



Report Reference Number: 2017/1287/OUT (8/58/980B/PA)

Agenda Item No: 6.2

To: Planning Committee
Date: 7 March 2018
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/1287/OUT	PARISH:	Sherburn in Elmet Parish Council
APPLICANT:	K Packham	VALID DATE: EXPIRY DATE:	5 December 2017 30 January 2018
PROPOSAL:	Outline application for the erection of a single dwelling with all matters reserved		
LOCATION:	Land South of 4 Sir Johns Lane, Sherburn in Elmet, Leeds LS25 6BJ		
RECOMMENDATION:	APPROVE		

The above application is referred to the Planning Committee for a decision due to the applicant being the partner of a District Councillor.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of Sherburn in Elmet, which is a Local Service Centre as identified in the Selby District Core Strategy.
- 1.2 The site consists of a detached bungalow set within spacious gardens. The site is bounded by hedging along the eastern, southern and eastern boundaries with stone walling along the northern boundary. The properties immediately surrounding the site are a mixture of bungalows and two storey dwellings constructed to varying designs with a mix of materials. The site level is slightly higher than that of St Johns Lane, however the site is flat in itself.
- 1.3 The application site faces on to some agricultural land and part of a Scheduled Monument to the west.

The Proposal

- 1.4 The application seeks outline planning permission for the erection of one residential dwelling with all matters reserved for later consideration. The applicants are therefore not seeking agreement to the appearance, landscaping, layout, scale or access at this stage.
- 1.5 The application includes a red line plan and an “Indicative Layout Plan” which shows how the site could accommodate one detached dwelling and demonstrates how an access can serve the site off Sir Johns Lane.

Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
 - Application 2011/1017/HPA was permitted on the 24 November 2011 for extensions and alterations including replacing flat roof with pitched roof, insertion and alteration of dormers and roof lights to 4 St Johns Lane.
 - Application 2012/0066/DPC was permitted on the 13 March 2012 which agreed the discharge of condition 3 (Archaeology) of approval 2011/1017/HPA.

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, and a site notice was erected, and seven statutory consultees notified.)

- 2.1 **Sherburn in Elmet Parish Council** – No objection.
- 2.2 **NYCC Highways** – No objections subject to three conditions relating to private access construction requirements, required visibility splays and submission of a Construction Management Plan.
- 2.3 **Yorkshire Water** – No comments received during the statutory consultation period.
- 2.4 **Selby Area Internal Drainage Board** – The drainage board have no objection in principle.
- 2.5 **Historic England** – No comments to make on this application.
- 2.6 **Conservation Officer** – No objections. The majority of the wall along Sir Johns Lane would remain and the local character and distinctiveness of this street would be maintained. The development along Sir Johns Lane would not extend the built form of Sherburn or impinge upon the designated scheduled area.
- 2.7 **North Yorkshire Archaeologist** – No objections subject to a condition for a watching brief.
- 2.8 **Neighbour Comments** - No representation has been received during the statutory consultation period.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined development limits of Sherburn in Elmet.
- 3.2 The application site is located within Flood Zone 1.
- 3.3 The site is located in the vicinity of a "Scheduled Monument" which lies to the west of the application site. The application was advertised accordingly given this relationship.

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

- 3.4 On the 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.
- 3.5 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".
- 3.6 The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

Selby District Core Strategy Local Plan

- 3.7 The relevant Core Strategy Policies are:
 - SP1 - Presumption in Favour of Sustainable Development
 - SP2 - Spatial Development Strategy
 - SP5 - The Scale and Distribution of Housing
 - SP9 - Affordable Housing
 - SP15 - Sustainable Development and Climate Change
 - SP16 - Improving Resource Efficiency
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality.

Selby District Local Plan

- 3.8 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.9 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.

4. APPRAISAL

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

- Principle of the Development
- Highway issues
- Design and Impact on the Character and Form of the Area
- Affect the Setting of Heritage Assets and Archaeological Remains
- Impact on Residential Amenity
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing.

Principle of the Development

- 4.2 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.
- 4.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy", Policy SP4 "Management of Residential Development in Settlements" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 4.4 The application site is a non-allocated site within the defined development limits of Sherburn in Elmet. Policy SP2 identifies Sherburn in Elmet as a Local Service Centre where further housing, employment, retail, commercial and leisure facilities will be supported in principle. Policy SP2 goes on to state that proposals for development on non-allocated sites must meet the requirements of Policy SP4.
- 4.5 Policy SP4 states that redevelopment of previously developed land and appropriate scale development on greenfield land is acceptable in principle subject to proposals protecting local amenity, preserving and enhancing the character of the local area and complying with normal planning considerations with full regard taken of the principles contained within Village Design Statements. It goes on to state 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. These matters are discussed later within the report.
- 4.6 It is noted that the Council's has confirmed that there is currently a 5 year housing land supply. Whilst this matter is a material consideration it is not a determining

factor in this application which is in any instance located within the defined development limits of a sustainable settlement within the District.

- 4.7 On the basis of the above policy context, regardless of whether the Council have a 5 year housing land supply or not, the proposals comply with Policies SP1, SP2 and SP4 of the Core Strategy with respect to the principle of development.

Highway issues

- 4.8 The application seeks outline planning permission for one dwelling with an indicative layout plan which demonstrates how the plot is suitable for one dwelling and how access could be taken from Sir Johns Lane. The plan also indicates that sufficient space can be provided within the site for parking facilities and a turning area. With respect to the visibility splays, Officers are comfortable that appropriate visibility could be achieved.
- 4.9 North Yorkshire County Highways have been consulted on the proposals and have advised that they have no objections to the proposals subject to three conditions relating to the approval of details for vehicular access crossing, visibility splays and a Construction Management Plan.
- 4.10 In terms of the proposed conditions for private access/verge crossings, visibility splays and a construction management plan, given that access is not being approved at this stage it is not considered reasonable to attach these conditions at outline stage. It should however be noted that these conditions can be attached at reserved matters stage or addressed through the plans submitted at reserved matters stage.
- 4.11 It is therefore considered that an appropriate scheme could be achieved at the reserved matters stage which would be acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Design and Impact on the Character and Form of the Area

- 4.12 The application seeks outline planning permission for the erection of one residential dwelling with all matters reserved. The applicants are therefore not seeking agreement to the appearance, landscaping, layout or scale of the proposed unit at this stage.
- 4.13 The application site comprises an area of garden land, is surrounded by residential development to the north, east and south, with agricultural land and a "Scheduled Monument" to the west. The dwellings within the immediate vicinity of the application site are generally detached bungalows, although there are two storey properties to the east of Sir Johns Lane which provide some variety.
- 4.14 An indicative layout plan has been submitted with the application, which demonstrates how the site could be laid out to accommodate one dwelling with sufficient space for parking to the site frontage and amenity space to the rear which could provide a development of a similar layout and form to other dwellings in the immediate vicinity of the site and thus could retain the character of the area.

- 4.15 Having had regard to the scale of properties along Sir Johns Lane it is noted that there is some variety, therefore given the fact that no. 4 to the north is a single storey bungalow, whilst no. 2a to the south is a two storey property, a dwelling of an appropriate scale could be designed to sit between these properties, whether this be single or two storey.
- 4.16 There are a variety of types of dwellings and materials used for the external finishes in the vicinity of the site. At this stage no details have been provided on the proposed approach for the unit, however as part of the reserved matters submission such details would be required as part of the detailed design and there is nothing to suggest that an appropriate appearance cannot be achieved.
- 4.17 With respect to landscaping it is noted that there are a series of trees along the eastern boundary with hedgerows along the eastern, southern and western boundaries and these could be retained and integrated into any detailed landscaping scheme.
- 4.18 Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage in terms of layout, scale, appearance and landscaping, which would not result in any significant detrimental impacts on the character and appearance of the area in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

Affect the Setting of Heritage Assets and Archaeological Remains

- 4.19 A "Scheduled Monument" (SM), known as Hall Garth, is located to the west of the application site. This consists of a number of earthworks, including building platforms, wall lines, ditches, terraces and small quarrying scoops. The site has been identified as the site of a palace built on land given by King Athelstan to the Archbishopric of York. The monument lies on a north facing hillside of the village, and lies adjacent to All Saints Church. Sir Johns Lane is located north of the Scheduled Monument and All Saints Church.
- 4.20 A Heritage Statement and Written Scheme of Investigation has been submitted with the application. The Council's Conservation Officer has been consulted as part of this application along with the North Yorkshire Archaeologist. The Conservation Officer notes that the surrounding area benefits from a Grade 1 listed church and an Scheduled Monument. The Conservation Officer also notes the scheduled monument is located in close proximity to the application site and is separated by Sir Johns Lane. As such in order to gain access into the site the stone wall which runs the length of Sir Johns Lane would be partially demolished. Given the majority of the wall could remain the local character and distinctiveness of this street could be maintained. Overall the Conservation Officer considers that although the proposal would increase the density of development in this area, the erection of one dwelling would not impinge upon the designated scheduled area or this area of Sherburn in Elmet.
- 4.21 The North Yorkshire Heritage Officer has also been consulted as part of this application and notes the heritage statement and written scheme of investigation for the archaeological monitoring. The Archaeologist notes that a watching brief took place during the construction of an extension to 4 Sir Johns Lane in 2012. The

results of this watching brief provided negative results and as such the assumption is that the development would not disturb significant archaeological remains. Notwithstanding the outcome of the previous watching brief the Archaeologist has recommended that further archaeological monitoring would be beneficial to the site and therefore a condition shall be attached that mitigation recording is undertaken upon commencement.

- 4.22 Having had regard to the type of development the Conservation Officer and North Yorkshire Archaeologist considers that a single dwelling would not impact upon the setting of the nearby Scheduled Monument.
- 4.23 It is therefore considered that with a Condition attached the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area, or affect the setting of the Scheduled Monument. The proposal is therefore considered acceptable in accordance with Policy ENV1, and ENV27 of the Selby District Local Plan, Policies SP18 and SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.24 The application seeks outline planning permission for one dwelling with all matters reserved. An indicative layout plan has been submitted with the application, which demonstrates how the site could accommodate one dwelling.
- 4.25 The layout, scale, appearance and landscaping of the dwelling is reserved for subsequent approval at the reserved matters stage. However, given the site context and the plot size, it is considered that an appropriate scheme could be achieved at the reserved matters stage to ensure that no significant adverse effects of overlooking, overshadowing or oppression between the proposed dwelling and existing dwellings occurs. The proposals are therefore in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.

Flood Risk, Drainage and Climate Change

- 4.26 The application site is located within Flood Zone 1, which has a low probability of flooding. The application form states that surface water would be disposed of via a soakaway there is no other information provided in terms of drainage. No information has been submitted in terms of climate change mitigation.
- 4.27 The Selby Area Internal Drainage Board has raised no objection in principle but advise that ground conditions may not be suitable for soakaway discharge therefore percolation tests need to be undertaken to establish if the ground conditions are suitable for soakaway drainage and this can be conditioned. Yorkshire Water have made no comments, however should any comments be made then these will be added to the officer update note and presented to Members. However, having had regard to the comments made by Selby Internal Drainage Board it is considered necessary for appropriate conditions to be attached to ensure adequate drainage provision can be achieved.
- 4.28 In addition, Officers consider that a condition in relation to separate systems for foul and surface water drainage to serve the development should be attached to any planning permission granted. As such subject to appropriate conditions it is

therefore considered that appropriate drainage arrangements can be achieved which accord with policy.

- 4.29 In terms of climate change Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

Nature Conservation and Protected Species

- 4.30 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 4.31 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 4.32 The application has been supported by a Contamination Screening Assessment. The assessment notes that over a number of years the land has been in domestic use. Having visited the site the planning officer could not find evidence to the contrary and therefore on this basis given the context of the site the Contaminated Land Officer has not been consulted. However, a condition should be attached to any planning permission granted requiring that the Local Planning Authority be informed in the event that unexpected contamination is found at any time when carrying out the development.
- 4.33 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 4.34 In the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Legal Issues

- 4.35 Planning Acts
This application has been determined in accordance with the relevant planning acts.

4.36 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.

4.37 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.

Financial Issues

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

5.0 CONCLUSION

5.1 The application seeks outline planning permission for one dwelling with all matters reserved.

5.2 The application site is located within the defined development limits of Sherburn in Elmet, which is a Local Service Centre as identified in the Core Strategy. The proposal would constitute a form of development which would be acceptable in principle under Policies SP2 and SP4 of the Core Strategy.

5.3 It is considered that an appropriate layout, scale, appearance, landscaping and access could be achieved at reserved matters stage so as to ensure that the proposal is acceptable in respect of the impact on the character and appearance of the area, the impact on residential amenity and impact on highway safety.

5.4 Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage and climate change, nature conservation and protected species, land contamination and the impact on heritage assets.

5.5 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

6.0 RECOMMENDATION

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

01. 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.

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

Reason:

This is an outline 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.

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

- Location Plan - Drawing No. LOC01 - Date 05/12/2017

Reason:

For the avoidance of doubt.

04. 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.

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. If any discharge of surface water is to public sewer, the detail shall include the reasons for discounting other methods of drainage and the means of ensuring that the rate of discharge is restricted to greenfield rates. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in accordance with sustainable drainage principles.

06. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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

07. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for archaeological monitoring submitted with the reserved matters planning application.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

08. The development shall not be occupied until the site investigation and post investigation archaeological assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured at reserved matters stage.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

Contact Officer:

Diane Wilson, Planning Officer

Appendices:

None

This page is intentionally
blank.