



Report Reference Number: 2020/0612/FUL

To: Planning Committee
Date: 25 November 2020
Author: Gary Bell (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0612/FUL	PARISH:	Camblesforth Parish Council
APPLICANT:	Mick Baines	VALID DATE: EXPIRY DATE:	3rd July 2020 27th November 2020
PROPOSAL:	Erection of detached dwelling and garage		
LOCATION:	Land Adjacent to No 3 Chapel Court Camblesforth Selby North Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the Development Plan. However, Officers consider there are material considerations which would support the recommendation for approval.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of Camblesforth which is identified as a Secondary Village in the Core Strategy.
- 1.2 The site is an untidy piece of land located on the northern edge of the village and is accessed via an unmade private road, Chapel Court, which leads from Brigg Lane. To the west of Chapel Court are the rear gardens of properties on Barn Elms whilst to the right of the road, and served by it, are 2 detached dwellings and a vacant plot (identified as Plot No 3 on the submitted plans) with the application site at the head of the road. Whilst appearing vacant, the application site shows signs of

development having commenced with the excavating of foundations for a garage building evident in the north-west corner of the site.

The Proposal

- 1.3 Permission is sought for the erection of a two-storey dwelling together with a detached garage. The proposed dwelling will be sited approximately 80 metres from Brigg Lane and, due to intervening dwellings and existing hedges, will not be immediately visible from Brigg Lane. The dwelling is traditional in design, featuring gabled roofs, and would be constructed from red brick with a grey tiled roof. The site is contained by 1.8 metre high close boarded timber fencing and hedges to three sides with the northern boundary being more open and at a higher level than agricultural land beyond. A double garage will be located in the north-west corner of the site with vehicle turning to the front of the house and garage.

Relevant Planning History

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

2018/0276/REM: Application for the approval of reserved matters (appearance, landscaping, layout and scale) for erection of 1 detached dwelling and garage following the grant of outline approval 2017/1068 on 4 December 2017 and Discharge of Condition 5 (details of access, parking and manoeuvring) on Outline approval 2017/1068, Land Adjacent to No 3, Chapel Court, Camblesforth, Selby: Decision: PER, 08-AUG-18

2017/1068/OUT: Outline application to include access for the erection of 1 detached dwelling and garage (all other matters reserved), Land Adjacent to No 3 Chapel Court, Camblesforth, Selby: Decision: PER, 04-DEC-17

2005/0400/FUL: Proposed erection of one no detached dwelling at Plot 2, Land Rear of 23 - 29 Brigg Lane, Camblesforth, Selby: Decision: PER, 10-JUN-05

2004/1452/OUT: Outline application for the erection of one detached dwelling (including siting and means of access), Land Rear of 23 - 29 Brigg Lane, Camblesforth, Selby: Decision: PER, 29-MAR-05

CO/2004/0874: Outline application for the erection of one detached dwelling on land to the rear of 23-29 Brigg Lane, Camblesforth, Selby: Decision: REF, 09-SEP-04

CO/2004/0369: Outline application for the erection of a dwelling (siting and means of access included) on land to the rear of 23-29 Brigg Lane, Camblesforth, Selby: Decision: PER, 23-MAY-04

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** - No comments received.

- 2.2 **NYCC Highways** - Reference is made to planning application 2017/1068/OUT which was recommended for refusal by the Highway Authority. Concerns were raised given that; whilst the access was to remain private, it would need to be increased in width to a minimum of 4.1 metres to facilitate simultaneous passage and ensure vehicles do not back up on the highway; the visibility splay to the east

cannot be maintained due to the splay passing over third party land which is outside of the applicants and the Highway Authorities control; on-site turning seems tight and there are doubts as to whether or not the on-site turning manoeuvres are achievable. With this in mind, the Highway Authority would again recommend the refusal of this planning application on the following grounds:

- The Planning Authority considers that the road leading to the site is by reason of its insufficient width considered unsuitable for the traffic which would be likely to be generated by this proposal.
- The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2 metres x 43 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.
- The Planning Authority considers that the proposed access to the development would interfere with the free flow of traffic due to additional vehicles waiting in the carriageway, with consequent danger to highway users.

2.3 **Selby Area Internal Drainage Board** - The IDB provided standard advice with respect to surface water disposal. If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, consent from the IDB would be required in addition to Planning Permission. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

2.4 **Yorkshire Water** - The agent/applicant have stated foul water is to be drained to a private treatment plant system with surface water to soakaway. It is noted that they have not included a Foul Drainage Assessment (FDA) from the EA's website. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities. If comments from both EA and Environmental Health are not satisfactory, the applicant has the alternative option of a foul water only connection to the public foul/combined sewer located in Chapel Court.

2.5 **Environmental Health** – Note that the location of the proposed dwelling is in a significantly residential area and therefore disturbance during construction is highly likely. A condition is recommended requiring a Construction Environmental Management Plan to be submitted prior to the commencement of development. The plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and hours of site operation. A further condition is recommended controlling the delivery, loading and unloading of goods and vehicle movements related to the proposed development to the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays with no deliveries on Sundays and Bank Holidays.

2.6 **Contaminated Land Consultant** - The Screening Assessment Form shows that the site has previously been used as a domestic garden. No past industrial activities, fuel storage, asbestos containing materials or waste disposal activities

have been identified onsite or nearby. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required however a planning condition is recommended in respect of any unexpected contamination.

- 2.7 **Neighbour representations** - The application was publicised by site notice and direct notification of nearby residents as a result of which no representation has been received.

3 **SITE CONSTRAINTS**

- 3.1 The application site is located within the development limits for Camblesforth. It lies within Flood Zone 1, which has a low probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations.

4 **POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan (CS)

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
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 (SDLP)

4.7 The relevant Selby District Local Plan Policies are:

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

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 Appearance of the Area
- Impact on Highway Safety
- Impact on Residential Amenity
- Flood Risk and Drainage
- Land Contamination
- Affordable Housing

The Principle of the Development

5.2 CS Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Paragraph 12 of the NPPF re-emphasises 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.

5.3 The application site lies within the development limits of Camblesforth which is identified as a Secondary Village within the Core Strategy. Secondary Villages are described as “less sustainable or else have no opportunities for continued growth owing to a combination of flood risk and environmental constraints”. Planned growth is not considered to be appropriate although “some housing” may be permitted in defined circumstances. CS Policy SP2A (b) states that ‘Limited amounts of

residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conforms to the provisions of Policy SP4 and Policy SP10.

- 5.4 Reference to Policy SP10 relates to Rural Housing Exception sites, and from the commentary that accompanies Policy SP2, it is not intended that all housing that complies within the criteria in Policy SP4 should be limited to 'rural affordable housing'. Policy SP4 a) states that the following type of development will be acceptable:

"In Secondary Villages - conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversions/redevelopment of farmsteads."

- 5.5 The commentary to Policy SP4 states that it provides "greater clarity about the way proposals for development on non-allocated sites will be managed, by identifying the types of residential development that will be acceptable in different settlement types". The proposed development is clearly not a conversion or a replacement dwelling and the land is not classed as previously developed. The application site is located at the head of a private access road, some considerable distance back from Brigg Lane, beyond which is agricultural land. Whilst there are 2 existing properties on Chapel Court and the rear gardens of dwellings on Barn Elms form the western boundary to the road, this would not constitute "the filling of a small linear gap in an otherwise built up residential frontage". Finally, the proposal does not involve development of a farmstead. Therefore it follows that the development does not fall within any of the categories of development identified as acceptable in Secondary Villages in Policy SP4 a) and is therefore contrary to both Policy SP4 a) and Policy SP2A (b) of the Core Strategy.

- 5.6 As already stated, whilst appearing vacant, the application site shows signs of development having commenced with the excavating of foundations for a garage building evident in the north-west corner of the site. These works are consistent with the development granted outline permission under application number 2017/1068/OUT and the subsequent approval of reserved matters under application number 2018/0276/REM. The agent has confirmed that the works were undertaken within the timescale contained in the conditions attached to the outline planning permission, as witnessed on the officer site visit, and it is therefore considered that the permission has been lawfully implemented and remains extant providing a realistic fallback which itself constitutes a significant material consideration in the assessment of the current application. The current proposal, whilst similar in nature and form, is smaller than the house that could be built under the now implemented and extant permission. It is therefore considered that the extant planning permission outweighs the lack of compliance with CS Policy SP4 and consequently SP2A.

Design and Impact on the Appearance of the Area

- 5.7 The proposal is a 3 bedroom detached dwelling of traditional design combining gabled and hipped roofs and featuring a rounded bay window to the front elevation. The house will be located close to the southern boundary with a lawned garden area running around the house to the east and north. The northern elevation contains a number of windows and a first floor Juliet balcony designed to take advantage of views over open agricultural fields. A detached double garage is proposed to be sited in the north-west corner of the site with turning provision in front and between the garage and house. Surrounding properties to the west and

south are all similarly detached houses sitting in modest gardens. To the east is the large rear garden of another detached dwelling. Existing boundary treatment consisting of 1.8 metre timber fences to the west and south and hedges to the north and east is to be retained.

- 5.8 The proposed dwelling is one that relates well in terms of scale, proportion and detailing to the surrounding properties found in the area. It is therefore concluded that the dwelling will result in a good design that respects the character of the area and as such the proposal accords with SDLP Policy ENV1(1) and (4), CS Policy SP19 and chapter 12 of the NPPF in relation to achieving well designed places.

Impact on Highway Safety

- 5.9 The proposed development will utilise the existing access from Brigg Lane which is a private and partly surfaced road currently serving 2 existing dwellings to the south of the application site. The road is approximately 3.3 metres wide at its junction with Brigg Lane and 3.7 metres on the approach to the site for the propose dwelling. There is a pinch point approximately 2.3 metres wide alongside the rear elevation of 23 Brigg Lane. The Highway Authority has re-iterated comments it previously made in relation to an earlier application (2017/1068/OUT) and considers that the access is inadequate in width and in terms of the available visibility at the junction with Brigg Lane. In considering the earlier application, the Council did not concur with the Highway Authority and the case officer argued that the widening of the access track is not within the gift of the applicant nor is there an ability to improve visibility due to land ownership and on-street parking on Brigg Lane. The application was consequently approved contrary to the recommendation of the Highway Authority. Whilst circumstances have not changed in terms of the width of the access track and the available visibility, the Council has previously accepted that these shortcomings did not amount to a reason for refusal.
- 5.10 As explained earlier in this report, the previous permission has been lawfully implemented and remains extant providing a realistic fallback which itself constitutes a significant material consideration in the assessment of the current application. As such, refusal on highway grounds is not considered to be sustainable.
- 5.11 Subject to appropriately worded conditions in respect of vehicular turning and manoeuvring arrangements and surfacing of the access track, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with SDLP policies ENV1 (2), T1 and T2, CS Policy SP19 and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.12 The proposed dwelling, being located on a previously vacant plot, will inevitably impact on the existing amenities of the occupiers of surrounding properties by reason of the physical presence of the building, the associated residential activity and increased vehicle movements to and from the property.
- 5.13 The dwelling will, however, be located some 8 metres from the western boundary and 12 metres from the property beyond, 16 Barn Elms. The rear elevation will be close to 5 metres from the eastern boundary, marked by a 2 metre high hedge, beyond which is the extensive rear garden of 39 Brigg Lane. The southern side elevation of the proposed dwelling would be approximately 1.5 metres from the

boundary with what is currently a vacant and untidy plot separated by a 1.8 metre high fence. The proposal is not therefore considered likely to result in any harmful impact in terms of overshadowing or dominance.

- 5.14 As originally submitted, the proposed rear elevation contained a first floor bedroom window which, at less than 5 metres from the boundary, would have resulted in overlooking of the neighbouring garden to the east. Following discussions with officers, revised plans were received that provided a different first floor layout effectively removing the problematic window and, thereby, any overlooking. The relationship between the front elevation of the proposed dwelling and the side elevation of 16 Barn Elms is considered to be acceptable given the distance between the two. The vacant plot to the south has the potential to be developed (indeed outline planning permission, now expired, has previously been granted for erection of a dwelling) and the proposed dwelling has a number of tertiary windows on the side elevation that overlook the land to the south. Given the nature of the windows, a condition requiring obscure glazing is considered to offer an appropriate means of mitigation.
- 5.15 A good level of amenity will be afforded to future residents of the proposed dwelling given the space around the building and, particularly, the open aspect available to the north. However, given the existing relationship with neighbouring properties and that the plot is relatively modest, it is considered prudent that a condition removing permitted development rights is attached to any permission.
- 5.16 It is therefore considered that; given the location of the proposed dwelling; the resulting juxtaposition with neighbouring properties; and the use of appropriate conditions, the proposed development will not have an adverse impact on residential amenity. As such, the application is in compliance with the requirements of SDLP Policy ENV1 (1) and chapter 12 of the NPPF.

Flood Risk and Drainage

- 5.17 The submitted information states that foul water will be discharged via a package treatment plant with surface water to soakaway. Yorkshire Water have advised that, in relation to foul drainage, an alternative of connecting into a public sewer in Chapel Court, approximately adjacent to 23 Brigg Lane, is available. Connection into public sewers is considered within the national Planning Practice Guidance to be the "first presumption". The applicant has confirmed that, on the basis of Yorkshire Water's confirmation that the public sewer is available, connection will be the means of disposal for foul water.
- 5.18 The Internal Drainage Board has provided comments regarding various ways in which surface water could be discharged, preferring and having no objection in principle to soakaway. The Board goes on to say that percolation testing is necessary to establish whether ground conditions are suitable for soakaway drainage throughout the year. A condition requiring details of a scheme for the provision of surface water drainage works to be agreed prior to any development is recommended.
- 5.19 In terms of flood risk, the site lies within Flood Zone 1 which has a low probability of flooding and no concerns arise as a result of the development proposed. Therefore, having had regard to Policy SP15 (B) it is considered that, subject to appropriately worded planning conditions, the proposal is acceptable.

Land Contamination

- 5.20 The application is supported by a Screening Assessment Form which provides a basic contamination assessment appropriate to the scale of the development and states that the site has previously been used as domestic garden. No past industrial activities, fuel storage, or waste disposal activities have been identified on the site or nearby and the Form does not identify any significant potential contaminant sources. As such, the probability of contamination being present is considered to be a low risk and it is not “suspected” that the site is contaminated to an extent that it could adversely affect the proposed development and/or create new pollutant linkages. On this basis, an intrusive investigation in respect of contamination is not considered to be necessary. It would, however, be prudent to attach a condition regarding the reporting of any unexpected contamination.
- 5.21 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

- 5.22 CS Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. However, the subsequent publication of the NPPF 2018 and 2019 is a material consideration. The NPPF states in paragraph 63 “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)”. In the light of this it is not considered that affordable housing contributions should be sought on this application.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal, whilst being contrary to CS policies SP2 and SP4, is acceptable given that the extant planning permission represents a very significant material consideration that overrides the conflict with development plan policy. Similarly, notwithstanding the objection received from the Highway Authority, the Council as local planning authority has previously concluded that the proposal is acceptable in highway safety terms and with circumstances remaining unchanged this is also a significant material consideration.
- 6.2 Furthermore, the proposal is considered to be acceptable in respect of detailed design, residential amenity, flood risk, drainage, land contamination and affordable housing. The application is therefore considered to be in compliance with Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan, Policies SP1, SP9, SP15, SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

7. RECOMMENDATION

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

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

Reason:

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

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

LOC01 - Location Plan

02 - Block/Site Plan

MC5 - Proposed Plot Plan

MC1 - Proposed Floorplans

MC2 - Proposed Elevations (Sheet 1 of 2)

MC3 - Proposed Elevations (Sheet 2 of 2)

MC4 – Proposed Garage

Reason:

For the avoidance of doubt.

03. No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

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

Reason:

In the interests of residential amenity and in order to comply with Policy ENV1 of the Selby District Local Plan and national policy contained within the NPPF.

05. The dwelling hereby permitted shall not be occupied until the south elevation windows have been fitted with obscured glazing to a minimum of Pilkington Privacy Level 3 or equivalent, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Reason:

In the interests of the amenity of the adjoining land, having had regard to Policy ENV1 of the Selby District Local Plan.

06. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and hours of site operation. The construction of the development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

Reason:

In the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.

07. Any delivery, loading and unloading of goods and vehicle movements related to the proposed development shall be restricted to the hours of 8am to 6pm Monday to Friday; and 8am to 1pm on Saturdays with no deliveries on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.

08. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with the Internal Drainage Board, has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use. The following criteria should be considered:

- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1 year storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

09. 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.

10. The dwelling hereby approved shall not be occupied until the unmade part of the access road has been brought up to a surfaced standard in accordance with details that have first been submitted to and approved by the local planning authority.

Reason:

In order to ensure a satisfactory standard of access to the site in the interests of the amenities of the area and in order to comply with Selby District Local Plan Policies T2 and ENV1.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved plan MC5. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0612/FUL and associated documents.

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Appendices: None