acceptable in design terms with a similar layout pattern to the existing adjacent form of development typical of the village in terms of the siting of the proposed dwellings. These are set back from the road sufficiently to avoid an enclosed street frontage and the layout plan utilises the constraints of the site to its advantage. Parking is less typically to the rear but this maintains a car free frontage and allows the provision of landscaping and a footpath at the site frontage.
- 5.29 Overall in terms of design, layout and scale the scheme is considered acceptable and in keeping with other recent developments in the locality. The scheme is modest in scale and materials would reflect those used on existing properties. On this basis, the proposal is considered to be acceptable and therefore accords with Core Strategy Policies SP18 and SP8 and the NPPF in this regard.

## Residential Amenity

- 5.30 Policy in respect to impacts on neighbour amenity and securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. In addition, paragraph 130(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being *'with a high standard of amenity.'*
- 5.31 There are no properties in the immediate vicinity of the site to the north west, west or south and the closest property to the north is the bungalow 'Kapuni' which would be situated more than 30m from the closest of the proposed dwellings. Kapuni is also separated from the site by a farm track and has intermittent planting at a relatively high level to its facing boundary. In addition, a hedgerow is proposed to be retained and supplemented to the north facing boundary of the application site.
- 5.32 To the south east of the site are a row of seven properties (Victoria Terrace) where the frontages face south and toward Market Weighton Road. A large area of hardstanding provides parking and immediately adjoins the rear (north) of these properties, which results in the amenity space being separated from the dwellings. An established hedgerow runs along the full extent of the side and rear boundaries of the gardens connected to No.1 Victoria Terrace and the rear boundaries of the remaining gardens. There would be no direct views of the site from the rear of this property. The side (west) elevation of No. 1 is the closest of these properties and faces the application site but is blank apart from a first floor window which serves a bathroom and given that there is a minimum distance of 13m between the side elevation Victoria Terrace and the closest property frontage of the proposal, there are no concerns in regards to residential amenity.
- 5.33 Adjoining the rear gardens of Victoria Terrace are a number of relatively new properties which are two and a half storey. The closest being No. 49 Maple Drive. This is located at a distance of approximately 20m from the closest proposed dwelling and is sited in a north west and south east direction. Therefore the distance and position of the existing dwelling, would prevent direct overlooking to or from properties within the proposal site.

### Noise

- 5.34 The submitted application includes an Addendum Noise Report which advises that the main source of noise to the site is from the adjacent Market Weighton Road (A163) and that mitigation measures are required to ensure the amenity of future occupants is acceptable.
- 5.35 The report advises that the amenity garden areas of the proposal (based on the original submitted layout), would need some noise mitigation measures to ensure that its noise climate from road traffic fell within generally accepted levels. A heavy-duty close-boarded fence of 1.8 metres in height (solid, no gaps), is calculated to bring garden noise levels below 50 dB(A) during the daytime.
- 5.36 In terms of glazing standard sealed units would provide sufficient noise attenuation to meet the internal noise standard described within BS8233. Windows would however need to remain closed to achieve this, so an alternative means of acoustic ventilation is recommended in noise sensitive rooms (Living Rooms, Dining Rooms and Bedrooms). The distance away and restricted angle of view of the A163 of plots 1 and 2 mean that these do not require alternative ventilation.

- 5.37 Whilst the location of the planned development at North Duffield is close to the A163, the noise measurements and calculations conducted for this report demonstrate that with the incorporation of the noise mitigation features described previously road traffic noise will be reduced to acceptable levels.

#### *Summary*

- 5.39 Given the nature of the development and its relationship to neighbouring residential properties, it would not have a significant adverse impact and an acceptable relationship could be achieved between the existing and proposed development. Furthermore, the mitigation measures referred to in the Noise Report and to be incorporated within the development would ensure that future occupants would be protected from noise disturbance from the A163 which can be controlled via condition. On this basis the proposal is considered to accord with Local Plan Policy ENV1 (1) and (4), Core Strategy Policy SP19 and the advice contained within the NPPF.

#### **Flood Risk & Drainage**

- 5.40 Core Strategy Policy SP15 require proposals to take account of flood risk, drainage and climate change. Criterion d) of Policy SP15 applies in respect of ensuring development is located which avoids flood risk areas.
- 5.41 The majority of the application site is located in Flood Zone 1 (low probability of flooding), which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. A section of the land to the north west is situated within Flood Zones 2 and 3 and would comprise a 9m wide strip to provide an easement as required by the IDB with none of the proposed dwellings being situated within this area.
- 5.42 The Internal Drainage Board (IDB) have responded to the proposal and their final comments advise that as the development site is currently grassland, the maximum discharge rate normally accepted is at the "greenfield" rate of 1.4 litres per second per hectare. However, given the scale of the site at 0.69 hectares and using the greenfield run-off rates this would equate to a discharge rate of 0.966 litres per second. In addition, the IDB refers to the use of a hydrobrake with a discharge rate of 1 litres per second within the site and the use of a perforated filtration pipe to the watercourse. The IDB advise they would not normally agree to a higher discharge rate than that proposed by the greenfield run off rates but given the specific circumstances, they would accept the discharge rate proposed on this occasion. This is agreed on the basis that the Board can inspect the installation periodically to ensure that the discharge rate of 1 litres per second remains, which would need to be secured by condition.
- 5.43 The Environment Agency have advised that there are no objections to the proposal subject to there being no raising of the existing land levels of the site.

#### *Foul Drainage*

- 5.44 Foul drainage would discharge into the existing mains sewer on Green Lane and Yorkshire Water Services (YWS) have not raised objections but advise conditions be included requiring separate systems for foul and surface water and no piped discharge of surface water until a satisfactory outfall has been provided. In addition

they advise that the submitted details have not been approved for the purposes of adoption or diversion. Should the proposal be approved an informative would be included.

- 5.45 On the basis of the above comments, assessment and that the means of both foul and surface water drainage are provided in accordance with the conditions required by the above consultees, it is considered that the development is capable of a satisfactory provision for both foul and surface water and therefore accords with Core Strategy Policy SP15 and the relevant advice within the NPPF.

### **Highways, Access & Parking**

- 5.46 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition paragraph 109 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.47 There have been many minor changes to the technical details of the proposed access throughout the planning process in order to satisfy the Highway Officer's technical requirements. The main access to this site would be a private drive given that the site now proposes only 5 dwellings and would be maintained as such. The site access would be taken from Green Lane in a similar position to that of the refused scheme under 2019/0759/FUL.
- 5.48 Parking is located to the rear of the site with shared access leading to the parking areas. The submitted Design and Access Statement (DAS) states that the layout avoids frontage parking and "*avoids a car free streetscene,*" as well as ensuring that surveillance is maintained onto Green Lane from the property frontages. It is also considered in encouraging more sustainable development that a condition be added which would require the provision of electric vehicle charging points, which is referred to in Core Strategy Policy 15.
- 5.49 A footpath would be designed to continue to the boundary of the allotments to the south of the site. This would provide safe pedestrian access to the community facility and would run along the frontage of the plots on Green Lane.
- 5.50 In conclusion and on the basis of the favourable comments from the Highway Officer, being subject to conditions relating to parking, turning, access, verge crossing, off-site highway works and Construction Phase Management Plan, the highway specifics are considered to be acceptable and would therefore accord with Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

### **Landscaping**

- 5.51 Core Strategy Policy SP18 requires that high quality and local distinctiveness of the natural environment will be sustained by '*safeguarding, and where possible, enhancing the natural environment, including the landscape character and setting of areas of acknowledged importance.*'

- 5.52 The proposal includes removal of the existing hedge to the site frontage in order to extend the grass highway verge which would run across the frontage of plots 1 to 4 at the junction of Market Weighton Road and Green Lane. The hedge would however be reinstated but set back further from the highway in order to allow for better visibility at the junction. A native hedgerow with trees interspersed would be planted along a large proportion of this boundary, enabling screening from Market Weighton Road. The southern boundary with the allotments would have a 1.8m high timber fence to provide screening and acoustic insulation from the south. Additional trees would be planted at intervals between the access road and the drainage easement area to the west.
- 5.53 Further low-level planting is proposed to the immediate frontage of the dwellings in order to separate the public and private space. The additional landscaping to the front of the site would soften the built form and add quality to the street scene. An 1800mm high screen wall / fencing is utilised where private garden space meets in order to provide adequate screening for privacy.
- 5.54 The Landscape Architect has advised there are no objections but requires a condition to ensure that all planting is undertaken in the first available planting season following occupation of the dwellings and to be maintained.
- 5.55 On the basis of the above assessment, the proposal is considered to accord with Core Strategy Policy SP18 and the advice within the NPPF.

## **Ecology**

- 5.56 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF. Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.57 The site comprises a mix of grassland types with dotted areas of scrub, trees and a mature hedgerow which is present to the majority of the boundaries. The application site is not a formal or informal designated protected site for nature conservation; known to support or be in close proximity to any site supporting protected species or any other species of conservation interest. Skipwith Common is, at its nearest point, over 1 km from the supplication site, with Moses Drain, arable farmland and Cornelius Causeway in between and the Lower Derwent Valley is, at its nearest point, over 1.5 km to the east with the village of North Duffield between.
- 5.58 The Ecology Officer considers the revised ecology report and Landscape and Ecology Management Plan (LEMP) to be acceptable subject to conditions requiring adherence to its mitigation measures. which have now been submitted. They reiterate previous advice that Selby District Council should consider a strategic approach to managing recreational pressure arising from new housing development in settlements surrounding the internationally-designated wildlife sites of Skipwith Common and the Lower Derwent Valley. This is a strategic matter for further consideration through the emerging development plan when considering the level of future development in the area overall.



- 5.59 The Yorkshire Wildlife Trust's final comments concur with the Ecology Officer's response and advise no further comments. In terms of Biodiversity the revised Biodiversity Metric shows a small net gain in terms of area-based habitats but a much more generous increase in linear habitat provision. The Ecologists is satisfied this fulfils the NPPF aspiration to ensure that developments deliver net benefits for nature.
- 5.60 Subject to the inclusion and adherence to the relevant condition, the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

### **Contamination/Ground Conditions**

- 5.61 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.62 A Phase 1 Preliminary Risk Assessment accompanies the application which advises the survey did not reveal any evidence of made ground or any signs of subsidence or land contamination any significant potential contaminant linkages, so the overall risk is considered to be low.
- 5.63 The Contamination Consultant (CC) has advised that the submitted desk study and site walkover indicate that land contamination is unlikely to be present and that historic maps show that no past industrial activities have been located onsite or within the immediate vicinity. The submitted survey also shows the site to be low risk. The consultant concludes that the site is low risk and that no further investigation is necessary. A condition is recommended to deal with any unexpected contamination.
- 5.64 In conclusion, there are no concerns with regard to contamination and the development is considered to accord with Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19, in addition to the NPPF.

### **Archaeology**

- 5.65 Local Plan Policy ENV27 and Core Strategy Policy SP18 (amongst other things) are concerned with the protection of archaeological remains and that the NPPF (para. 194) affords protection for such remains.
- 5.66 The applicants submitted an archaeological geophysical survey. The survey has identified a number of anomalies that may be of archaeological interest; however the results were unclear due to interference in the data from nearby metal objects (fences etc). Given the known archaeological resource of the surrounding area, consisting of extensive later prehistoric and Roman landscapes and artifact scatters, it is recommended that a programme of archaeological observation and recording takes place during the development. A condition is therefore recommended.

5.67 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of archaeological implications (subject to the inclusion of the requisite condition), of the proposal and the proposed development would therefore comply with Local Plan Policy ENV27 and Core Strategy Policy SP18 and the provisions of the NPPF.

### **Affordable Housing**

5.68 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.

5.69 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 63 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the Ministerial Statement and national advice. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.

5.70 The application is in full with a site area of more than 0.5 ha (0.69 ha) and the proposed number of dwellings is below 10 and the site could not reasonably accommodate 10 or more dwellings due to the constraints from Flood Zones 2 and 3 to the north western boundary. Furthermore, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.

5.71 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.

### **Recreational Open Space**

5.72 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space. There is a requirement to provide 60sqm per dwelling which, in this case, would equate to 300sqm. The submitted layout plan does not incorporate any on-site recreational open space as part of the development.

5.73 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and up to and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality. Discussion with the Parish Council would be needed to identify which of the two would be of the most benefit to the village. Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:

- provide open space within the site;
- provide open space within the locality;
- provide open space elsewhere;

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

5.74 In this instance a commuted sum would be required and depending upon the requirements of the Parish Council. Payment would need to be secured through the applicant entering into a Section 106 Agreement which would be required to be in place prior to the issuing of any planning permission.

### **Waste and Recycling**

5.75 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling equipment. The Waste & Recycling Officer queried whether the drive would be private and advised on this basis that the position of the bin presentation points would be acceptable. The waste and recycling contribution would be provided under the Section 106/Unilateral Agreement in accordance with Developer Contributions.

### **Minerals and Waste**

5.76 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and sand and gravel. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 (MWP) are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.

5.77 The proposals being on a green field site for 5 dwellings, do not fall within the list of types of developments which are exempt from consideration and consultation set out under para 8.55 of the MWP. Moreover, it is adjacent to a large open field part of the wider open countryside which is covered by the safeguarding policy. Therefore, in accordance with Policy S02 of the MWP, applications for development other than mineral extraction in Safeguarded Surface Minerals Resource areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development. Following receipt of such an assessment from the applicant, it would be necessary for consultation with the NYCC Minerals Authority to take place.

5.78 Given the small scale of the development it is likely that it would be either unfeasible or unviable to extract the mineral beneath the site. Moreover, in allowing the development it would be unlikely to impact on wider safeguarding of the mineral area identified which covers a significantly wide area. However, should members be minded to approve this scheme, then deferral would be necessary to allow time for an assessment and consultation to take place in accordance with Policy S02 of the MWP.

5.79 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies North Duffield as falling within a Coal Mine Reporting Area

for property transactions and conveyance and does not identify the site within a high risk area.

- 5.80 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.

### **Other Matters**

- 5.81 Local Plan Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare are required. Given the small scale of the application, it does not trigger any of the contributions listed.

## **6. CONCLUSION**

- 6.1 The application site is outside the development limit of a Development Service Village (DSV) and would not fall within any of the categories of acceptable forms of development set out in Policy SP2 A(c) and the development of the site would conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposed development would thus be contrary to Core Strategy Policies SP1 and Policy SP2 A(c). As such, development should be refused unless material considerations indicate otherwise.
- 6.2 Officers consider there are no material considerations to justify the departure, as the development would encroach beyond the boundary of the adjacent built form into adjacent countryside and the development of the site would be harmful to the character and appearance of the area and the setting of North Duffield. Furthermore, the previous permissions on this site were approved when the Council could not demonstrate a 5-year housing land supply and have now lapsed. A similar application for development of 5 dwellings on this site was recently dismissed on appeal and the circumstances have not materially changed since that decision to warrant reconsideration.

## **7. RECOMMENDATION**

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

01. The proposed housing development is outside the development limits of North Duffield and therefore in the open countryside, in conflict with Local Plan Policy and there are no material considerations that sufficiently outweigh the conflict with the Development Plan. The proposal is therefore contrary to Core Strategy Policies SP1, SP2, SP4, and SP5 and the NPPF.
02. The site lies outside the established development limits of North Duffield and due to its size, position and open nature would not represent a natural rounding off or provide new defensible boundaries. It would expand the settlement southwards increasing the built form at the edge of the village creating a block of development encroaching into the rural open countryside location. The proposal would be an incongruous feature dominating the southern approach to the

village and creating a harsh new urban edge abutting the allotment site when viewed from the south detracting from the current open rural character and appearance of the area. It would conflict with local and national policies that seek to protect the countryside. The scheme would therefore result in a development which would have a significant and demonstrably harmful impact on the character, form and setting of the village contrary to the aims of Policies SP1, SP18 and SP19 of the SDCSLP and ENV 1 of the SDLP and with the NPPF.

## **8. Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

## **9. Financial Issues**

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

## **10. Background Documents**

**Planning Application file reference 2021/1353/FUL and associated documents.**

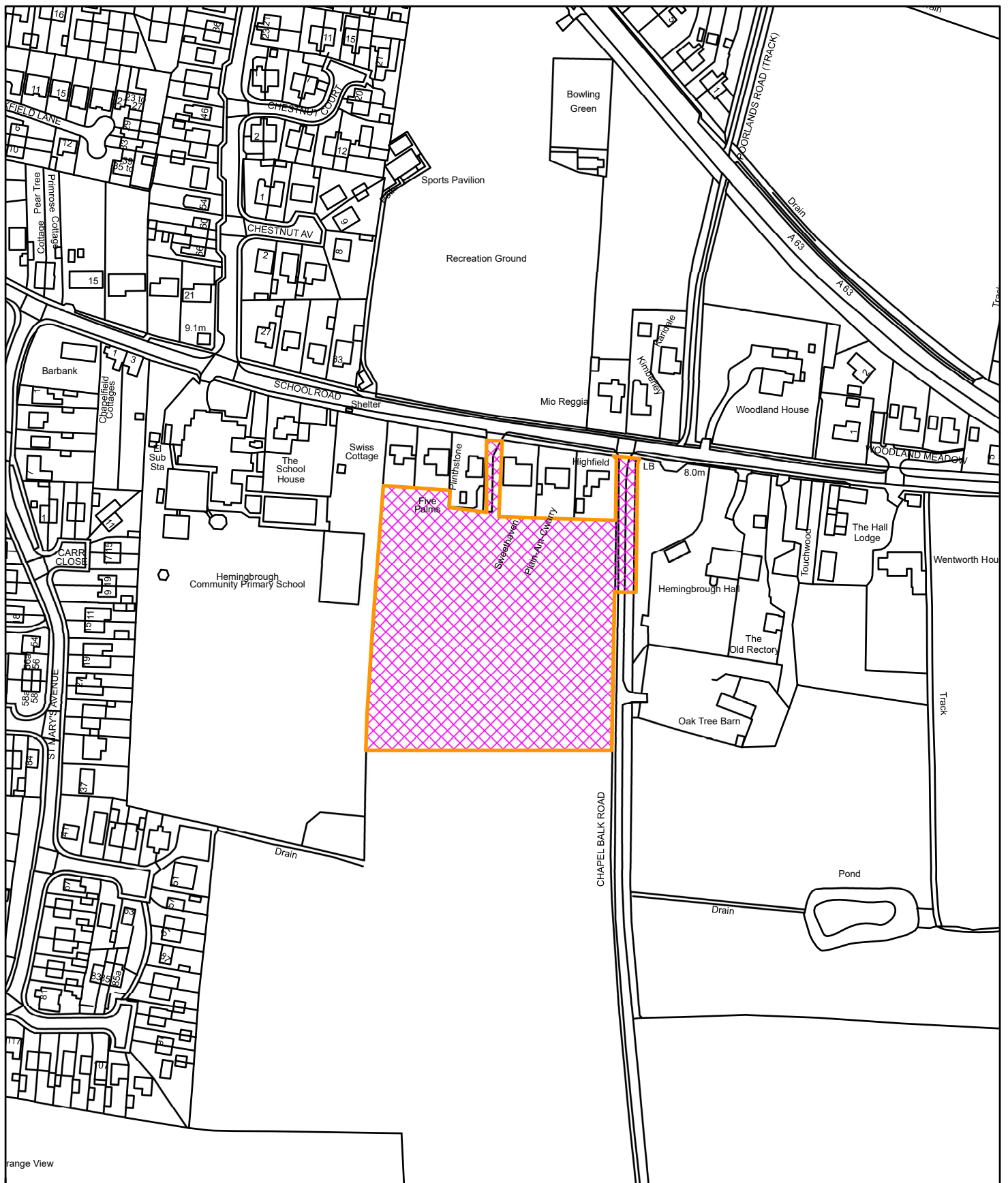
**Contact Officer:** Fiona Ellwood (Principal Planning Officer)

**Appendices:** None

This page is intentionally left blank

# Agenda Item 5.4

Land off School Road, Hemingbrough  
2019/0458/OUTM



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.



This page is intentionally left blank





Report Reference Number 2019/0458/OUTM

**To:** Planning Committee  
**Date:** 8<sup>th</sup> February 2023  
**Author:** Linda Drake (Planning Project Officer)  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2019/0458/OUTM	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr B Falkingham & WA Hare & Son Ltd	VALID DATE:	3rd May 2019
		EXPIRY DATE:	10 <sup>th</sup> February 2023
PROPOSAL:	Outline application including access (all other matters reserved) for residential development for up to 40no custom built dwellings		
LOCATION:	Land Off School Road School Road Hemingbrough Selby North Yorkshire		
RECOMMENDATION:	<b>REFUSE</b>		

This application has been brought before Planning Committee at the request of Councillor Arthur. The reasons given were that the land is outside the development limits of the village, the development will increase traffic in the village, increase pressure on the sustainability of the village, its facilities and infrastructure. The development will harm residential amenity.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises 1.47ha of agricultural land to the south of School Road, Hemingbrough. The site comprises the northern part of a field to the rear of dwellings on School Lane and to the comprises agricultural land and part of Chapel Balk Road to the east which accesses onto School Road. A secondary access between Plinthstone and Sweethaven is also shown. Plinthstone is shown as being within the applicant's ownership. There are detached dwellings fronting School Road to the north of the site, Hemingbrough Community Primary School and associated playing fields are located to the west, bounded by hedgerow, the land to the south is agricultural with no boundary defining it from the application site, with Chapel Balk Road running adjacent to the eastern boundary.

- 1.2 Trees within the curtilage of Hemingbrough Hall to the east of the site overhang the proposed access track. These are protected under TPO 8/1991.
- 1.3 There is a purple leafed Norway maple tree located in the front garden of Plinthstone, a provisional TPO was served on this tree in 2018, however was not confirmed.

### **The Proposal**

- 1.4 The proposal seeks outline consent for residential development of up to 40 custom built dwellings, with access only to be considered and all other matters to be reserved.

### **Relevant Planning History**

- 1.5 The following historical application is relevant to the determination of this application.

2017/0772/OUTM - Outline application including access (all other matters reserved) for residential development following demolition of existing dwelling. REFUSED 09-MAY-18. Reasons for refusal:

*1. The proposed dwellings would be located outside the defined development limits of Hemingbrough and would therefore be located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.*

*2. The proposal would be located partially within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for up to 60 dwellings when added to the 31 dwellings that have been built or approved would substantially exceed the minimum growth options of between 33-54 dwellings. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Hemingbrough and conflicts with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.*

*3. The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' approach into the village. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.*

- 1.6 This had a very similar red line to the current application site, except for the dwelling known as Plinthstone was previously included within the red line.

## 2. CONSULTATION AND PUBLICITY

- 2.1 **Ouse & Derwent Internal Drainage Board** – Recommend a condition relating to restricted rate of discharge in the event of any grant of permission.
- 2.2 **Yorkshire Water** – Recommend conditions relating to foul and surface water drainage.
- 2.3 **Parish Council** – No response received within the given timescale.
- 2.4 **NYCC Highways** – No objections subject to conditions: road and footway layout and construction, access construction, visibility splays, removal of permitted development rights for garage conversions, construction traffic and routing, travel plan.
- 2.5 **SuDS Officer** – Response dated 31.5.2019 - Considered the submitted Flood Risk Assessment and Drainage Strategy (dated February 2017) and recommend that the is refused on the following grounds: The applicant has not robustly followed the discharge hierarchy for surface water as set out in Part H of the building regulations and that the applicant not demonstrated that the site will not increase flood risk elsewhere. The objection may be overturned following the submission of adequate information as detailed in their comments.

Following submission of a Drainage Strategy and Water Management Plan they LLFA were re-consulted. No response was received at that time. The LLFA have since been re-consulted. Any updated response received will be provided at Planning Committee.

- 2.6 **Environmental Health** – Recommend condition requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site.
- 2.7 **Natural England** – No objection.
- 2.8 **North Yorkshire Bat Group** – No response received within the given timescale.
- 2.9 **Designing Out Crime Officer** – Recommend condition on any approval requiring crime prevention measures to be incorporated into development.
- 2.10 **North Yorkshire Fire & Rescue Service** – No objection/observation.
- 2.11 **Vale Of York CCG** - No response received within the given timescale.
- 2.12 **Public Rights Of Way Officer** – No response received within the given timescale.
- 2.13 **Education Directorate North Yorkshire County Council** – No contribution sought.
- 2.14 **NYCC Heritage Officer** - Archaeological trial trenching has been undertaken at the site. This has demonstrated that well preserved Roman deposits survive within the

development plot. The report suggests that the deposits are of some significance and at least of regional interest. Recommend conditions requiring a Written Scheme of Investigation for an archaeological strip, map and record excavation to be approved and carried out at the site.

2.15 **North Yorkshire County Council (CPO)** – No response received within required timescale.

2.16 **Landscape Consultant** – Object to the application as it is likely to impact on the openness of the countryside and adversely affects the character and setting of Hemingbrough village.

2.17 **Ecological Consultant** - The application is accompanied by an Ecological Appraisal (EA) and a Bat Survey. The outcome of the EA is sufficient to determine the application in relation to ecological matters. Recommend conditions relating provision of a detailed Construction Environmental Management Plan (CEMP) and an Ecological Enhancement and Management Plan.

## 2.18 **Publicity**

The application was advertised as a Departure from the Development Plan by site notice, neighbour notification letter and advertisement in the local newspaper. 28 representations have been received:

Letters of Support – 7

- Council has not permitted any self or custom build plots to meet needs of self and custom build register
- no policy for self/custom builds
- application should be supported
- use of CIL register misleading
- good location, less intrusive than others within village
- village needs to expand
- will help support school and local businesses
- should have been developed by now
- site has opportunity to deliver variety of house types

Letters of Objection – 19

- pressure on recreation facilities
- Congestion on school road/parking problems
- Loss of countryside
- Chapel Balk Road currently used by large agricultural machinery to access fields to south, concern that such use will not be compatible with residential traffic, accident potential
- smaller number of dwellings proposed compared to 2018 application, concern this number may rise
- impact on Swiss Cottage
- loss of view and house value (not planning matters)
- increased traffic on School Road from school and recreation field leads to congestion, and also to A63
- other sites can be built on first
- insufficient village infrastructure
- impact on wildlife

- site poorly drained, proposal will make it worse
- loss of light to dwellings on School Road
- loss of agricultural land
- noise and disturbance of construction to neighbouring dwellings
- no change to previously refused application
- need more affordable housing
- detrimental to village heritage and Hemingbrough Hall
- impact on preserved trees
- change village character

Letters neither support/nor object – 2

- Chapel Balk Road used by agricultural machinery to avoid going through village, access to fields needs to be maintained
- School would welcome new pupils as a result of development however concerns regarding construction and impact on school day (traffic/contractor parking/noise/disturbance)

### **3. SITE CONSTRAINTS**

- 3.1 The site is located predominantly outside the defined development limits of Hemingbrough (a Designated Service Village), to the south-east of the existing settlement boundary and therefore lies within countryside in policy terms. The secondary access to the side of the property known as Plinthstones lies within the development limit. The main site access lies without. The site lies within Flood Zone 1, which has low probability of flooding. The site is potentially contaminated due to past land uses.

### **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).
- 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  
SP5: The Scale and Distribution of Housing  
SP8: Housing Mix  
SP9: Affordable Housing  
SP15: Sustainable Development and Climate Change  
SP16: Improving Resource Efficiency  
SP18: Protecting and Enhancing the Environment  
SP19: Design Quality

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

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1: Control of Development  
ENV2: Environmental Pollution and Contaminated Land  
T1: Development in relation to the Highway Network  
T2: Access to Roads  
RT2: Open Space Requirements for New Residential Development

#### **Supplementary Planning Documents**

- 4.9 The relevant Supplementary Planning Documents are:

Affordable Housing Supplementary Planning Document, 2014  
Hemingbrough Village Design Statement, 2009

## **Minerals and Waste Joint Plan (February 2022)**

4.10 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 – High risk development areas

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

4.11 The relevant sections of the NPPF are:

- 2 – Achieving sustainable development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 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 considered when assessing this application are:

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Highways Impact
- Ecology and Trees
- Affordable Housing
- Flood Risk and Drainage
- Land Contamination
- Recreational open space
- Education, Healthcare, Waste and recycling
- Archaeology
- Minerals and Waste

### **Principle of Development**

5.2 Core Strategy (CS) Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

5.3 Policies SP2 and SP4 are the Spatial Development Strategy Policies that directs new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for

employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.

- 5.4 Hemingbrough is defined in the Core Strategy as a Designated Service Village with a defined Development Limit, which has some scope for additional residential and small-scale employment to support rural sustainability.
- 5.5 This outline application for 40 dwellings on land that is adjacent to, but outside of, the defined Development Limits of Hemingbrough, as defined in the adopted development plan. The proposal is therefore contrary to Policy SP2A(c) of the Core Strategy and represents inappropriate development in the countryside. The wider edge of settlement relationship is assessed below:

#### Sustainability of the Development

- 5.6 In terms of sustainability, the site lies outside the Development Limits of Hemingbrough which is a Designated Service Village as identified in the Core Strategy, where there is some scope for additional residential and small scale employment to support rural sustainability. The village has numerous facilities including a doctors surgery and primary school. In addition there is a bus service between Goole and Selby, which provides onward links to cities including York and Leeds. It is therefore considered that the settlement is relatively well served by local services.
- 5.7 As Hemingbrough has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, the Council considers the village a sustainable location in a rural context. The village is considered “more sustainable” in Core Strategy Background Paper 5 Sustainability Assessment of Rural Settlements (updated February 2010). The type and range of facilities, public transport accessibility and access to employment opportunities identified in Hemingbrough was broadly similar in the PLAN Selby Site Allocations, Designated Service Villages, Growth Options Report, Draft for Stakeholder Engagement, June 2015 (recognising that there are some differences with the studies). Furthermore, the situation in respect of the sustainability of Hemingbrough has remained broadly similar since June 2015 to date. Having taken these points into account, even though the site is located outside the defined Development Limits of Hemingbrough, it would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects, however this needs to be considered alongside the levels of growth of the settlement.

#### Previous Levels of Growth and the Scale of the Proposal

- 5.8 CS Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 for DSVs as whole, which, the most recent monitoring indicates has been exceeded by completions and permissions in these settlements as a whole. However, the CS does not set a minimum dwelling target for individual DSVs, so it is not possible at this point to ascertain exactly whether Hemingbrough has exceeded its dwelling target.



- 5.9 The Growth Options report indicates minimum growth options of between 39-54 dwellings for Hemingbrough. To date, Hemingbrough has seen 27 (gross) dwellings built in the settlement since the start of the Plan Period (25 net) in April 2011 and has extant gross approvals for 11 dwellings (9 net), giving a gross total of 38 dwellings (34 net).
- 5.10 Considering the range of growth options identified for this settlement the scale of this individual proposal, at 40 dwellings, would be appropriate to the size and role of a settlement designated as a Designated Service 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.

#### Self & Custom Build Need

- 5.11 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those people wishing to commission or build their own homes). Footnote 28 to paragraph 62 advises that under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.
- 5.12 The Council's current development plan is made up of documents that were adopted before the introduction of the self-build act in 2015 and so there is no current plan led mechanism for providing self-build homes. The emerging policy approach is set out by Policy HG10 of the emerging Local Plan, which states that larger sites (those providing 50 or more dwellings) will be required to supply up to 3% of the total plots to self-builders or custom house builders, subject to appropriate demand being demonstrated through the Council's self-build and custom-build register. Support for self-build and custom-build housing proposals will also be given through policy HG2 (windfall development), however limited weight can be applied to the emerging Plan at this stage.
- 5.13 As of January 2023, there are 33 names on the Council's self-build and custom-build register, and there is nobody on the list that has specifically stated that they are looking for a plot in Hemingbrough. However, three have stated that they would consider "any location", two have stated that they would "consider most villages", one has stated a "rural location" and a further person has said they are looking for a plot "within 20 miles of Sherburn in Elmet". This provides a total of 7 households whose locational needs could potentially be met by this site in Hemingbrough. This compares to the 40 self-build plots proposed by this application.
- 5.14 No indication is given of how the site will be delivered for custom-build housing. Given that the location of the dwellings proposed does not generally match the locational needs of those expressed on the self-build register, it is not considered that the provision of self-build plots is likely to weigh in favour of the proposal so as to override the fact that the proposal represents a departure from the Development Plan.

#### Emerging Local Plan

- 5.15 The Council are currently preparing a new Local Plan for the District which will cover the period to 2040. Consultation on the Publication Draft was undertaken between August and October 2022. The application site forms part of a wider emerging residential allocation (ref. HEMB-G) which has been identified as suitable for up to 120 dwellings. As part of this proposed allocation, the Council would seek to ensure that site HEMB-G is delivered comprehensively, rather than in a piecemeal manner. Given the Council has recently undertaken Regulation 19 consultation on the Plan and is still analysing the representations received, Officers consider that limited weight can be applied to the emerging approach at this stage.

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

### Design

- 5.16 The application is for outline planning permission for up to 40 custom-build dwellings, with access only for consideration and all other matters reserved. The Planning Statement refers to an Illustrative Site Layout Plan being prepared, however this has not been received during the course of the application. On-site open space will be required under Saved Policy RT2, the provision of which will impact on the number of dwellings that can be provided and their siting. These are details that would be addressed under reserved matters. The site area is 1.47 hectares and up to 40 units would equate to 27 dwellings per hectare which is medium to low in terms of density. On site open space at 60 sqm per dwelling would equate to 2400 sqm or 0.24 of a hectare, meaning the developable area would be 1.23 hectares i.e 32 dwellings per hectare.
- 5.17 The appearance of the dwellings is a reserved matter. As the application is for custom build dwellings a Development Design Code would be required which would set out the guiding principles for the design of the proposed dwellings - these would include maximum height, scale, building materials, plot coverage and parking and access to each unit. Dwellings would then be built in accordance with the agreed parameters. In order to ensure that the development was built out as custom-build this would need to be secured via condition requiring the Design Code to be submitted prior to any reserved matters application. However subject to an appropriate Design Code there is nothing to indicate that a development of appropriate scale and appearance cannot be achieved.

### Landscape Character

- 5.18 Landscaping is a reserved matter, however needs to be considered as part of the outline application given the sites location on the village edge outside of the Development Limit. The application site comprises the northern part of a larger field area with open boundaries to the south and east onto Chapel Balk Road. There are managed boundary hedgerows to the west and residential gardens to the north side. To the eastern boundary of Chapel Balk Road there is a defined hedgerow and mature trees on the boundary with Hemingbrough Hall - these are protected under TPO 8/1991. A temporary TPO 1/2018 was also served on a Purple Leafed Norway Maple sited in the front garden of Plinthstones, however this was never confirmed.
- 5.19 The Council's Landscape Architect has assessed the site, given its location outside of the Development Limit. The conclusion was that the proposed development is likely to impact on the openness of the countryside and adversely affect the

landscape character and setting of Hemingbrough village, particularly the character of the gateway into the village from the east, the approach into the village from the west and views from along Chapel Balk Road. It is therefore concluded that the development could not be supported in landscape and visual terms and is contrary to Policy ENV1 (1) and (4) of the Local Plan and Policy SP19 of the Core Strategy.

- 5.20 The site forms the northern section of emerging allocation HEMB-G. Whilst the emerging plan currently has no weight it is noted that the site requirements for HEMB-G require the provision of landscape screening to the southern boundary. The landscaping of the site can best be achieved as part of a comprehensive development of the entire HEMB-G site, rather than part.
- 5.21 Having had regard to the above, it is considered that although an appropriate design of individual properties could be achieved at reserved matters stage the proposals are contrary to Policy ENV1 (1) and (4) of the Local Plan and Policy SP19 of the Core Strategy with respect to their landscape impacts and the impact on the character and setting of the village.

### **Impact on Residential Amenity**

- 5.22 Objections have been raised by neighbouring residents to the proposal and its impact on their residential amenity. The detailed design of the dwellings including their orientation and window placement would be considered at reserved matters. It is considered that the site is of sufficient size to allow for dwellings to be sited without issues of overlooking and loss of privacy to neighbouring dwellings.
- 5.23 The Environmental Health officer has recommended a condition requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties be submitted prior to site preparation and construction work commencing given the size of the development and its close proximity to existing residential properties. This proposed condition is considered reasonable and proportionate.
- 5.24 It is considered that sufficient residential amenity can be achieved for existing and future residents in accordance with policy ENV1(1) of the Local Plan and the NPPF.

### **Highways Impact**

- 5.25 A Transport Statement been submitted to support the application along with plans showing improvements to the access. The main access to the site is via Chapel Balk Road with a pedestrian access taken to the side of Plinthstones onto School Road. The access has adequate visibility. The proposed access will need improving to increase the carriageway width, add a footway and service margin and bring Chapel Balk Road up to NYCC's A1 specification. This is all shown on drawing 16-462-TR-009. The new access will have the traditional 5.5 metre carriageway and 2 no. 2 metre footways as shown on drawing BGH7.
- 5.26 The Transport Statement and access plans has been considered by the Local Highway Authority who have not raised any objection subject to conditions. The conditions cover the need for detailed plans of the road and footpaths, the requirement for these roads to be completed prior to any dwelling being occupied, surface water drainage details, verge crossing details and visibility splays. Other conditions included the need for access parking and turning details to be submitted, construction traffic details, highways condition surveys and the need for travel plans.

- 5.27 Representations have been received raising concern over traffic impacts on School Lane, in particular at the start and end of the school day and when sporting events take place, causing congestion and parking issues, these have been taken into account.
- 5.28 In terms of the impact on the highway network the proposals are in accordance with Policies T1 and T2 of the Selby District Local Plan. Full details of the layout would be included in any reserved matters and the remaining details are all capable of being controlled by planning conditions.

### **Ecology and Trees**

- 5.29 Saved Policy ENV1(5), Core Strategy Policy SP15B(d) and SP18 (1) and (3) and paragraphs 174(d) and 180 of the NPPF seek to protect and enhance biodiversity within the District. Saved Policy ENV1(4), Core Strategy SP18(1) and paragraph 131 of the NPPF are relevant with regards to trees.

### Ecology

- 5.30 An Ecological Survey and Bat Survey were submitted in support of the proposal. The bat survey concentrated on the proposed demolition of the dwelling known as Plinthstones however this is no longer being demolished. The Ecological Appraisal identified the site as being arable in nature and actively farmed. The habitats were assessed as being of low ecological value. There are no ponds within the development site; however there are ponds within the surrounding area and records of great crested newt exist. The reports were considered by the Council's Ecological consultant, who is satisfied that the ecological survey is sufficient to determine the application.
- 5.31 Conditions are recommended requiring submission of a detailed Construction Environmental Management Plan (CEMP) and an Ecological Enhancement and Management Plan, along with an informative regarding disturbing nests. The proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy subject to conditions.

### Trees

- 5.32 Trees on the eastern side of Chapel Balk Road are protected under TPO 8/1991. These lie within the grounds of Hemingbrough Hall, however they overhang Chapel Balk Road. Chapel Balk Road is to be widened and a footway provided along a distance of 55m from the junction with School Road. The plans show that this will be achieved by removing the existing grassed verge and hedge alongside Hemingbrough Hall, which will bring the road under the canopies and across existing roots. Notwithstanding that the trees are covered by a TPO, no tree survey or arboricultural impact assessment has been submitted to assess the impact that the road widening will have on the trees from widening the road.
- 5.33 The Council's Arboricultural Consultant has been consulted and advises that insufficient detail has been provided to assess the impact of the development on the trees. The trees have not been surveyed and plotted and the proposed access layout plan is short on detail. As the application is for outline planning permission with access considered a tree survey and arboricultural impact assessment should have been submitted for consideration.

- 5.34 A provisional TPO (1/2018) was made on a Purple Leafed Norway Maple to the front of Plinthstones following submission of application 2017/0772/OUTM. The TPO was never confirmed and so has lapsed.
- 5.35 It is considered that insufficient information has been submitted to demonstrate that the proposed access to the site will not have a detrimental impact on the protected trees alongside Chapel Balk Road, contrary to Policy ENV1 of the Local Plan, Policy SP18 of the Core Strategy, and advice in the NPPF.

### **Affordable Housing**

- 5.36 Notwithstanding that the proposal is for custom-build dwellings, these can still deliver affordable homes and 40% affordable units would be required for the site under Policy SP9.
- 5.37 The applicant indicated in 2017/0772/OUTM that they would be prepared to provide affordable units on site subject to viability, however there is no indication within application 2019/0458/OUTM that they would be prepared to offer the same for this development.
- 5.38 In the absence of any commitment to affordable housing delivery the application is contrary to Policy SP9 of the Core Strategy.

### **Housing Mix**

- 5.39 It is considered that the proposal could achieve an appropriate housing mix at reserved matters stage as identified in the SHMA, in accordance with Policy SP8 and the NPPF.

### **Flood Risk and Drainage**

- 5.40 The application site is located within Flood Zone 1 (Low Risk) and the proposal is supported by a Flood Risk Assessment.
- 5.41 It is stated that surface water is to be disposed of via a combination of sustainable drainage systems, discharge to existing watercourse and main sewer with foul sewerage discharged to the main sewer. The Ouse and Derwent Internal Drainage Board and Yorkshire Water raise no objection and recommend conditions relating to a restricted rate of discharge and foul and surface water drainage.
- 5.42 The Lead Local Flood Authority was also consulted and based on the submitted information objected to the proposal as insufficient information had been provided relating to surface water disposal nor that the site will not increase flood risk elsewhere. A Drainage Strategy & Water Management Plan was submitted in September 2019 and the LLFA reconsulted but did not provide any amended/updated response at that time. The LLFA have since been re-consulted. Any response will be reported to Planning Committee.
- 5.43 In the absence of an up-to-date response from the LLFA the proposal is currently unacceptable in terms of drainage, and flood risk and contrary to Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

### **Land Contamination**

- 5.44 The application is supported by a Phase 1 contaminated land assessment and is the same as that submitted for the previous planning application 2017/0772/OUTM, on which the Contaminated Land Consultant was consulted and raised no objections subject to standard conditions relating to submission of a remediation scheme, verification, and reporting of unexpected contamination.
- 5.45 No consultation response has been received from the Contaminated Land Officer for this application, however it is considered highly unlikely that the ground conditions for the site will have changed in the intervening period and it is therefore considered that the response provided in respect to 2017/0772/OUTM is still valid for application 2019/0458/OUTM.
- 5.46 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.

### **Recreational open space**

- 5.47 On-site open space is required under Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF. Policy RT2 states schemes of 5 or more dwellings will be required to provide recreation space at the rate of 60 sqm per dwelling. For scheme of more than 10 dwellings but less than 50, open space can be provided either on site or within the locality. Up to 40 dwellings would need 24,00 sq or 0.24 hectares.
- 5.48 The site requirements for the emerging allocation HEMB-G states that the development needs to “*Provide on-site recreational open space within the centre of the site, which is overlooked by dwellings, to create a green focal heart to the development.*” The centre of HEMB-G lies to the south of the application site. Provision of open-space within the application site, as required under Policy RT2, would be sited too far north, away from the main body of the wider emerging allocation and will not achieve the development requirements for HEMB-G.

### **Archaeology**

- 5.49 An Archaeological Evaluation which includes the outcomes of trial trenching at the site has been submitted with the application. The Principal Archaeologist has been consulted and has advised that Roman deposits survive within the site which are of significance as they appear to have a military connection and can advance understanding of the Roman occupation of the area. The report suggests that the deposits are of some significance at least of regional interest. Although the archaeology is complex the report has not indicated that there are any extremely significant deposits such as a villa that would warrant preservation in situ and as such the Principal Archaeologist agrees that there is at least regional interest with some potential to be of national interest. An archaeological recording condition is therefore recommended.
- 5.50 The proposals are therefore considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

### **Minerals and Waste**

- 5.51 Since the application was submitted the NYCC Minerals and Waste Plan 2022 has been adopted and now forms part of the Development Plan. 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 proposal is not an exempt development and would result in sterilisation of the ground.
- 5.52 The site is identified on the Coal Authority interactive map as lying within a low risk area for which the standing advice is to impose an informative to draw this risk to the developers attention.
- 5.53 NYCC Minerals and Waste have been consulted on the proposal. Their response is awaited and will be reported to Planning Committee on receipt.

### **Developer Contributions - Education, Healthcare, Waste and Recycling**

- 5.54 Representations have been received from residents expressing concern about the impact of the proposal on existing village services. The Healthcare Service were consulted but no response has been received. The NYCC Education Directorate has stated that a contribution would not be sought, however this would be covered by CIL in any instance. A representation received from the primary school states that the school has capacity and would welcome more families moving to the village. The developer will be required to pay a contribution to Waste and Recycling, which can be secured as part of a Section 106 Agreement.
- 5.55 The proposal complies with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions SPD and CIL with respect to developer contributions.

## **6. CONCLUSION AND PLANNING BALANCE**

- 6.1 The application site is located outside the defined development limits of Hemingbrough and therefore lies within open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 6.2 The proposal for up to 40 custom-build dwellings would exceed the current demand for self-build and custom-build within the District and is unlikely to meet the locational needs of those registered on the Self-build and Custom-build register as none have specifically specified Hemingbrough as a location. No details have been provided on the delivery of the site. Some weight can be given to the provision of custom-build homes and the economic benefits to the local economy resulting from their construction, however this is not sufficient to override the fact that the proposal is a departure from the Development Plan. The proposal is therefore considered to

be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle.

- 6.3 Custom-build housing can deliver affordable housing however there is no commitment to affordable housing delivery in the application and is contrary to Policy SP9 of the Core Strategy. This weighs against the proposal.
- 6.4 The site forms part of the wider emerging allocation HEMB-G, however the emerging local plan is currently at Regulation 19 stage and has no weight and does not weigh in favour of the proposal. The Council is also of the view that emerging allocation HEMB-G should be developed as one entire site in order to achieve a comprehensive and cohesive residential scheme (meeting the proposed site requirements including open space provision) given the sites location on the village edge.
- 6.5 The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough. Landscaping is a reserved matter, however there is no indication that sufficient landscaping to the southern boundary can be achieved to reduce visual impact. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.
- 6.6 There is consultee objection to the proposed drainage from the LLFA. In the absence of any further consultation update it is considered that the proposed drainage of the site is inadequate and contrary to Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.
- 6.7 It is considered that insufficient information has been submitted to demonstrate that the proposed access to the site will not have a detrimental impact on the protected trees alongside Chapel Balk Road, contrary to Policy ENV1 of the Local Plan, Policy SP18 of the Core Strategy, and NPPF.
- 6.8 The application cannot be supported for the reasons set out above.

## 7. RECOMMENDATION

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

- 01 The application site lies outside the defined development limits of Hemingbrough and is therefore located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.



- 02 The proposed development would result in harm to the openness of the countryside and adversely affect the landscape character and Barmby Ferry Road and views from along Chapel Balk Road and cannot be supported in landscape and visual terms and is contrary to Policy ENV1 (1) and (4) of the Local Plan and Policy SP19 of the Core Strategy.
- 03 In the absence of any commitment to affordable housing delivery the application is contrary to Policy SP9 of the Core Strategy.
- 04 Insufficient information has been submitted to demonstrate that widening of the proposed access to the site will not have a detrimental impact on the trees protected under TPO 8/1991 which are alongside Chapel Balk Road. The application is therefore contrary to Policy ENV1 of the Local Plan, Policy SP18 of the Core Strategy, and NPPF.
- 05 The piecemeal development of the wider site which forms the emerging allocation HEMB-G will result in open space being provided in a location that does not meet the site requirements for HEMB-G.
- 06 The proposed drainage of the site is inadequate and contrary to Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

## **8. Legal Issues**

### **8.1 Planning Acts**

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

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

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

### **8.3 Equality Act 2010**

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

## **9. Financial Issues**

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

## **10. Background Documents**

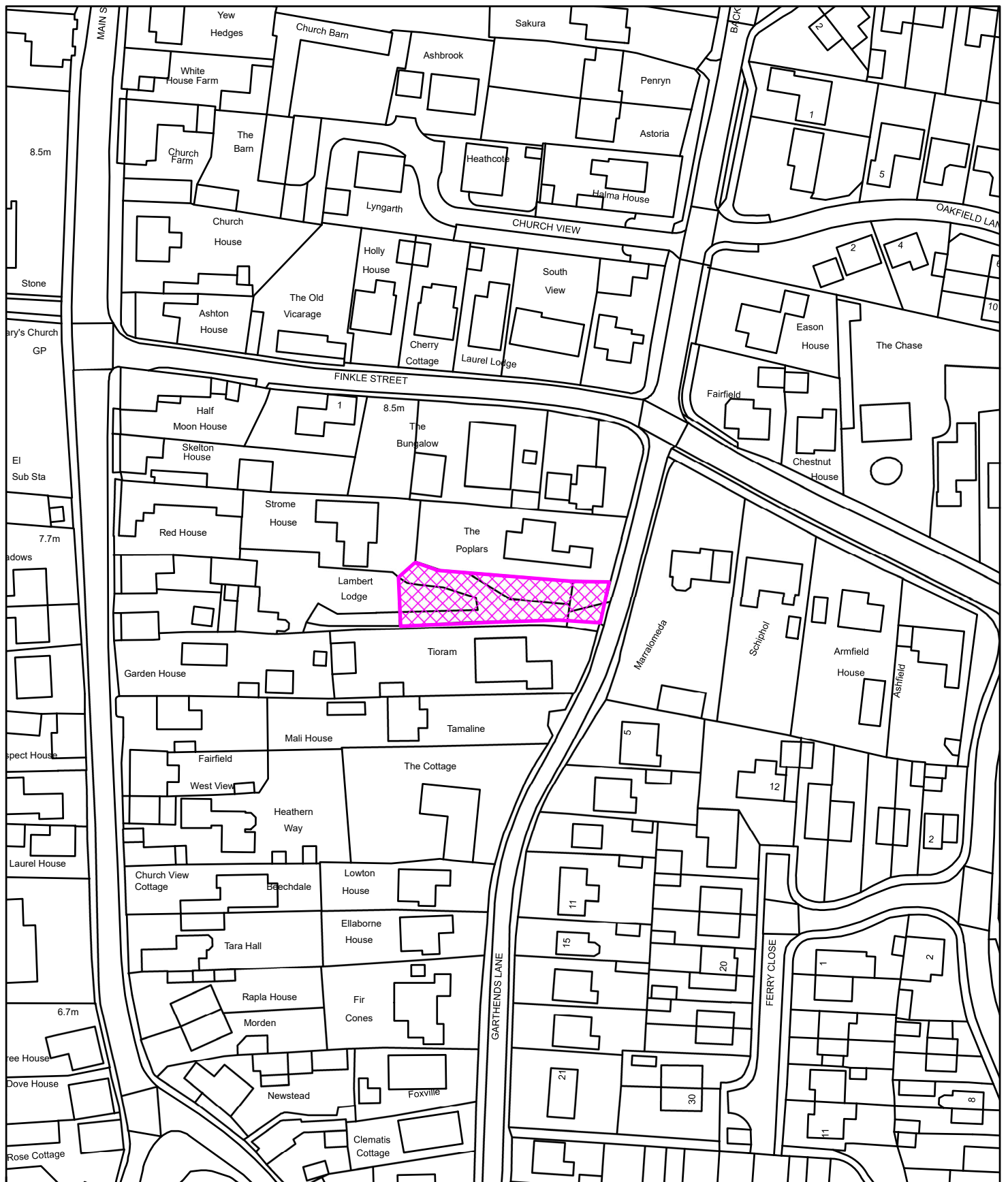
**Planning Application file reference 2019/0458/OUTM and associated documents.**

**Contact Officer:** Linda Drake (Planning Project Officer)

**Appendices:** None

# Agenda Item 5.5

Strome House, Garthends Lane, Hemingbrough  
2022/1142/FUL



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.



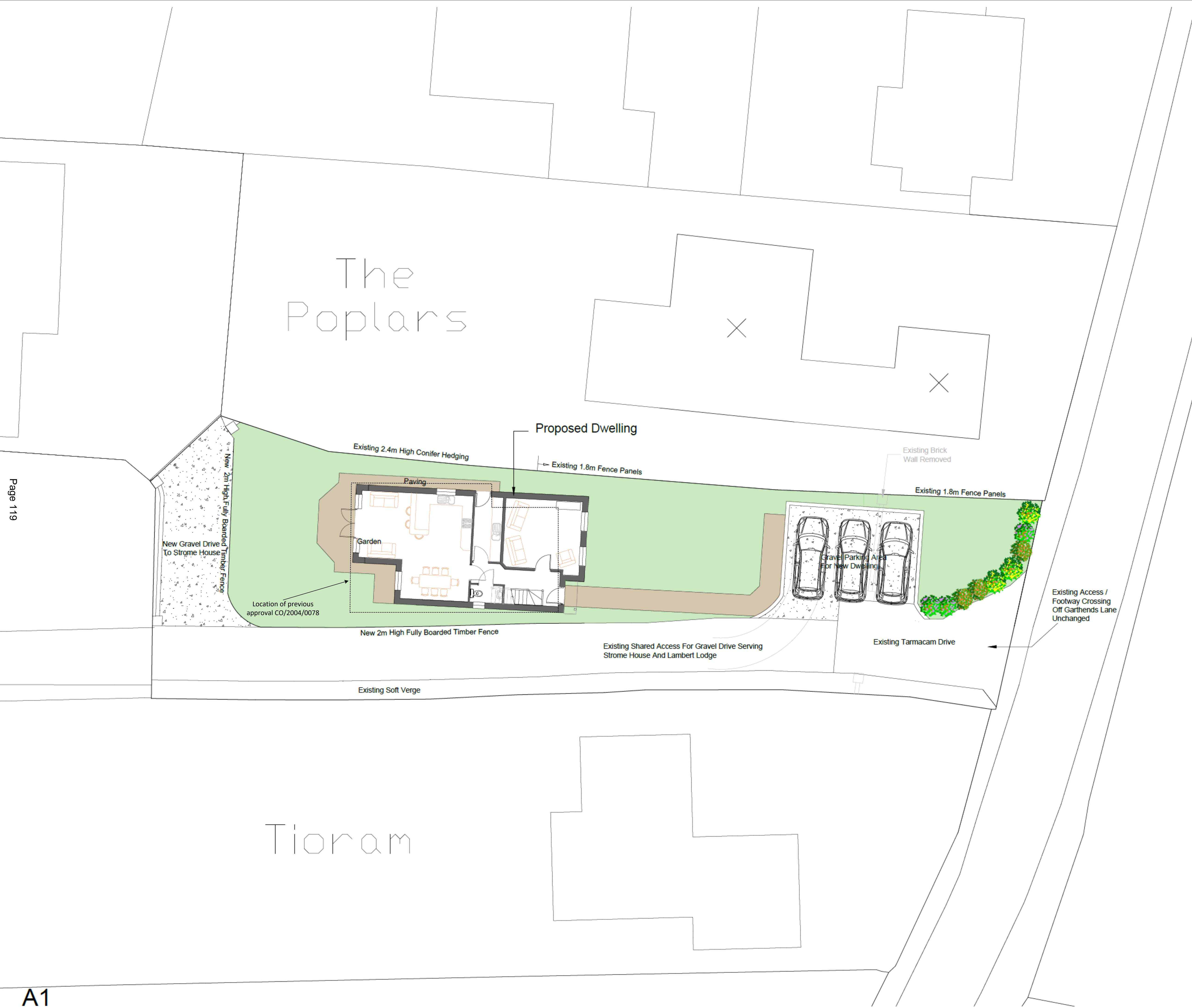
1:1,250

This page is intentionally left blank

Notes  
 Do not scale without prior approval, use written dimensions where provided. Large scale drawings take preference over small scale drawings unless advised otherwise. This drawing is to be read in conjunction with all related drawings, schedules, and specifications.  
 All component and assembly dimensions are to be checked on site prior to the beginning the production of any shop drawing or off-site fabrication. Any discrepancies with drawn information are to be reported to the Main Contractor.  
 © This drawing is the copyright Planmaster Architectural Services

Rev	Date	Description	Initials
A	09.08.21	First Issue	FRF
B	11.05.22	Dwelling Repositioned For Discussion	FRF

Page 119



Project  
 Land At Strome House  
 Garthends Lane  
 Hemingbrough, Selby YO8 6QW  
 Detached 4 Bed Dwelling

Drawing Title  
 Proposed Site Layout

Scale 1:100 Date 11.05.22  
 Drawn by FRF Checked by ---

Job No. Drawing No. Rev.  
 PAS 125 / 002 B

STATUS

A1

This page is intentionally left blank





**Report Reference Number 2022/1142/FUL**

**To: Planning Committee**  
**Date: 8<sup>th</sup> February 2023**  
**Author: Jac Cruickshank (Senior Planning Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

APPLICATION NUMBER:	2022/1142/FUL	PARISH:	Hemingbrough Parish Council
APPLICANT:	Andrew MacDonald	VALID DATE:	24th October 2022
		EXPIRY DATE:	19th December 2022
PROPOSAL:	Erection of 1 No 4-bed detached dwelling on land to the west of		
LOCATION:	Strome House, Garthends Lane, Hemingbrough, YO8 6QW		
RECOMMENDATION:	<b>REFUSE</b>		

This application has been brought before Planning Committee as it has been called-in by the local ward Councillor. The Councillor requested that the application is called to committee should Officers be minded to refuse the application. The reasons provided for the application being called to committee are as follows:

1. It is considered that this proposal is deemed to be sustainable development for this particular area.
2. The proposal is in keeping with the surrounding area.
3. The proposed development is within the development limits of Hemingbrough village and therefore meets the criteria of the core strategy.

## **1. INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 The application site is located on Garthends Lane, Hemingbrough and consists of a narrow-grassed area, which also serves as the access to the applicant's dwelling i.e. Strome House, which lies to the north-west of the site. To the north is 'The Poplars' and to the south is 'Tioram', both of which are larger detached two storey dwellings. The site currently is fenced to the north, has a privet hedge on the highway boundary and has a walled and gated access.
- 1.2 It is noted that outline permission was granted in 1995 under application no. CO/1995/0174, for the erection of a detached dwelling on the parcel of land. The permission was subsequently renewed in 1998, 2001, 2002 and 2004. Outline

permission was refused in 2007 under application 2007/0223/OUT and most recently in 2021 under application 2021/1065/FUL.

- 1.3 The reasons for refusal of application 2021/1065/FUL are as follows:

*The site consists of a narrow gap, set between two detached two storey dwellings within the Garthends streetscene. The proposed infill development will lead to the loss of the areas open character and the dwelling will appear shoehorned into the site. The development would be an incongruous addition to the streetscene and negatively impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), and (4) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.*

*The proposed development would have an unacceptable impact on the occupiers of The Poplars due to the scale and positioning of the proposed dwelling. The proposal would result in significant overshadowing, loss of outlook, oppression and dominance of the shared boundary. The proposal is therefore contrary to Policy ENV1 (1) of the Selby District Local Plan and Section 12 of the NPPF.*

### **The Proposal**

- 1.4 The application is a resubmission of the previously refused application (2021/1065/FUL) and is seeking consent for the erection of a detached two-storey dwelling on land to the east of Strome House, Garthends Lane, Hemingbrough. The dwelling has 4 bedrooms, 3 parking spaces and a small rear garden area.
- 1.5 When comparing the current application with the most recent refusal, it is noted that the proposed house type remains unchanged. However, the siting of the dwelling has been pushed further back from the highway (approximately 10.5 metres) which further compounds the harm to The Poplars.

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- 2021/1065/FUL (REF – 23/11/2021) Erection of 1 No 4-bed detached dwelling on land to the west of Strome House.
  - 2007/0223/OUT (REF – 06/06/2007) Outline application for the erection of a three-bedroom detached dwelling including layout, access and scale.
  - CO/2004/0078 (PER – 12/03/2004) Renewal of outline permission for the erection of a three-bedroom detached dwelling on 0.05 ha of land to the rear of Lambert Lodge.
  - CO/2002/0514 (PER – 23/07/2002) Outline application for the erection of a detached house with garage on 0.04 ha of land.
  - CO/2001/0110 (PER – 07/03/2001) Application for the renewal of outline permission for the erection of a three bedroomed detached dwelling on 0.05 ha of land to the rear.



- CO/1998/0062 (PER – 30/03/1998) Renewal of outline permission for the erection of a three bedroomed detached dwelling on 0.05 ha of land to the rear.
- CO/1995/0174 (PER – 24/04/1995) Outline application for the erection of a three bedroomed detached dwelling on land to the rear.

## 2. CONSULTATION AND PUBLICITY

### 2.1 Hemingbrough Parish Council – Objections raised:

- 1) Overdevelopment of the site.
- 2) The proposed property is very large for the small plot.
- 3) Concern regarding further connections to the sewer system which is already at full capacity.

2.2 **NYCC Highways** – No objections. Recommended conditions relating to widening the existing access and the completion of a Construction Management Plan.

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

2.4 **The Ouse & Derwent Internal Drainage Board** - No objections. Recommended a condition relating to surface drainage.

2.5 **Contaminated Land Consultant** – No objections. Recommended a condition relating to the reporting of unexpected contamination.

### 2.6 Publicity

The application has been advertised by site notice resulting in one letter of representation being received.

The letter of representation was from the occupier of the adjacent dwelling, known as The Poplars. The representation raised objections to the proposed development. The comments are as follows:

- *The new plans look as though the front of the property not only will look directly into the back of our single storey ground floor extension, which is our dining and social space, but the bedroom windows will be very very close to our first-floor bedroom windows, invading much of our living space and bedroom privacy. Not only that, our garden and outside dining area would be significantly overshadowed by any dwelling built on this small site.*
- *We bought The Poplars in 2020 and one of the main reasons was due to the feeling of space and light surrounding the house. We knew there was an area of land adjacent to our boundary however had absolutely no concerns of any dwellings being built there in the future as the site is simply not big enough, so we bought The Poplars thinking our privacy and outlook would not ever change.*
- *We have also seen objections from the Parish Council relating to over developments of the site, concerns that the proposed dwelling is too large for the small plot of land and over capacity of the sewage system in the area.*

- *We urge that any plans for this site are once again rejected due to the very valid concerns that we and the Parish Council have raised. The applicant has absolutely no regard for the look of the area or the hugely negative impact that this dwelling will have on us and others in the area. Lambert Lodge for example, which will have much of their access to the property compromised which will lead to the need for one way traffic to both Lambert Lodge and Strome House. We are aware that the applicant runs a business from Strome House which results in many couriers needing access to the house many times each day - with a one-way traffic system in place will absolutely increase the level of traffic on the street and around the area.*
- *We hope our objection will be considered and the right decision is made, not only for the neighbours of the proposed dwellings, but also to keep the local area free from sites being overdeveloped and extra traffic.*

### **3. SITE CONSTRAINTS**

- 3.1 The application site is located within the development limits of the settlement of Hemingbrough, which is identified as a Designated Service Village in the Selby District Core Strategy.
- 3.2 The application site is located within the setting of Hemingbrough Conservation Area, which lies approximately 35 metres to the west of the site, and within the setting of a grade II listed building, The Old School House, which is approximately 20 metres to the north of the site.
- 3.3 The application site is also located within the sand gravel safeguard area and brick clay safeguard area, as identified in the Minerals and Waste Joint Plan.
- 3.4 The application site is located within Flood Zone 1, which has a low probability of flooding.

### **4. POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. 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  
SP4 - Management of Residential Development in Settlements  
SP5 - The Scale and Distribution of Housing  
SP9 - Affordable Housing  
SP15 - Sustainable Development and Climate Change  
SP16 - Improving Resource Efficiency  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

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

- 4.8 The relevant Selby District Local Plan Policies are:

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

#### **Minerals and Waste Joint Plan (February 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

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

4.10 The relevant sections of the NPPF are:

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

## **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
- Impact on heritage assets
- Residential Amenity
- Highways
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Contaminated Land
- Affordable Housing
- Impact on Ecology
- Waste and Recycling Facilities
- Minerals and waste

### **The Principle of Development**

- 5.2 The application site is located within defined development limits of Hemingbrough, which is a Designated Service Village, as defined within the Core Strategy.
- 5.3 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.4 Policy SP2A (a) of the Core Strategy adopts a hierarchical spatial strategy to the location of new development. It states, "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Further, the policy states "Designated Service Villages have some scope for additional

residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4”.

- 5.5 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits". In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages - "Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)." Policy SP4 (d) of the Core Strategy states that “appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy”.
- 5.6 The site lies within the defined development limits of Hemingbrough which is acceptable in a Designated Service Villages, providing it would result in development of an appropriate scale. The proposal is therefore acceptable in principle. However, is still required to meet the policy test set in criteria (c) and (d) of Policy SP4 and all other relevant local and national policy tests.

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

- 5.7 Relevant policies in respect to the impact of the development on the impact on the character and appearance of the area through design include, Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 126 to 136 of the NPPF.
- 5.8 The application site is located off Garthends Lane, which is predominantly residential in nature. The local area is comprised mainly of two-storey detached dwellings constructed from red and brown brick and red pantiles. The application site currently serves as shared access to Strome House and Lambert Lodge, which both lie to the west of the site. The northern boundary lies adjacent to The Poplars and the southern boundary lies adjacent to Tioram. Garthends Lane lies to the east of the application site.
- 5.9 The proposed development is for the erection of a two-storey, four-bed dwelling with rooms in the roof space. The proposed dwelling would have a dual-pitched roof with a ridge height of 8.3 metres and eaves to 5.3 metres from ground level. The dwelling would feature a two-storey gable to the front and a single storey projection to the rear elevation.
- 5.10 In respect of materials, these are proposed as follows:
- Walls – Terca Kassandra multi
  - Roof - Sandtoft double pantile
  - Windows & doors - white UPVC
  - Guttering - black square line on rise and fall brackets
  - Boundary treatments - timber fencing and hedgerows
  - Access and hardstanding – gravel

- 5.11 As set out in the previous Officer Report for the refusal of a single dwelling (2021/1065/FUL), the dwelling would be clearly viewable from various points along the highway, Garthends Lane. However, it is considered that the current proposal would have less of an impact than the previous proposal as the dwelling would be an additional 10.5 metres further back from the main highway. The application site is relatively narrow (between 8.5 metres and 9.9 metres where the dwelling would be sited) and the proposed dwelling would predominantly span the full width of the site. The proposed dwelling would be taller than the adjacent dwellings to the north and south and the roof pitch would be significantly steeper than that of The Poplars. The proposed dwelling would fill the existing gap between The Poplars, to the north of the application site and Tioram, to the south. The gap between the dwellings is considered to be a feature of the local area and creates a low density feel to the west of Garthends Lane. The proposed dwelling, by virtue of its scale, would dominate the existing neighbouring dwellings and would appear incongruous and shoehorned into this narrow site. This would give the appearance of the site being overdeveloped and in turn would cause harm to the character of the street scene. Moreover, the proposed positioning of the dwelling would result in the development having inadequate private amenity space to the rear of the dwelling to serve the four-bedroom dwelling.
- 5.12 Given the above, it is considered that the proposal would have a significant impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.

#### **Impact on heritage assets**

- 5.13 Whilst considering proposals which affect the setting of Conservation Areas, regard is to be made to S72 (1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 which states that with respect to any buildings or other land in a Conservation Area, of any powers, under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66(1) of the Act takes a similar approach to development affecting a listed building, or its setting.
- 5.14 Relevant policies in respect to the impact of the development on the Hemingbrough Conservation Area and visual amenity are Policies ENV1 (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to development affecting the Conservation Area include paragraphs 189, 190, 192, 193, 194, 195, 196 and 197.
- 5.15 The application site is located within the setting of Hemingbrough Conservation Area, which lies approximately 35 metres to the west of the site, and within the setting of a grade II listed building, The Old School House, which is approximately 20 metres to the north of the site.
- 5.16 It is considered that the proposed development wouldn't negatively affect the setting of the Conservation Area. This is due to the separation distance between the application site and the Conservation Area and due to views of the proposed dwelling being largely obscured within the Conservation Area by neighbouring

dwellings, namely Strome House and Lambert Lodge. Likewise, the separation distance and the neighbouring property, The Poplars, would also minimise any impact the proposed development would have upon the setting of the listed building.

- 5.17 Having regard to the above, it is considered that the proposal would accord with Policies ENV1 and ENV25 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy, Section 66 (1) and Section 72 (1) of the Planning (Listed Building and Conservation Area Act) 1990 and the advice contained within the NPPF

### **Residential Amenity**

- 5.18 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.
- 5.19 A letter of objection has been received from the current occupiers of The Poplars. The letter raises concerns about the impact on residential amenity, in particular the potential loss of light and loss of privacy that would occur as a result of the proposal.
- 5.20 With regards to overlooking, the proposed dwelling would have 3no. windows at first floor level to the front (east) elevation, 2no. windows at first floor level to the rear (west) elevation, 1no. window at first floor level to the side (south) elevation and 1no. window at first floor level to the side (north) elevation. The proposal would also include the installation of 3no. roof lights to the rear elevation and 1no. roof light to the front elevation.
- 5.21 The windows to the front elevation would face out towards the front garden and parking area of the proposed dwelling and towards the main highway. The windows to the front would also provide some oblique views towards the neighbouring dwelling. However, these are not considered to be significant as the windows would mainly provide views of the side elevation of the neighbouring dwelling, which appears to include a landing window at first floor level. The windows to the rear elevation would face out towards the rear garden of the proposed dwelling and towards the front elevation of Lambert Lodge, though any impact would be minimal given the separation distance of over 40 metres. The window serving bedroom 2 would provide some potential for overlooking the outdoor amenity space of the neighbouring dwelling (The Poplars). However, it is considered that this would not be significant. The window to the south elevation would serve the landing and face towards the blank elevation of the neighbouring dwelling (Tioram) and the window to the north elevation would serve the bathroom and would, therefore, be obscure glazed. As such, it is considered that the proposed dwelling would not result in significant overlooking.
- 5.22 With regards to overshadowing, the proposed dwelling would be erected along the shared boundary with The Poplars. As previously stated, the proposed dwelling has been moved back by approximately 10.5 metres from its position in the 2021 refusal. This would result in the proposed dwelling being erected directly to the south of the adjacent property's garden area rather than alongside the neighbouring dwelling (The Poplars). The proposed dwelling would be set in from the shared boundary from between 1.2 metres and 1.6 metres. The proposed dwelling would

have a ridge height of 8.5 metres, which is approximately 1.5 metres greater than the overall height of the neighbouring dwelling. Given the relationship between the proposed dwelling and the neighbouring dwelling, it is considered that the proposal would result in overshadowing for the occupiers of The Poplars. The proposed dwelling would result in unacceptable levels of overshadowing and the sheer bulk of the dwelling close to the shared boundary would increase the sense of oppression for the occupiers of The Poplars as the proposed dwelling would be two-and-a-half storey and would be erected within 2 metres of the existing shared boundary.

- 5.23 Taking the above into consideration, the proposed development would have an unacceptable impact on the occupiers of the neighbouring dwellings. As such the application is not considered to be in accordance with Policy ENV1 of the Selby District Local Plan.

### **Highways**

- 5.24 Policy in respect of highway safety is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy. The aims of these policies accord with paragraph 110 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.25 The proposed scheme would benefit from an existing access and would provide off-street parking for up to 3no. cars. NYCC Highways have raised no objections to the proposed development subject to a number of conditions relating to a new and altered Private Access or Verge Crossing, and a Construction Phase Management.
- 5.26 Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

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

- 5.27 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.28 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.”
- 5.29 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.

- 5.30 In considering the above, as the proposals are located within Flood Zone 1 the Sequential Test and Exceptions Tests are not required.
- 5.31 In respect of the drainage proposals, surface water would be disposed of via a soakaway and foul water would be disposed of via the mains sewer. Yorkshire Water have provided no response and the IDB has confirmed that it has no objections subject to a condition relating to detailed drainage works being agreed.
- 5.32 Subject to the aforementioned condition, it is considered that the proposed scheme is considered to be acceptable in terms of flood risk, drainage and climate change and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 159 160 and 162 of the NPPF.

### **Contaminated Land**

- 5.33 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.
- 5.34 The application is supported by a contaminated land screening assessment form. Comments have been sought from the Contaminated Land Consultant who has raised no objections subject to a condition requiring an unexpected contaminated land to be reported. The case officer agrees with the contaminated land screening assessment form's conclusion that contamination is unlikely to be present at the site. However, it is considered reasonable to attach a condition regarding unexpected contamination to any planning permission granted on the application site.
- 5.35 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Affordable Housing**

- 5.36 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.
- 5.37 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".
- 5.38 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 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.

### **Impact on Ecology**

- 5.39 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.
- 5.40 It is noted that no landscaping plan has been submitted with the application. However, the proposed layout plan indicates that the existing boundary treatments to the northern boundary would be retained and proposed a 2-metre-high close boarded timber fence would be erected along the western and southern boundaries with shrub planting along the frontage eastern boundary.
- 5.41 The above measures are considered to satisfy nature conservation interests and therefore accord with the requirements of Selby District Local Plan Policy ENV1(5), Core Strategy Policy SP19(e) and the NPPF.

### **Waste and Recycling Facilities**

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

### **Minerals and Waste**

- 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 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.
- 5.45 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 regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed two storey dwelling would have a detrimental impact on the character of the local area and would have an unacceptable impact on the occupiers of the neighbouring

dwellings due to its scale, massing and siting, particularly the separation distances involved, which will result in a loss of outlook, dominance and overshadowing.

6.2 The proposal is therefore contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

6.3 The proposal is not considered to have a detrimental impact flooding and drainage, highway safety, contaminated land, affordable housing, landscaping or waste and recycling or any issues could be mitigated through condition.

## 7. RECOMMENDATION

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

01. The site consists of a narrow gap, set between two detached two storey dwellings within the Garthends streetscene. The proposed infill development would lead to the loss of the areas open character and result in a cramped appearance with the dwelling appearing shoehorned into the site. The development would be an incongruous addition to the streetscene and negatively impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), and (4) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 126 to 136 of the NPPF.

02. The proposed development would have an unacceptable impact on the occupiers of The Poplars due to the scale and positioning of the proposed dwelling. The proposal would result in significant overshadowing, loss of outlook, oppression and dominance of the shared boundary. The proposal is therefore contrary to Policy ENV1 (1) of the Selby District Local Plan and Section 12 of the NPPF.

## 8. LEGAL ISSUES

### 8.1 Planning Acts

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

### 8.2 Human Rights Act 1998

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

### 8.3 Equality Act 2010

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

## 9. FINANCIAL ISSUES

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

## 10. BACKGROUND DOCUMENTS

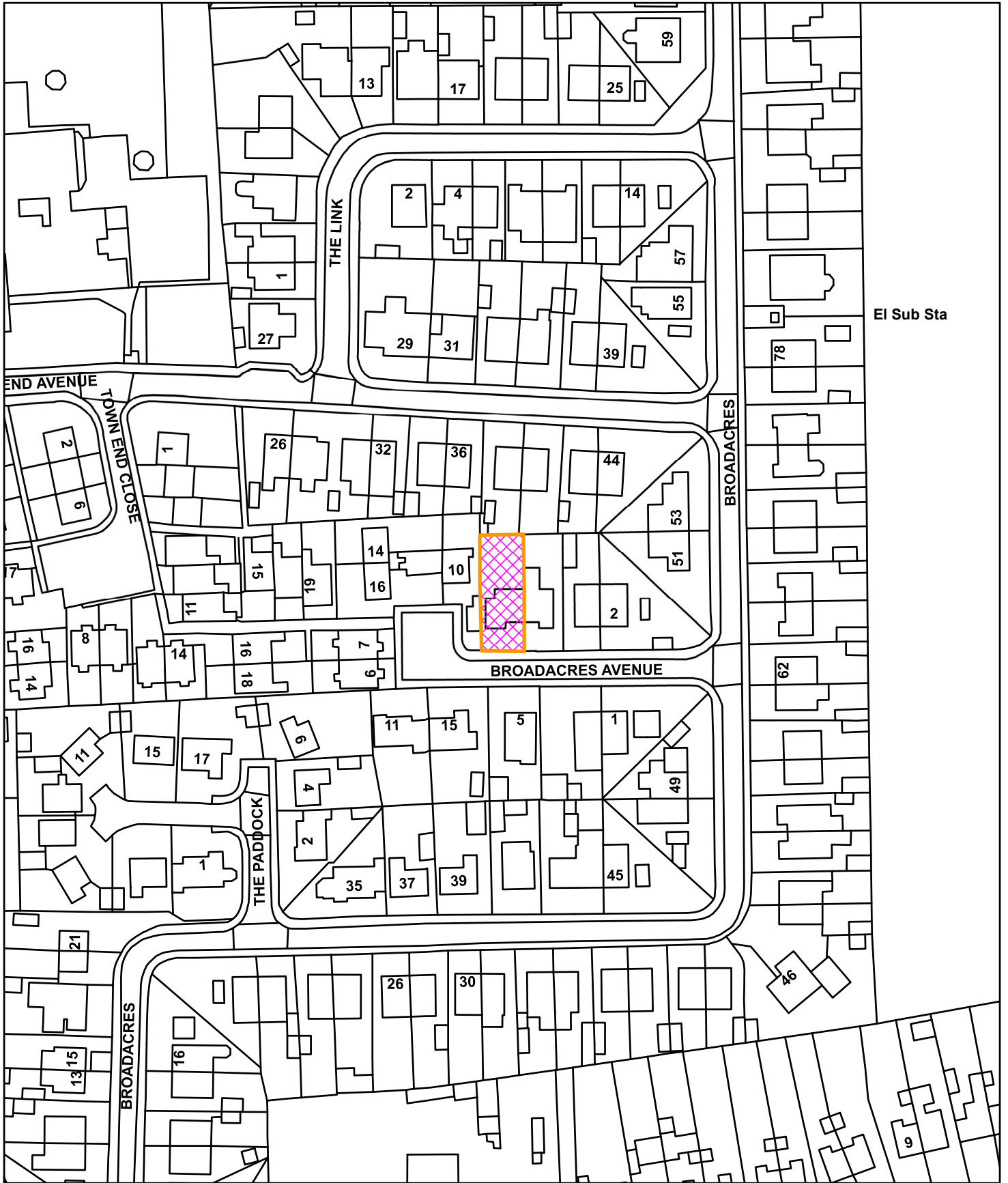
Planning Application file reference **2022/1142/FUL** and associated documents.

**Contact Officer: Jac Cruickshank (Planning Officer)**

**Appendices:** None

# Agenda Item 5.6

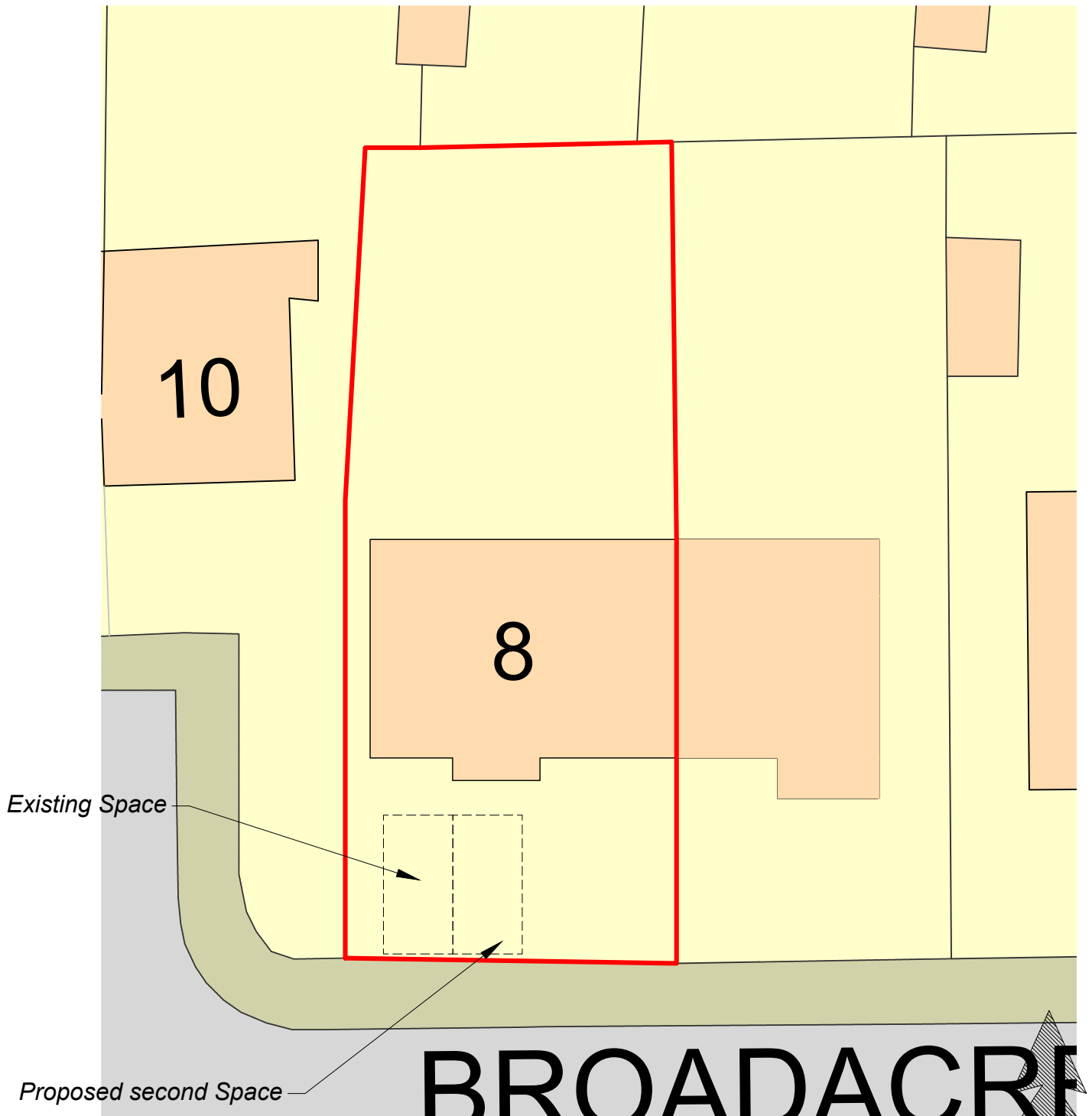
8 Broadacres Avenue, Carlton  
2022/1316/HPA



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright  
Selby District Council Licence No. 100018656  
This copy has been produced specifically for Planning and Building Control purposes only.  
No further copies may be made.



This page is intentionally left blank



NORTH

Mr & Mrs Ledson

8 Broadacres Avenue Carlton DN14 9NE

Proposed Block Plan scale 1:200 25/03/2021 drwg. no. 2920-02-02A

Chris Finn Architect

BOWLING GREEN HOUSE  
38 RYTHERGATE  
CAWOOD SELBY YO8 3TP  
TEL: 01757 268650

This page is intentionally left blank





Report Reference Number 2022/1316/HPA

**To:** Planning Committee  
**Date:** 8 February 2023  
**Author:** Josh Turner  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1316/HPA	PARISH:	Carlton Parish Council
APPLICANT:	Mr & Mrs Ledson	VALID DATE:	9th November 2022
		EXPIRY DATE:	4th January 2023
PROPOSAL:	New pitched roof over existing flat roofed front dormer window		
LOCATION:	8 Broadacres Avenue Carlton Goole North Yorkshire DN14 9NE		
RECOMMENDATION:	<b>REFUSE</b>		

This application has been brought before Planning Committee as it has been called-in by Councillor Jordan on the basis that the application is for a simple alteration in an area where some others have been done similarly.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site lies to the east of Station Road in Carlton within but in relatively close proximity to the settlements development limit boundary. The host dwelling is a semi-detached bungalow with a pitched tiled roof. It presently features a flat roofed dormer window to the front of the host dwelling which adjoins an identical dormer to the front of the attached neighbouring property no.6.
- 1.2 The host dwelling was previously granted permission to be extended to the side with a pitched roof extension and pitched roof dormer to the rear which enlarges the existing rear dormer to span almost the entire width of the dwelling.

### The Proposal

- 1.3 This proposal would introduce a pitched tiled roof to the existing front dormer presently in place. This would be located in a highly prominent location which would be visible from the public domain.
- 1.4 Alongside the proposed plans, an accompanying planning statement was submitted on 09.11.2022 and a further survey was submitted on 22.11.2022. The survey includes a number of questions relating to dormers and dormer design and the responses from respondents.

### **Relevant Planning History**

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

2021/0098/HPA      Erection of two storey side extension, new pitched roof over existing flat roofed dormers and front porch extension. Granted 27 May 2021.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **NYCC Highways** - No objections to the proposed scheme. A condition has been recommended to be attached to any permission.
- 2.2 **Carlton Parish Council** - No comments received.
- 2.3 **Publicity** - The application was advertised via site notices on 15.12.2022, no letters of comment have been received.

## **3. SITE CONSTRAINTS**

- 3.1 The application site lies within the defined development limits of Carlton, which is defined as a Designated Service Village in the Core Strategy Local Plan (2013).

## **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 none of which relate to the site.
- 4.5 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

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

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
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  
T1 – Development in relation to the highway network  
T2 – Access to Roads

#### **Minerals and Waste Joint Plan (February 2022)**

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

SO1 Minerals Safeguarding  
SO2 Developments proposed within Minerals Safeguarding

#### **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
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 17 Facilitating the sustainable use of minerals

Annex 1: Implementation

Annex 2: Glossary

Annex 3: Flood risk vulnerability classification

## 5. APPRAISAL

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

- The principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highways Impact

### **Principle of the development**

5.2 Policy SP1 of the Core Strategy seeks sustainable development. Policy SP2 sets out a spatial strategy for locating development in the District with the majority of new development, referring primarily to residential and small-scale employment growth being directed to the principle towns and more sustainable villages.

5.3 The proposal involves the extension of an existing dwelling within the development limits of a Designated Service Village and is within a predominantly residential area within the village. Therefore, the proposal is considered to be acceptable in principle.

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

5.4 Saved policy ENV1 (1) of the Selby District Local Plan 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. Policy SP19 of the Core Strategy requires that new development should achieve high quality design and have regard to the local character, identity and context of its surroundings.

5.5 Chapter 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130, it states that planning decisions should ensure that developments, inter alia:

5.6 a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 5.7 The existing dormer window to the front currently has a flat roof, which adjoins the flat roof dormer of the neighboring semi-detached dwelling.
- 5.8 The proposed pitch roof to the dormer in this location would be highly prominent within the street scene, as there are no other pitch dormer windows to properties on Broadacres Avenue or within the immediate locality. Dwellings on the street are typically semi-detached and either single storey or single storey with flat roof dormer windows, which retain symmetry within the pairs of dwellings.
- 5.9 The proposed dormer to the front would introduce an additional aspect to the host dwellings roof which would be set down only 10mm from the ridge of the host dwellings roof, presenting a large massing which would be clearly visible from Broadacres Avenue and would appear as dominant feature within the roof and clearly unbalanced relative to the existing symmetry provided by the existing smaller scale flat roof dormer to the front.
- 5.10 The character of the dwellings would be harmed by way of disproportionately increasing the massing of number 8. The joining of a pitch roof dormer to an adjacent existing flat roofed dormer is not of a high-quality design and would result in an unusual visual appearance, out of character with the surrounding streetscene and architectural style.
- 5.11 It is noted that examples of similar dormer windows were provided in the submitted planning statement. Given that the bulk of the examples presented are located within Tadcaster, not in the immediate vicinity of the application site on Broadacres Avenue or even surrounding roads within the immediate area. It is not considered that the examples presented would provide any sort of precedent for such a visually impactful addition.
- 5.12 It is further noted that from the existing and proposed floor plans that the proposed dormer would not provide any additional accommodation or impact on the usability of the internal space within the host dwelling, and would be a predominantly cosmetic addition.
- 5.13 Taking all of the above into consideration, the position of the proposed pitch roof to the dormer window on the principal elevation of the dwelling, fronting the highway, is not acceptable and would cause harm to the visual appearance and character of the area. The dwelling is semi-detached and the proposed pitch roof dormer would cause an imbalance in the symmetry to the pair of dwellings which currently share adjoining flat roof dormer windows, causing harm to the character of the host dwelling.
- 5.14 Therefore, the proposal is contrary to paragraph 130 of the NPPF and local Policies ENV1 and SP19.

### **Impact upon 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. In addition to that it is noted that paragraph 127 (f) of the NPPF requires that development creates a high standard of amenity for existing and future users.
- 5.16 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing and loss of light to neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.17 The nearest residential properties are the adjoining dwelling 6 Broadacres Avenue and the dwelling to the side of the host property 10 Broadacres Avenue. The proposed dormer would be of an increased height to the existing dormer window but would not project beyond the existing dormer atop attached neighbor no.6 and as such would not present any potential overshadowing harm to the occupants of no.6. Given the siting of the proposed dormer relative to no.10, there is no potential for an overshadowing impact to be created.
- 5.18 Given that the proposed works would not introduce any new openings to the front of the host dwelling it is considered that it would not alter the host dwellings existing relationship with neighboring properties and would therefore not introduce any potentially harmful impact upon the privacy of the occupants of the host dwelling or neighboring dwellings.
- 5.19 It is considered that the proposal complies with the aforementioned policies and would not present a harmful impact upon residential amenity.

### **Highways Impact**

- 5.20 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.21 Policy T1 advises that development proposals will only be permitted where existing roads have adequate capacity and can safely serve the development. Policy T2 states that development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:
- 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.
- 5.22 Given that the proposal would allow for two off-street parking spaces to the front of the host dwelling, it is considered that sufficient off-street parking can be provided at the application site.
- 5.23 The Highway Officer had no objection and recommended a condition be attached relating to access details.
- 4.24 On this basis, the proposal is acceptable in terms of highway matters and therefore complies with paragraph 111 of the NPPF and saved Policies T1 and T2 of the Local Plan.

## **6. CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would have a significant detrimental effect on the character and appearance of the area by virtue of the impact of the introduction of a pitched roof dormer to the front of the dwelling in an area which is dominated by flat roof dormers, including the visual impact of the connection to the neighbouring flat roof dormer.
- 6.2 Therefore, the application is contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy and Paragraph 130 of the NPPF which seek to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character.

## **7. RECOMMENDATION**

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

- 7.1 1. The proposed development would have a significant detrimental effect on the character and appearance of the street scene and the wider area by virtue of the impact of the introduction of a large pitched roof dormer to the front of the dwelling in an area which is dominated by flat roof dormers, along with the visual impact of the connection to the neighbouring flat roof dormer. Therefore, the proposal is contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy and Paragraph 130 of the NPPF which seek to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character.

## **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 2022/1316/HPA and associated documents.**

**Contact Officer:** Josh Turner

Appendices: None



# Agenda Item 5.7



**Report Reference Number: TPO 21/2022**

---

**To: Planning Committee**  
**Date: 8<sup>th</sup> February 2023**  
**Author: Emma Howson (Planning Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

---

APPLICATION NUMBER:	TPO 21/2022	PARISH:	Church Fenton Parish
TPO SERVED:	19 <sup>th</sup> October 2022	DEADLINE FOR CONFIRMATION:	18 <sup>th</sup> April 2023
LOCATION:	Land adjacent to The Orchards, Church Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RD		
RECOMMENDATION:	TPO to be confirmed with modifications		

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 Modifications”, Tree Preservation Order No. 21/2022. A copy of the Order is at Appendix A.

## **1. INTRODUCTION**

- 1.1 The group of trees subject to the Tree Preservation Order (TPO) are mixed deciduous trees consisting of 13 N<sup>o</sup> sycamore, 4 N<sup>o</sup> hawthorn and 2no. Ash and 2 no. Elm located in a field to the north of the property known as ‘The Orchards’ off Church Street in Church Fenton. The trees sit adjacent to the highway. There is an error on the schedule which refers to the group as 13no. sycamore; 4 no. hawthorn and 1 no. walnut. This is due to a transfer of information mistake from the previous Order and requires the Order to be modified.
- 1.2 The site lies outside the defined development limits of Church Fenton in Flood Zone 2 and is an important gateway into the settlement. The highway route is noted as a key view of the Grade I listed church in the Church Fenton Neighbourhood Plan which was adopted on 29<sup>th</sup> September 2021.

## **Relevant Planning History**

- 1.3 The following historical application is considered to be relevant to the determination of this application.
- Application Number: 2021/1544/FUL  
Description: Creation of a new vehicular access and associated engineering works on land adjacent The Orchards, Church Street, Church Fenton, Tadcaster, North Yorkshire  
Decision: WDN Date: 29-NOV -2022

## **2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 21/2022**

- 2.1 The Council received an application to create a new vehicular access to the field adjacent to the Orchards on 17<sup>th</sup> January 2022. The access to the field had previously been provided from the property 'The Orchards' but the property has been sold off and no longer remains in the same ownership as the application site.
- 2.2 Following consultation with the Arboricultural Officer a provisional TPO was served under TPO 10/2022 on 3<sup>rd</sup> August 2022, due to an administrative error this order was replaced by Provisional Order 21/2022 on 19<sup>th</sup> October 2022 and TPO Order 10/2022 was not confirmed on 16<sup>th</sup> January 2023.
- 2.3 The orders were served due to the potential for the loss of the trees on the site to make a vehicular access into the field. This was based on the advice of the Council's Arboricultural Officer due to their health and visual amenity benefits.
- 2.4 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'.
- 2.5 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.
- 2.6 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.
- 2.7 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.

2.8 The TPO as served relates to a group of deciduous trees (G1), 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 persons interested in the land. 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 30<sup>th</sup> November 2022.

### **3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER**

3.1 One objection to the TPO was received on behalf of the landowners and raises the following issues:

- The language within the TPO is misleading
- The documentation does not align with the model order suggested by the current legislation and includes basic errors in document preparation and presentation.
- The TPO does not correctly represent the current state or location of trees on the site and has no obvious barriers between protected and unprotected trees
- The TPO ignores the accepted valuation methodologies and government guidance in justifying a TPO.

### **4. APPRAISAL**

4.1 The main issues for consideration are:

- Whether the trees are worthy of protection;
- Justification and consideration of objection.

#### Whether the tree is worthy of protection

4.2 The Council's Arboricultural Officer has undertaken an appraisal of the trees and confirms that the trees are in good health with a life expectancy of 40-100 years. The trees are medium and large landscape trees which can be seen from the adjacent highway at the entrance to the village and are of high amenity value along a key view to the Grade I listed church. Officers consider that the group of trees make a valuable contribution to the character and appearance of the area and as such should be protected.

#### Justification and consideration of objection

4.3 The objection received has been provided by an arboricultural consultant, but appears to be a copy of the objection submitted in relation to TPO 10/2022 and raises the same issues to those raised in relation to the previous superseded order. The objections raised have been considered by both the Case Officer and the Arboricultural Officer.

- 4.4 The language within the TPO is misleading  
This appears to relate to the justification for making the order “*This Council has made this order as the Group of trees provides a positive and reasonable degree of amenity to the locality and has the potential to provide continued amenity in the future*”. The objection states that this terminology can be used in relation to any order and is not specific to this case. Whilst this may be the case, the use of such language is considered to be a reasonable justification for a TPO as cited in the legislation.
- 4.5 It is not clear why this would be misleading as this is true for the trees under the provisional order. The trees do provide a positive and reasonable degree of amenity, forming a visual group to the south of the village which creates a separation between the built form and the more open aspects of the open countryside which surround the settlement.
- 4.6 Whilst the application has now been withdrawn the trees are still considered to be at risk, as there is no means of vehicular access into the field at this time without passing over land outside the applicant’s ownership and thus the risk of removal of the trees to provide such an arrangement is high.
- 4.7 Documentation does not align with the model order  
Whilst this may have been true in relation to the superseded order 10/2022, there is no evidence to support the fact that Order 21/2022 has not been produced or served correctly.
- 4.8 The TPO does not correctly represent the current state or location of trees on site and has no obvious barriers between protected and unprotected trees  
The TPO covers a group of trees on the site, and whilst this may create some challenges with interpretation on site, this is a useful tool to protect a group of trees. The dimensions of the TPO can be measured and the area defined on site. Outside the area the trees are not protected.
- 4.9 It is noted that there is an error on the schedule which notes the trees are 13no. sycamore; 4 no. hawthorn and 1 no. walnut. The schedule should confirm the group as 13 no. sycamore; 4 no. hawthorn; 2 no. Elm and 2 no. Ash. It is requested that the order is modified to include the updated information.
- 4.10 The noted trees will be protected across the group and a prudent approach is to check with the LPA if there are any elements of doubt.
- 4.11 The TPO ignores the accepted valuation methodologies and government guidance in justifying a TPO  
In line with the legislation a TPO assessment has been undertaken prior to the order being served.

## 5. CONCLUSION

- 5.1 The group of trees which are the subject of the order are considered to be healthy, with a good life expectancy and have high amenity value to the wider local area. The trees are considered to be worthy of protection under a Tree Preservation Order.
- 5.2 It is considered that the matters raised in the objection do not undermine the suitability of the Order subject to a modification with regards to the schedule of trees within the Group (G1).

## **6. RECOMMENDATION**

Taking into account all of the above, Officer recommend that Members confirm the Tree Preservation Order 21/2022 with modifications to protect the group (G1) of trees at Land adjacent to The Orchards, Church Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RD.

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

### **Appendices:**

**A – TPO 21/2022 Schedule with modifications**

**B – TPO 21/2022 Map**

# **TOWN AND COUNTRY PLANNING ACT 1990**

## **The SELBY DISTRICT COUNCIL**

One Group of Trees at Land adjacent to The Orchards, Church Street, Church Fenton,  
Tadcaster, North Yorkshire, LS24 9RD

### **TREE PRESERVATION ORDER 21/2022**

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 – The Orchards, Church Street, Church Fenton, Tadcaster, North Yorkshire, LS24 9RD.- Tree Preservation Order Number 21/2022

#### **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 this 19<sup>th</sup> October 2022

Signed on behalf of SELBY DISTRICT COUNCIL

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

Hannah Blackburn - Planning Development Manager

Authorised by the Council to sign in that behalf

*SCHEDULE*

*SPECIFICATION OF TREES*

TREES SPECIFIED INDIVIDUALLY

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA

NONE

Reference on Map	Description	Situation/Grid Reference
------------------	-------------	--------------------------

NONE

GROUPS OF TREES

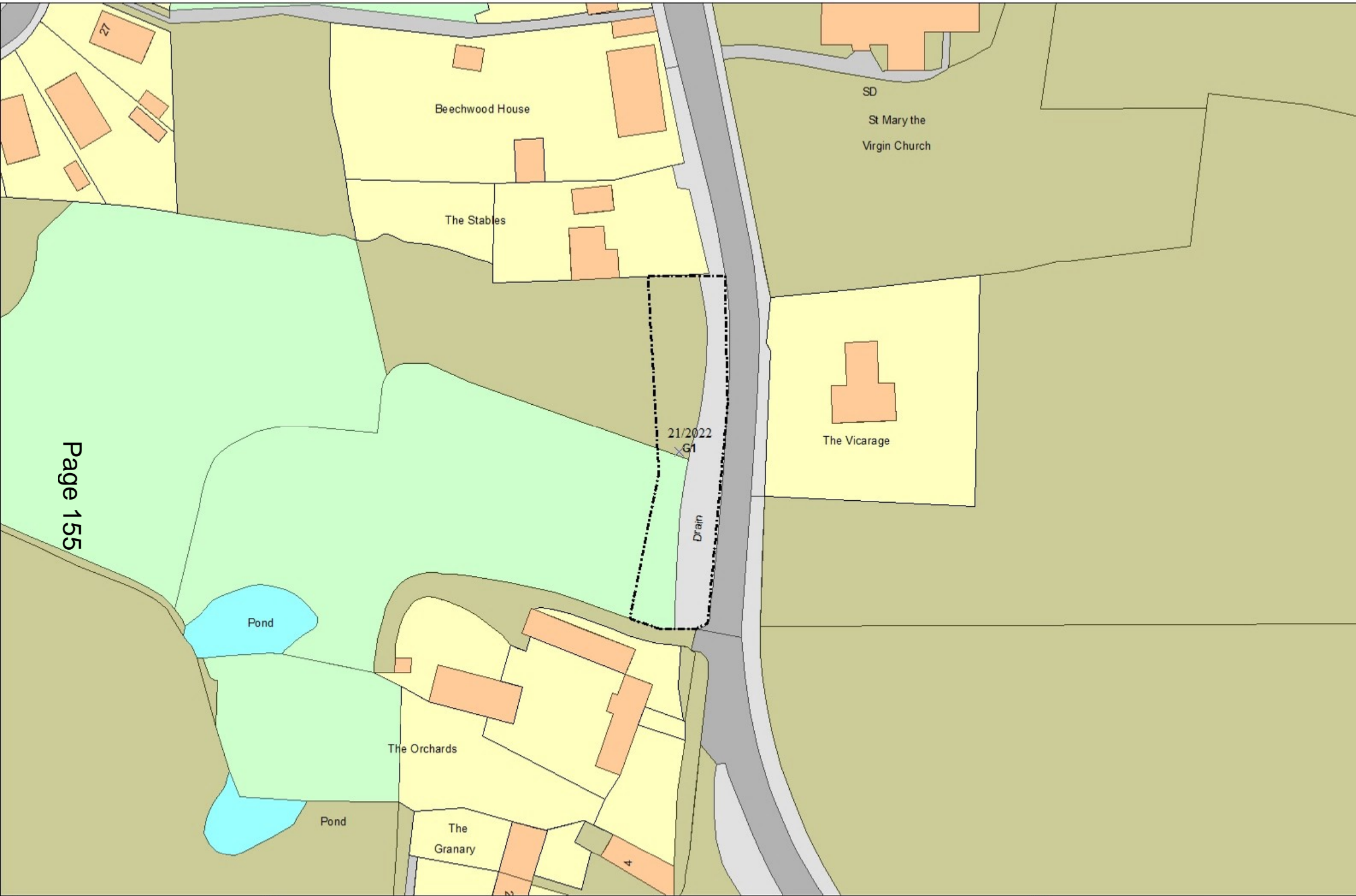
Reference on Map	Description	Situation/Grid Reference
G1	Mixed deciduous 13 N <sup>o</sup> sycamore; 4 N <sup>o</sup> hawthorn; 2 no. Ash and 2 no. Elm	Land to north of The Orchards adjacent to the highway 451338 436676

WOODLANDS

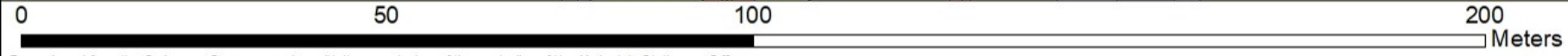
Reference on Map	Description	Situation/Grid Reference
------------------	-------------	--------------------------

NONE





Page 155



This page is intentionally left blank

# Agenda Item 5.8



**Report Reference Number: TPO 19/2022**

---

**To: Planning Committee**  
**Date: 8<sup>th</sup> February 2023**  
**Author: Martin Evans (Principal Planning Officer)**  
**Lead Officer: Hannah Blackburn (Planning Development Manager)**

---

APPLICATION NUMBER:	TPO 19/2022	PARISH:	Burn Parish Council
TPO SERVED:	28 <sup>th</sup> September 2022	DEADLINE FOR CONFIRMATION:	28 <sup>th</sup> March 2023
LOCATION:	Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG		
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. 19/2022. A copy of the Order is at Appendix A.

## 1. INTRODUCTION

1.1 The trees subject to the Tree Preservation Order (TPO) ('the Trees') are:

- T1 – Oak Tree Located to the north of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG within the rear curtilage of the property.
- T2 – Oak Tree Located to the south of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG within the site frontage.
- T3 – Oak Tree Located to the south of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG within the site frontage.

1.2 The site is located within the open countryside to the south of Burn and to the east of the A19 within a small collection of residential and business premises. Tree T1 is

located within the rear garden of Whitings Lodge but is visible within the streetscene via a field entrance along Whitings Lodge. Trees T2 and T3 are very visible within the streetscene, being located at the site frontage to Whitings Lane and forming part of the approximately 2m high roadside hedgerow.

### **Relevant History**

- 1.3 The following historical planning applications are considered relevant to the confirmation of this TPO.
- 2022/0786/FUL - Change of use of existing store/bathroom to hairdressing salon and dismantling of existing stables. Refused 11/11/2022. None of the reason for refusal related to trees.

## **2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 19/2022**

- 2.1 The Council received an application for planning permission reference 2022/0786/FUL as noted in the relevant history section above. The proposed development was in close proximity to tree T2 and may have resulted in harm to and or loss of the tree. The applicant was asked to provide an arboricultural assessment to consider the impact of the proposed development upon oak tree T2. The applicant did not provide the assessment and a substantial crown reduction to the tree was carried out.
- 2.2 The Council's Tree Officer visited the site and advised all three trees were worthy of protection and that there was an imminent threat of tree loss because of the crown reduction. All three trees are healthy; have a life expectancy over 100 years; are large sized trees visible from the highway and make a significant contribution to local amenity; and there is an immediate threat to the trees given the actions of the property owner. It was officers' judgement that a provisional Tree Preservation Order be issued on 28<sup>th</sup> September 2022 for trees T1, T2 and T3.
- 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 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 three oak trees (T1, T2 and T3), 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 with an interest in the land, who has been identified as the owner of the property at Whitings Lodge. 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 23<sup>rd</sup> November 2022.

### **3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER**

3.1 One objection to the TPO was received from the owner of the trees (summary):

- We were within our rights to remove the trees before we submitted our planning application, but did not because we like them.
- Trees T1 and T3 have no impact on the site of the planning application.
- The owner is an experienced and knowledgeable tree surgeon.
- Tree T1 is only visible from our paddock gateway so the amenity value is not benefiting anybody driving down a dead end road.
- T1 has had extensive work carried out on it in the last 12 years to prevent it uprooting. The tree has no root growth on the south and west side due to it growing on banking on top of an old WW2 blast shelter. The tree was starting to uproot in strong winds and had to be anchored to a tractor to save it. The canopy was reduced and the blast shelter was removed from the south and west of the tree which revealed that there was no root growth on these sides. Soil was added to the replace the shelter to preserve the tree. It had to be reduced again due to uprooting in high winds. Since then it has been crown thinned and reduced every winter for the safety of my house and longevity of the tree.
- It is frustrating that I will have to apply to the Council to reduce this tree every year and if this is not granted it may endanger my property, family and friends and effect the longevity of the tree. In my professional opinion the tree does not warrant a TPO.
- For T1, the owner has provided their own amenity assessment based on government guidance for evaluation of trees for protection with TPO. Condition and suitability for TPO scores 0. T1 is unsafe with severe irremediable structural defect insecure roothold. Likely to uproot in the near term, retention therefore impossible as something worthy of protection. Remaining longevity and suitability for TPO scores 0. Relative public visibility and suitability for TPO scores 2 as it is partially visible from our field gate on a dead end road. A score of 2 is insufficient to proceed with a TPO.

- T2 does not warrant a TPO because it has 40 year old nylon rope ligatures throughout the canopy. Within the last two years two lateral branches failed, one of which fell onto the highway. The owner has heavily reduced this tree for highway, property and human safety. So aesthetic value of the tree is currently poor.
- The owner has carried out a climbing inspection of all the ligatures and inspected those that had failed. Due to the severity of the ligatures the owner carried out a 50% canopy reduction in order to prolong safety of the tree. This tree will need annual work carried out as it will produce a large amount of epicormic growth that will need selective thinning and reducing to prevent the tree from being a danger as well as enhance the aesthetic value of the tree. A TPO would hinder any ongoing work on this tree. The limbs and branches are weak around the ligatures and will need constant future monitoring and work to keep it in a safe condition. The amenity assessment scores 4 so is not worthy of a TPO because the tree has structural defects and collapse is likely in the near term without sufficient ongoing monitoring and work for safety; if it is left without intervention it would collapse and could be life threatening; larger trees visible with difficulty are unlikely to be suitable for a TPO.
- A TPO on tree 3 is unfair because it is not near the application site. A crown lift to 5.2m is needed as lower branches are being snapped off by lorries driving to the adjacent commercial site. Oak trees are not rare in this area. None of the other trees in the area are subject to TPO. Why would my trees be protected when there are all those to choose from? It is unfair to serve this TPO as I have never removed any tree past or present from my property.
- Some of the tree officers dates and comments are incorrect. T2 was crown reduced before 4<sup>th</sup> August 2022 before the Tree Officer visited the site. T3 was never at risk of being felled. Concern at use of the word butchered and potential reputational damage.
- There is no tree amenity evaluation method for T1 and T2.
- Another tree assessment is attached to the Tree Officers comments which may be a breach of data protection.

## 4. APPRAISAL

4.1 The main issues for consideration are:

- Whether the trees are worthy of protection;
- Justification and consideration of objection.

### Whether the trees are worthy of protection

4.2 The Council's Tree Officer has advised that the trees are healthy and of typical form; have life expectancy of 100 plus years; are large to medium trees clearly visible or visible to the public from the highway- trees (and hedge) help soften the local built form in this rural location, and Oak are one of the highest performing carbon sequesters; and there are immediate threats to the trees from development and future land use changes. Planning Practice Guidance advises:

“But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where

this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

Paragraph: 010 Reference ID: 36-010-20140306

Revision date: 06 03 2014”

- 4.3 There is evidence of risk to the trees in the form of the substantial crown reduction to T2. Furthermore, while there are no current applications for planning permission, the trees are located adjacent to existing buildings and it is foreseeable that development may take place and the trees require protection and consideration. It is foreseeable that the tree(s) would be removed to facilitate development if the landowner considers they would hinder any future proposal.

#### Justification and consideration of objection

- 4.4 In relation to tree T1, the objection covers three issues: amenity value is questioned; stability of the tree as a result of the previous underground shelter is questioned; and the safety of the tree is questioned. There is a difference of opinion on the amenity assessment with the owner considering it unworthy of protection while the Tree Officer considers it worthy of protection. From the perspective of the TPO legislation the tree needs to be viewed from a public vantage point. The tree can be seen from the adjacent highway through a field access. The volumes of visibility are not considered as in its simplistic form this is a yes/no question. The tree is of visual amenity. Trees are highly adaptive organisms able to change to particular environments. The presence of the underground shelter will have affected the rooting of the tree with some asymmetry expected, however, this is not considered structurally problematic based on the submitted detail. The structure has been replaced with soil and it is expected new roots will grow. If the stability of the tree is of concern it is recommended that a stability test be commissioned. The risk posed by the tree is likely to be in the acceptable region. It is recommended that if this is a concern that the tree be considered by an arboricultural specialist with experience in risk assessing.
- 4.5 In relation to tree T2, the objection considers the crown was reduced because of ropes attached to the trees 40 years previous. There is the same disagreement between owner and Tree Officer regarding whether the tree is worthy of protection. Whilst the crown reduction has reduced the amenity value of the tree in the short term, the tree remains a substantial amenity feature immediately adjacent to the highway and is expected to grow back in time. The future amenity of the tree will be considerable. A TPO does not hinder pruning of the tree though it does allow for the application to be considered by the LPA's arboricultural section.
- 4.6 In relation to tree T3, the objector questions the order on this tree. It is a large and healthy specimen adding to the visual amenity of the tree area immediately adjacent to and overhanging the highway. Potential development pressure near the tree and mention of the need for a crown lift in the owners objection are sufficient to justify protection. In this case the lopping/topping of T2 indicates there is a threat to the tree through direct or indirect actions of the landowner.

- 4.7 All three trees are 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 trees make a valuable contribution to the amenity of the area and no technical justification or material reasons have been provided to outweigh the advice of the Council's Tree Officer to justify not confirming the order.

## **5. CONCLUSION**

- 5.1 It is considered that there is not enough evidence or justification for not confirming the provisional TPO for these three oak trees. On the contrary, the trees are visible from public vantage points, are large and healthy, make a positive contribution to the amenity of the area and benefit carbon sequestration. The rooting of T1 and crown growth of T2 can be expected to recover in the fullness of time.

## **6. RECOMMENDATION**

Taking into account all of the above, Officers recommend that Members confirm the Tree Preservation Order 19/2022 to protect the three oak trees T1, T2 and T3 at Whitings Lodge, Whitings Lane, Burn.

**Contact Officer: Martin Evans, Principal Planning Officer**

### **Appendices:**

- A – TPO 19/2022 Schedule**
- B – TPO 19/2022 Map**



# **TOWN AND COUNTRY PLANNING ACT 1990**

The SELBY DISTRICT COUNCIL

Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG

## **TREE PRESERVATION ORDER**

**Number 19 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 – Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG– Tree Preservation Order Number 19 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 28<sup>th</sup> September 2022

Signed on behalf of SELBY DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'HKB', followed by a 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

<i>T1 – Oak Tree</i>	<i>Located to the north of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG</i>
T2 – Oak Tree	Located to the south of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG
T3 – Oak Tree	Located to the south of Whitings Lodge, Whitings Lane, Burn, Selby, North Yorkshire, YO8 8LG

GROUPS OF TREES

*NONE*

WOODLANDS

*NONE*

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

NONE

This page is intentionally left blank



The

Whings Lodge

T1

T2

T3

This page is intentionally left blank



**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
2020/0913/FUL	The Webster Trust Ian Reynolds	Land at Burn House Farm West Lane Burn Selby North Yorkshire	Erection of one detached dwelling following demolition of existing buildings (revised description and plans)	PERMITTED 5 Jan 2023	Emma Howson
2021/0810/FUL	Miss Laura Charles	The Crooked Billet Wakefield Road Saxton Tadcaster North Yorkshire LS24 9QN	Erection of an outdoor wooden gazebo (retrospective)	PERMITTED 13 Dec 2022	Ryan King
2021/1325/CPE	Mr Heath Tomlinson	Northfield Stables Northfield Lane Cridling Stubbs Knottingley West Yorkshire WF11 0AW	Lawful development certificate for existing use as a half block half stone detached bungalow with garage	REFUSED 21 Dec 2022	Elizabeth Maw

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2021/1375/HPA	Dr Naseralla Jasim	Grove House Skipwith Road Escrick Selby North Yorkshire	Placement of gas tank in garden (retrospective)	REFUSED  9 Dec 2022	Josh Turner
2022/0117/FUL	N Dale	Barn at Croft Cottages York Road Stillingfleet York	Conversion of barn into residential dwelling, demolition of cement sheet lean-to barn and replacement section/extension to match existing barn detailing and footprint area of former cement sheet lean-to barn	PERMITTED  14 Dec 2022	Linda Drake
2022/0173/FUL	James Baker	Oxmoor Barn Oxmoor Lane Church Fenton Tadcaster North Yorkshire LS24 9RW	Change of use of farmyard to use as residential garden and conversion of slurry tank to swimming pool associated with residential use	PERMITTED  14 Dec 2022	Irma Sinkeviciene
2022/0178/HPA	Mr David Leng	Sunnyside York Road Barlby Selby North Yorkshire YO8 5JP	Demolition of old prefabricated garage and erection of new prefabricated portal frame garage (retrospective)	REFUSED  22 Dec 2022	Josh Turner



Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0298/DOC	Persimmon Homes Yorkshire	Staynor Hall Abbots Road Selby North Yorkshire	Discharge of conditions 2 (site details), 4 (materials), 13 (lighting), 14 (wheel washing), 17 (on site parking), 19 (surface water), 20 (bus stops), 21 (noise), 22 (construction method statement), 23 (surface water), 24 (surface water), 25 (foul and surface water), 32 (landscaping) & 34 (archaeological scheme) of approval CO/2002/1185 Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 square metres of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land (Details provided for phase one comprising of 236 houses)	CONDITION DECISION  14 Dec 2022	Gareth Stent
2022/0331/DOV	Broadacres Housing Association	Cherwell Croft Hambleton Selby North Yorkshire	Request for a Deed of Variation to Section 106 agreement of approval 2015/0333/FUL as amended by 2015/1389/FUL for the Erection of 22 No. dwellings with associated access and landscaping	PERMITTED  9 Jan 2023	Yvonne Naylor
2022/0386/HPA	Mrs Claire Baker	Partridge Barn Oxmoor Lane Church Fenton Tadcaster North Yorkshire LS24 9RW	Erection of single storey extension to dwelling and garage to form entrance link and utility room	PERMITTED  8 Dec 2022	Fiona Ellwood

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0417/OUT	Mr William & Mrs Alison Mulrooney	Sunnydene Farm York Road Cliffe Selby North Yorkshire YO8 6NU	Outline application for demolition of former coal-yard building and erection of 2 No dwellings and garages to include access (all other matters reserved)	REFUSED 21 Dec 2022	Linda Drake
2022/0560/HPA	Kimberley Benn	1 Malkiln Cottages Bishopdyke Road Sherburn In Elmet North Yorkshire LS25 6EW	Roof alterations, single storey side extension and new fenestrations to existing garage	PERMITTED 14 Dec 2022	Ryan King
2022/0563/ADV	The Three Singh's	Three Singhs 2 Doncaster Road Selby YO8 9BY	Advertisement consent for 1 No internally illuminated fascia sign, 1 No internally illuminated projecting sign, 1 No externally illuminated fascia sign and 12 No non illuminated hoarding signs	SPLIT DECISION FOR ADVERTS 22 Dec 2022	Esther Pask
2022/0564/HPA	Mr & Mrs David Hedderwick	Garth House Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA	Demolition of single storey porch and workshop and erection of single storey extension	PERMITTED 9 Dec 2022	Josh Turner
2022/0574/HPA	Mrs Skinn	New Road End Nurseries New Road Stapleton Selby North Yorkshire WF8 3DE	Extension of existing front and rear dormer windows, together with extension and conversion of existing attached garage to form a one bedroom residential annex	PERMITTED 8 Dec 2022	Ellis Mortimer

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0655/DOC	Clegg Construction Ltd	Highfield Nursing Home Scarthingwell Park Barkston Ash Tadcaster North Yorkshire LS24 9PG	Discharge of condition 03 (materials) of approval 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	CONDITIONS PART DISCHARGED  15 Dec 2022	Fiona Ellwood
2022/0680/FUL	Mr Robert Hansen	1 Railway Houses Sandwath Lane Church Fenton Tadcaster North Yorkshire LS24 9QX	Sub-division of property to form new dwelling (retrospective)	REFUSED  14 Dec 2022	Irma Sinkeviciene
2022/0690/FUL	S & E Storey & Andrews	Pear Tree Cottage Barlow Common Road Barlow Selby North Yorkshire YO8 8JF	Change of use of land from agriculture to equestrian including the erection of a stable block with tack room	PERMITTED  20 Dec 2022	Linda Drake
2022/0733/HPA	Mr Lee Walker	4 Moorland Houses Moor Lane South Duffield Selby North Yorkshire YO8 6TD	Erection of two storey rear and side extensions	PERMITTED  11 Jan 2023	Jac Cruickshank
2022/0750/FUL	Oliver Farm	Oliver House 1 Church Lane Bolton Percy Selby North Yorkshire YO23 7DY	Erection of a general purpose agricultural building	PERMITTED  21 Dec 2022	Irma Sinkeviciene

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0751/HPA	Carl Ward	5 Brier Lane Newland Selby North Yorkshire YO8 8PR	Conversion of attic space to 2 bedrooms and bathroom	PERMITTED  9 Dec 2022	Ellis Mortimer
2022/0763/DOC	Nicholas & Nicholas Limited	Moreby Hall Moreby Stillingfleet Selby North Yorkshire YO19 6HN	Discharge of conditions 06 (drainage), 07 (foul water drainage), 15 (lighting), 16 (construction method statement) ,17 (landscaping) and 18 (bin storage) of planning permission 2018/0810/FUL Proposed conversion of service wing into 9 No residential units to include minor internal alterations, replacement doors and windows	CONDITION DECISION  23 Dec 2022	Kelly Sweeney
2022/0764/DOC	Nicholas & Nicholas Limited	Moreby Hall Moreby Stillingfleet Selby North Yorkshire YO19 6HN	Discharge of conditions 04 (fire safety), 06 (design details) and 11 (method statement for windows) of planning permission 2019/0942/LBC Listed building consent for proposed conversion of service wing into 9 No residential units to include minor internal alterations, replacement doors and windows	CONDITION DECISION  23 Dec 2022	Kelly Sweeney
2022/0799/FUL	Mr Ian Campey	Unicorn Inn 15 Bondgate Selby YO8 3LX	Conversion and change of use of outbuilding for a flexible use of either a one-bedroom public house manager accommodation or one bedroom letting accommodation in connection with the operation of The Unicorn public house	PERMITTED  21 Dec 2022	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0830/FUL	Mrs Watson	Lumby Court Butts Lane Lumby Leeds West Yorkshire LS25 5JA	Erection of two detached dwellings following the demolition of Lumby Court 1 & 2	REFUSED  6 Jan 2023	Elizabeth Maw
2022/0833/DOC	Glentroot Land (Sherburn 2) Limited	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of conditions 04 (highway), 10 (sewers and water mains), 11 (foul drainage), 12 (surface water) and 13 (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  22 Dec 2022	Jenny Tyreman
2022/0840/REM	Glentroot Land (Sherburn 2) Limited	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Reserved matters application stated within condition 01 of 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	PERMITTED  22 Dec 2022	Jenny Tyreman

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0942/S73	Nicholas Dale	62A Westfield Lane South Milford Leeds West Yorkshire LS25 5AW	Section 73 application to vary plans of planning approval 2021/0807/HPA of Erection of single storey front, side and rear extensions and a raised decking area	PERMITTED  16 Jan 2023	Ellis Mortimer
2022/0960/TELB	Entrust	Mast At Millington Farm Scalm Lane Hambleton Selby North Yorkshire	Upgrade to existing telecommunications installation including removal of 3no antennas and installation of 3no replacement antennas, installation 2no 600mm dishes, upgrades to feeder cables and fixings and ancillary development thereto	TELECOMMU NICATIONS - NOT REQUIRED  4 Jan 2023	Ellis Mortimer
2022/0972/CPE	Mr S Armstrong & Mr J Hilton Cox	Paddock Lodge Airfield Lane Acaster Selby North Yorkshire YO23 2PW	Lawful development certificate for creation of a dwelling	REFUSED  16 Dec 2022	Fiona Ellwood
2022/0976/FUL	InstaVolt Ltd	Starbucks Bilbrough Top Services Tadcaster Road Bilbrough York North Yorkshire YO23 3PP	Installation of two rapid electric vehicle charging stations within the car park, three parking spaces will become EV charging bays, along one bay with associated equipment	PERMITTED  12 Dec 2022	Irma Sinkeviciene

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/0986/FUL	Mr Paul Elmhirst	Elmet Dental Care 2 Low Street Sherburn In Elmet Leeds North Yorkshire LS25 6BG	Replacement of shopfront (retrospective)	PERMITTED  9 Dec 2022	Irma Sinkeviciene
2022/1022/HPA	Miss Laura Green	9 Fir Tree Close Thorpe Willoughby Selby North Yorkshire YO8 9PF	Single storey, flat roof, rear extension and internal alterations	PERMITTED  9 Dec 2022	Ellis Mortimer
2022/1033/TELB	Openreach	Unit 4 Smeaton Quarry Went Edge Road Kirk Smeaton Pontefract West Yorkshire WF8 3LU	Install fixed line broadband electronic communications	TELECOMMUNICATIONS - NOT REQUIRED  4 Jan 2023	Ellis Mortimer
2022/1034/FUL	Mr Nick Hare	The Old Hall Main Street Kelfield York North Yorkshire YO19 6RG	Conversion and extension of stable to dwelling	REFUSED  21 Dec 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1055/DOC	Dove Adolescent Services Limited	Braemar Weeland Road Eggborough Goole East Yorkshire DN14 0PW	Discharge of condition 03 (Management and Safeguarding Plan) of approval 2022/0381/COU Change of use from C3 to C2 to be a Children's home for 4 Children ages 8 - 18	CONDITION DECISION 22 Dec 2022	Elizabeth Maw
2022/1065/REM	R & K Homes Ltd	Land south of Brooklands Betteras Hill Road Hillam Leeds West Yorkshire	Reserved matters application including access, appearance, landscaping, layout and scale of approval 2020/1141/OUT Outline application for erection of a single dwelling with all matters reserved (amended plans)	PERMITTED 14 Dec 2022	Emma Howson
2022/1070/DOC	Mrs Watson	Lumby Court Butts Lane Lumby Leeds West Yorkshire LS25 5JA	Discharge of condition 03 (materials) of approval 2020/0571/FUL Erection of 2 dwellings following the demolition of 1 and 2 Lumby Court	CONDITION DECISION 9 Jan 2023	Elizabeth Maw
2022/1096/DOC	HD777FRY Ltd	Land south of Electricity Substation Rawfield Lane Fairburn Knottingley West Yorkshire	Discharge of conditions 05 (Arboricultural Method Statement and Tree Protection Measures) and 12 (contamination), 13 (Contamination Remediation) and 14 (Remediation Verification) of approval 2021/0633/FULM Installation and operation of a battery storage facility and ancillary development allowed on appeal APP/N2739/W/22/3290256	CONDITION DECISION 16 Dec 2022	Fiona Ellwood



Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1113/ADV	ForFarmers UK Ltd	Olympia Mills Barlby Road Barlby Selby North Yorkshire YO8 5AF	Advertisement consent for 1 No non illuminated fascia sign	PERMITTED  5 Jan 2023	Esther Pask
2022/1126/FUL	Mr Ian Walker	27 West Bank Carlton Goole North Yorkshire DN14 9PZ	Change of use and extension of existing domestic store to form domestic leisure building	PERMITTED  22 Dec 2022	Martin Evans
2022/1129/DOC	Mr & Mrs E Finney	Cliffe Meadows Holiday Park Turnham Lane Cliffe Selby North Yorkshire YO8 6NQ	Discharge of condition 03 (surface water & foul sewage) of approval 2021/1205/FUL Erection of an amenity block	CONDITIONS NOT DISCHARGED  23 Dec 2022	Fiona Ellwood
2022/1151/S73	Market Cross Properties (Selby) Limited	Access Selby 8 - 10 Market Cross Selby YO8 4JS	Section 73 application to vary condition 02 (plans) of approval 2019/0817/FUL Proposed refurbishment of ground floor retail unit, new shop fronts and installation of 9 residential flats at first floor level	REFUSED  12 Dec 2022	Linda Drake
2022/1167/FUL	Mrs Deborah Ward	Ashlea 16B Barff Lane Brayton Selby North Yorkshire YO8 9ER	Conversion of a double garage into a self-contained single bedroom annex to be used as additional accommodation for the benefit of the property	PERMITTED  15 Dec 2022	Jac Cruickshank

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1168/DOC	Mr Mark Titley	Land adjacent to The Old Vicarage Main Street Kellington Goole East Yorkshire	Discharge of conditions 03 (foul and surface water drainage), 04 (surface water), 05 (visibility splays), 06 (vehicle parking, manoeuvring and turning areas), 07 (landscaping) and 08 (contamination) of approval 2020/0807/FUL Erection of 2 detached houses with detached garages served by existing vehicular access	CONDITIONS PART DISCHARGED  14 Dec 2022	Diane Holgate
2022/1171/HPA	Mr & Mrs Matthews	14 The Stables Towton Tadcaster North Yorkshire LS24 9SU	Demolition of existing conservatory and erection of single storey side, rear and wrap around extension	PERMITTED  22 Dec 2022	Jordan Fairclough
2022/1183/HPA	Mr Colin Clayton	5 Meadway Selby North Yorkshire YO8 4FU	Erection of two storey rear extension and single storey side and rear extensions	PERMITTED  15 Dec 2022	Esther Pask
2022/1188/HPA	Mr & Mrs Finney	The Paddock Hull Road Hemingbrough Selby North Yorkshire YO8 6QJ	Demolition of existing stables and erection of a 5 bay garage	REFUSED  23 Dec 2022	Jordan Fairclough
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

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1196/TPO	Mrs Victoria Briggs	Chestnut House The Meadows West Haddlesey Selby North Yorkshire YO8 8SE	Application for consent to crown lift by 15%, crown thin by 15% and reduce by 15% to 3No Ash trees (T1, T2 & T3) covered by TPO 14/1991	REFUSED 21 Dec 2022	Josh Turner
2022/1197/HPA	Mr Geoff Bullock	3 Southfield Grange Appleton Roebuck York North Yorkshire YO23 7EH	Relocation of rooflights from south pitch to north pitch of roof to enable installation of solar PC panels	REFUSED 15 Dec 2022	Jordan Fairclough
2022/1211/TPO	Escrick C of E Primary School	Escrick Church of England School Carr Lane Escrick York YO19 6JQ	Application for consent to lateral prune/reduce the canopy to approximately 1.5m from the existing wooden boundary fence and crown clean by removing deadwood, diseased and dysfunctional material over 0.03m diameter to 4No Lime trees (TG1) covered by TPO 18/2022 in the conservation area	PERMITTED 13 Dec 2022	Jordan Fairclough
2022/1212/TPO	Katharine Norton	8 Skipwith Road Escrick York YO19 6LT	Application for consent to fell 1 No Scots Pine (T1) and crown clean the canopy, remove dead, diseased and dysfunctional material over 30 mm within the canopy and lateral prune the lower canopy over the highway by 1.8 metres to reduce mechanical leverage on the union and stem fracture to 1 No Scots Pine (T2) protected by TPO 4/1977	SPLIT DECISION FOR TREES 13 Dec 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1213/LBC	Sherburn Group Practice	Old Hungate Hospital Finkle Hill Sherburn In Elmet Leeds North Yorkshire LS25 6EB	Listed building consent for installation of temporary internal walls to allow temporary use by Sherburn Group Practice while extension work is undertaken to main surgery building; walls to be removed following completion of work to main surgery (retrospective)	PERMITTED 12 Dec 2022	Irma Sinkeviciene
2022/1217/HPA	Mr Adam Lowery	Morland 27 Mill Lane Brayton Selby North Yorkshire YO8 9LB	Widening of existing foot access and installation of new additional vehicular access to property creating in and out driveway	PERMITTED 5 Jan 2023	Esther Pask
2022/1218/HPA	Mr & Mrs Ramzan	13 Great Close Cawood Selby North Yorkshire YO8 3UG	Erection of single storey rear extension	PERMITTED 16 Dec 2022	Esther Pask
2022/1221/TPO	Mrs Louise Grener	Hillcrest Main Street Appleton Roebuck York YO23 7DA	Application for consent to remove 2No limbs from 1No Ash tree covered by TPO 9/2005	PERMITTED 13 Dec 2022	Jordan Fairclough
2022/1226/FUL	Mrs Thorpe	Land off Lowfield Road Hillam Leeds West Yorkshire	Erection of a dog kennel for working farm dogs	PERMITTED 23 Dec 2022	Jenny Tyreman

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1242/OUT	Richard Roberts Ltd	Land off Main Road Burn Selby North Yorkshire	Outline application for the erection of 3 no. residential dwellings [Use Class C3] (with some matters reserved)	PERMITTED 6 Jan 2023	Martin Evans
2022/1243/HPA	Chloe Norton	Boma York Road Skipwith Selby North Yorkshire YO8 5SF	Internal alterations to existing property and erection of a detached double garage, a small ground floor extension and partial roof lift with amended fenestration and render to part of the property	PERMITTED 20 Dec 2022	Jordan Fairclough
2022/1246/ADV	Chloe Source	HSBC 9 Market Place Selby YO8 4NT	Advertisement consent for like for like replacement of external ATM, through existing aperture	PERMITTED 15 Dec 2022	Esther Pask
2022/1247/FUL	Chloe Source	HSBC 9 Market Place Selby YO8 4NT	Like for like replacement of external ATM, through existing aperture	PERMITTED 15 Dec 2022	Esther Pask
2022/1249/HPA	Mr Harvey Harding	Ash Grove Gorse Lane South Milford Leeds West Yorkshire LS25 6JR	Erection of two storey extensions to rear	PERMITTED 22 Dec 2022	Martin Evans

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1251/HPA	Ms Amy Sinclair	The Lodge York Road Stillingfleet York YO19 6HW	Proposed ground floor extension and new dormer to east elevation	PERMITTED 16 Dec 2022	Jac Cruickshank
2022/1253/S73	Mr Jordan Blackburn	Beam House 2 The Quarry Lumby Lane Monk Fryston Leeds West Yorkshire LS25 5DS	Section 73 application to vary condition 02 (approved plans) of approval 2021/0808/FUL Demolition of existing dwelling and new build 5 bed dwelling with renovation works to garage granted on 6 August 2021	PERMITTED 22 Dec 2022	Elizabeth Maw
2022/1277/HPA	Mr Tim Burton	13 Golf Links Crescent Tadcaster LS24 9HG	Demolition of existing conservatory and erection of single storey rear extension	PERMITTED 22 Dec 2022	Jordan Fairclough
2022/1284/HPA	Mr Nigel Emery	3 Norman Close Thorpe Willoughby Selby North Yorkshire YO8 9NS	Erection of brickwork wall and steel cladding fencing to boundary to existing property including pedestrian and vehicle access gates (retrospective)	REFUSED 10 Jan 2023	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1288/DOV	Persimmon Homes Yorkshire	Staynor Hall Abbots Road Selby	Request for a Deed of Variation to Section 106 agreement of approval 2015/0452/EIA Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4	PERMITTED 12 Dec 2022	Gareth Stent
2022/1299/FUL	Newett Homes	Osgodby Village Institute Cliffe Road Osgodby Selby North Yorkshire YO8 5HU	Demolition and replacement of extension	PERMITTED 20 Dec 2022	Jac Cruickshank
2022/1300/DOC	St Francis Group (Eggborough) Limited	Eggborough Power Station Selby Road Eggborough Goole East Yorkshire DN14 0BS	Discharge of condition 15 (planting and seeding mixtures for habitat creation) of approval 2019/1344/FULM Proposed change of use of land, formation of sports pitches and the erection of pavilions (use class D2) with car parking, landscaping and access on sites A and B off Wand Lane and Hazel Old Lane	CONDITION DECISION 6 Jan 2023	Gareth Stent
2022/1303/TPO	Ware + Kay	15 Broad Lane Cawood Selby North Yorkshire YO8 3SQ	Laterally reduce 1 No Oak tree over garden next to footpath by 3 m to suitable points and the canopy is getting close to a conservatory protected by Tree Preservation Order 1/1973	PERMITTED 12 Jan 2023	Lucy Nettleton

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1305/TPO	Mr Tony Grey	Ash Grange 1 Broad Lane Cawood Selby North Yorkshire YO8 3SQ	Crown thin by 25% to 1 No Silver Maple (T13), crown lift by 5 metres to 3 No Sycamores (T8, T9 and T10) protected by TPO 28/2003	SPLIT DECISION FOR TREES  10 Jan 2023	Esther Pask
2022/1319/HPA	Ms Hannah Ostapjuk	2 Council Houses Moor End Kelfield York North Yorkshire YO19 6RJ	Replace existing rear porch with a single storey rear extension, replace existing front porch and outbuilding extension	PERMITTED  11 Jan 2023	Lucy Nettleton
2022/1321/SCN	Vistry Homes Ltd	Land south of Leeds Road Thorpe Willoughby Selby North Yorkshire	EIA screening opinion for 170 proposed residential dwellings	EIA NOT REQUIRED  9 Dec 2022	Martin Evans
2022/1325/HPA	Mr Anthony Merry	23 Marigold Close Selby YO8 9RF	Erection of detached garage	PERMITTED  11 Jan 2023	Lucy Nettleton
2022/1327/TCA	Mr Wilkinson	Saxton Farm Dam Lane Saxton Tadcaster North Yorkshire LS24 9QF	Fell 1 No Pine tree (T1) in the conservation area	PERMITTED  15 Dec 2022	Jordan Fairclough



Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1328/DOC	Harmony Energy Ltd	Rusholme Grange Rusholme Lane Newland Selby North Yorkshire YO8 8PW	Discharge of condition 03 (colour & finish) of approval 2022/0494/S73 Section 73 application to vary conditions 04 (bund and landscaping scheme), 09 (noise, vibration and dust), 12 (visibility splays), 13 (vehicular parking, turning and manoeuvring) and 15 (on-site parking/materials storage area) of approval 2021/1268/S73 Section 73 application to vary condition 02 and 04 of planning permission 2021/0601/FUL Construction of battery energy storage system to provide energy balancing services to the National Grid, including bund and landscaping granted on 03 September 2021 granted on 18 February 2022	PERMITTED  12 Dec 2022	Martin Evans
2022/1329/DOC	Lincolnshire Co-operative Limited	Land adjacent to Duddings Farm High Street Carlton Goole East Yorkshire	Discharge of conditions 09 (construction management plan) and 15 (written scheme of investigation) of approval 2019/1020/FUL Proposed erection of a new single storey retail unit consisting of sales area approximately 280 square metres under the use class A1 and back of house area approximately 103 square metres, along with the associated hard and soft landscaping within the site boundary	CONDITION DECISION  22 Dec 2022	Elizabeth Maw
2022/1331/TCA	Mr Simon Ho	Oak Lodge Skipwith Road Escrick York YO19 6JU	Crown reduce by 2.5 metre all round to 1 No Oak tree (T1) in the conservation area	REFUSED  22 Dec 2022	Jordan Fairclough

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1336/MAN2	Mr Calum Trouten	18 High Meadow Selby YO8 3LT	Non material amendment of 2022/0864/HPA Installation of dormer extension to front elevation	PERMITTED 13 Dec 2022	Jordan Fairclough
2022/1344/MAN2	Jones Homes (Yorkshire) Ltd	Land adjacent to Aspen Grove Weeland Road Eggborough Goole East Yorkshire	Non material amendment of 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	REFUSED 13 Dec 2022	Jenny Tyreman
2022/1354/DOC	W A Hare & Son Ltd	Bay Horse Inn York Road Barlby Selby North Yorkshire	Discharge of condition 07 (surface water & foul sewage) of approval 2022/0670/FUL Erection of 1 No. four bedroom detached house with associated garage	CONDITION DECISION 12 Jan 2023	Jac Cruickshank
2022/1359/DOC	SM Chapel Developments Limited	The Old Methodist Church 7 High Street South Milford Leeds West Yorkshire	Discharge of condition 05 (rooflights) of approval 2019/0638/FUL Proposed conversion of South Milford Methodist Church into 4 town houses	CONDITIONS NOT DISCHARGED 6 Jan 2023	Jenny Tyreman
2022/1374/TCA	Mr Lomas	East House Main Street Thorganby York North Yorkshire YO19 6DB	Application for consent to fell 2No Plum trees (T1 & T2) in the conservation area	PERMITTED 15 Dec 2022	Lucy Nettleton

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision and Date</b>	<b>Case Officer</b>
2022/1379/TCA	Selby District Council	Selby Park Park Street Selby	Application for consent to fell 1No Cherry tree in the conservation area	PERMITTED  10 Jan 2023	Esther Pask
2022/1464/TELB	CTIL (Vodafone Ltd & Telefónica UK Ltd)	Telecommunication Mast Telephone Exchange Station Road Tadcaster	Install upgraded electronic communications apparatus including the installation of 3no replacement antenna and ancillary radio equipment to existing steelwork at rooftop mast, installation of equipment cabinets adjacent to mast on new access platform and ancillary development thereto	TELECOMMUNICATIONS - NOT REQUIRED  23 Dec 2022	Lucy Nettleton
2022/1477/TCA	Amanda Kendren	Hawthorn Farm 1 Kelfield Road Riccall York North Yorkshire YO19 6PQ	Application for consent to reduce 1No Silver Birch tree by 30% in the conservation area	PERMITTED  16 Jan 2023	Esther Pask
2022/1489/MAN2	Berts Barrow	Austfield Farm Austfield Lane Hillam Leeds West Yorkshire LS25 5NQ	Non material amendment of 2020/1184/FUL Change of use of existing agricultural barn to an events venue, including erection of a single storey side extension	REFUSED  4 Jan 2023	Jenny Tyreman
2022/1491/TELB	British Telecommunications Plc (BT)	Bridge House 14 Lumby Lane Monk Fryston Leeds West Yorkshire LS25 5DS	Install Fixed Line Broadband Apparatus	TELECOMMUNICATIONS - NOT REQUIRED  9 Jan 2023	Esther Pask

This page is intentionally left blank

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

# Substitute Councillors 2022-23

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