



**Report Reference Number 2020/0061/FUL**

**To: Planning Committee**  
**Date: 7 April 2021**  
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APPLICATION NUMBER:	2020/0061/FUL	PARISH:	Colton Parish Council
APPLICANT:	Mr Grant Henderson	VALID DATE:	22nd June 2020
		EXPIRY DATE:	17th August 2020
PROPOSAL:	Proposed erection of new Dwellinghouse with carport/stores outbuilding and associated landscaping including new access to highway (amended plans)		
LOCATION:	Land Adjacent St Pauls Church Main Street Colton Tadcaster North Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the previous application, which was recommended for refusal by the Case Officer, was overturned by members at Planning Committee and the current proposal is a very similar scheme.

A new site notice has been posted, which expires on the 5<sup>th</sup> April 2021 as the proposal would directly impact on an existing Public Right of Way. Officers will update Committee of any comments arising from this notice. However, Officers are of the view that the scheme is still unacceptable and should be refused in any instance on other grounds.

## **1. INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 The development limit boundary runs through the application site, with the majority of the proposed dwelling and access would be located within the defined development limits of Colton. Colton is a Secondary Village as identified within the Core Strategy and is washed over by the Green Belt, while the proposed garden land would be located outside the defined development limits of Colton and therefore located in the open countryside.

## The Proposal & Background

- 1.2 The application is for the proposed erection of a new dwelling with carport/stores outbuilding and associated landscaping including new access to highway (amended plans). The submitted Design and Access Statement (DAS) advises that submission of the proposal is on the basis that a number of changes are required to the original approval by the applicant, in order to improve the layout and appearance of the dwelling.
- 1.3 The application has previously been approved under planning permission ref: 2017/0238/FUL and following a recent extension to that application under ref: 2020/1222/UPE, the permission remains live until the 31<sup>st</sup> of May 2021.
- 1.4 The current permission for a single dwelling, was approved at Planning Committee contrary to the officer's recommendation for refusal. The reason for the recommendation of refusal was as follows:

*"The proposed dwelling would be orientated side onto the highway, having a long narrow footprint, with a gable end fronting the highway, which, in responding to the constraints of the site, would be at odds with the layout and spacious rural character of the village. Furthermore, the contrived appearance of the dwelling, responding to the constraints of the site, would result in the proposed dwelling appearing cramped within its plot. The proposal is therefore considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF."*
- 1.5 However, as stated above, the Planning Committee approved the application, subject to appropriate conditions and delegation to the Planning Officer. The Committee raised concerns about the proposed timber cladding on the dwelling and suggested that the applicant and the Planning Officer consider a material that would be more in keeping with the character of existing dwellings in Colton. Therefore, regardless of the outcome of this application, the applicant has the benefit of an existing permission, at least until the end of May of this year.
- 1.6 All of the pre-commencement conditions have been submitted and discharged, with only the access and visibility spays to be set out and provided. Should these works be implemented before the application expires, then this would ensure the permission remains extant. However, if the application is not lawfully implemented before this time then the proposal needs to be considered in the context of Green Belt policy as the starting point as discussed in Section 5 of this report.

## Relevant Planning History

2. The following historical applications are considered to be relevant to the determination of this application:
  - CO/1979/31142, Alt Ref: 8/77/15/PA: Outline Erection of a Dwelling on Land Adjacent to Crown Cottage Colton, Decision: Approved: 10-OCT-79
  - CO/1997/0296, AltRef: 8/77/15A/PA: Outline application for the erection of a dwelling on land adjacent to Crown Cottage, Main Street, Colton, Tadcaster Decision: Application not proceeded with: 24-NOV-00

- 2007/1302/OUT, Alt Ref: 8/77/15B/PA: Outline application for the erection of a dwelling on land adjacent St Pauls Church, Main Street, Colton  
Decision: Withdrawn: 22-JAN-08
- 2009/0051/OUT, Alt Ref: 8/77/15C/PA: Outline application for the erection of a dwelling, on Land Adjacent, St Pauls Church, Main Street, Colton  
Decision: Refused: 15-APR-09
- 2017/0238/FUL Alt Ref: 8/77/15D/PA: Proposed erection of dwelling house, parking and turning on: Land Adjacent, St Pauls Church, Main Street, Colton,  
Decision: Approved: 14-JUL-17
- 2020/1222/UPE: Extension to time limit of planning permission 2017/0238/FUL  
Proposed erection of dwelling house, parking and turning on land adjacent to St Paul's Church, Main Street, Colton  
Decision: Approved: 04.12.2020

### 3. CONSULTATION AND PUBLICITY

#### 3.1 Colton Parish Council – Initial comments objected to the application on the following grounds:-

- Proposal is too large for size of plot
- Outside village envelope and not in context with other properties on Main Street
- Proximity to St Paul's Church is too close and would dwarf this lovely building
- Public footpath not shown clearly on plans
- Materials do not comply with existing development and give the building an industrial appearance
- Too large a property will be cramped within the plot.
- Dwelling orientated with gable end facing highway will be out of place in the village, particularly next to the church.
- Hedge to be removed across the end of the churchyard and new dwelling placed 720mm from the fence (Previously approved dwelling was to be approximately 2m from hedge with additional greenery for screening).
- Balcony at the north end of dwelling overhangs the Extent of Development line by approximately 1.5m
- Timber cladding will be completely out of place in the village (brick would be better choice).
- Carports/Stores outbuilding are outside the Development Line
- Can Public footpath be moved sideways?
- Use of recycled railway sleepers and gravel in surface areas will appear incongruous.
- Possibility of surface water from paved areas running on to the highway.

#### **Further comments on the revised plans noted and objection on the basis that**

- Query regarding the building line
- Proximity to St Pauls Church - hedge and relative height to the church
- Movement of public footpath
- Out of character with rest of Colton village
- Air source heat pump sited away from property - would imagine for noise reasons but would create noise for the church/churchyard.

#### 3.2 **NYCC Highways** – comments have been received on the application as follows: **(Initial response)** - Recommend that conditions are attached to any permission granted relating to visibility splays; access, parking, manoeuvring and turning areas and submission of a Construction Method Statement

**(2nd response)** - Amended drawing (No 999.005.Rev E) shows a gate at the access. I have concerns that if the gate is closed, any vehicle waiting to enter the site may block ongoing traffic while they exit the vehicle, open the gate and return to the vehicle. Request that the gate be removed or moved back to 6 metres to remove my highway safety concerns.

**(3rd response)** - Confirm no highway objections to amendments

3.3 **Yorkshire Water Services Ltd** – No response received in the statutory consultation period.

3.4 **Ainsty (2008) Internal Drainage Board** – Application sits close to the Drainage Board's district. The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. The Board notes that the application form states that a "Sustainable Drainage System" is proposed for the disposal of surface water but no further details have been provided in this regard. Recommend conditions relating to percolation testing in regard to suitability of soakaways also to include appropriate level of storage volume, with a 30% allowance for climate change to be included in all calculations. If percolation test are unsuccessful and surface water turn ultimately discharges into a Board maintained watercourse, or an ordinary watercourse in the Board's district, then discharges rates to a maximum of "greenfield" rate (1.4 litres per second per hectare). In addition, to flow rates; details of any surface water storage system.

Foul Sewage - The Board notes that the applicant is proposing to connect into the mains foul sewer. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

3.5 **Contaminated Land Consultant** - The Screening Assessment Form shows that the site is currently occupied by pasture/grazing farmland and is located west of the village church.

- No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, therefore contamination is not suspected to be present.
- Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required.
- Recommend a planning condition is attached to any planning approval, in case unexpected contamination is detected during the development works

3.6 **County Ecologist**

- The Great Crested Newt survey report (2020) has been reviewed and compared to previous survey and report from 2016. The report recommended that built development was located as far away from the pond as possible and this has been achieved.
- No direct impact upon the breeding pond and the loss of terrestrial habitat has been kept to a minimum. The inclusion of a hibernacula for newts on the site boundary is welcomed.
- Agree with conclusions and recommendations of the report which includes specific timing of work and method of construction.
- Conclusion of the report is that a Natural England licence will not be required provided that the works are undertaken in accordance with a Precautionary Method of Working (PMW) and under the supervision of a licensed ecologist. A draft PMW is provided at section 5 of the report.
- Should planning permission be granted it is recommended that a condition is included which requires the submission of a detailed Precautionary Method of Working statement (PMW) prior to any works taking place on site (including site

clearance). The PMW should be based on the measures set out in section 5 of the Great Crested Newt Survey prepared by Environments for People (2020).

- Provided that the works are then undertaken in accordance with the PMW it is considered that the favourable conservation status of the species can be maintained. Should you have any queries in relation to the above advice please advise.

**3.7 Public Rights of Way** – There is a Public Right of Way or a ‘claimed’ Public Right of Way within or adjoining the application site boundary

- If the proposed development will physically affect the Public Right of Way **permanently** in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible and would need to contact the Local Planning Authority for a Public Path Order application form.
- If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Again would be required to contact the County Council or visit their website for an application form.
- The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- If there is a “claimed” Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.
- Applicants should contact the County Council’s Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way **and to discuss any initial proposals for altering the route.**

**3.9 Environmental Health Officer** – The proposed development is near existing residential premises and may therefore negatively impact upon residential amenity of the area during construction due to the potential for generation of dust, noise & vibration. Since it is not yet known whether piled foundations will be necessary at this time it would not be reasonable to request that the applicant is asked to quantify the magnitude of any impact. However, it would be sensible to put in place reasonable safeguards to protect the residential amenity of the area from the impacts described should it become necessary to install piled foundations. To protect the residential amenity of the area a condition should be attached to any approval to include: restriction on working hours and in relation to piled foundations

**3.10 Conservation Officer** – Has not responded on the application, however consultation with the Officer was not required given the site not in the Conservation Area, not a Listed Building nor is it is the curtilage of a Listed Building.

**PUBLICITY**

- 3.11 The proposal was advertised by way of a site notice and direct neighbour notification. A number of **objections** have been submitted by local residents and one letter in **support** stating the following:

#### OBJECTIONS

- The house looks lovely but appears to be somewhat 'squashed in'
- Overdevelopment of plot, overbearing, out of scale and not in keeping with the character of neighbouring buildings, including the materials which are shown as timber not brick or render and the village generally
- Overbearing and would overshadow the church and churchyard of St Paul's and block light to the west window
- Building is too high, dwarfs surrounding properties and would be extremely narrow with a lack of space between the proposal and the existing built form surrounding the site (particularly the church) – even more cramped than previous approval
- All houses within the village have ridges running parallel to the main street
- Increased size would result in removal of hedgerow surrounding church boundary would be removed and replaced with a close board timber fence and impacting on visitors views from within the church grounds
- Adverse effect on The Barn and Manor Farm by reason of noise, disturbance, both from the re-routing of the much used public right of way (which we do not agree with) and the carport/manoeuvring circle for 3 cars - being close to the lounge, kitchen, master bedroom and main reception area of The Barn
- Additional disturbance from building works
- Overlooking and loss of privacy and concerns regarding vehicle pollution being less than 2m from our property
- Despite plans to build a new hibernaculum, we still have concerns regarding the harmful impact on the protected species of Green crested newts in the pond to the East of the proposed development
- Potentially parking might be better to rear of proposal

#### SUPPORT

- Proposal is of a modest size, designed in a suitable style and with materials which complement other developments in the village
- Would protect the existing footpath along the western edge of the property and meet the conditions for infilling
- The exterior design is pleasing to the eye and should provide an ideal family home

### 3.12 SITE CONSTRAINTS

#### Constraints

- 3.13 The proposal site is washed over by Green Belt; in a low development coal risk area and within an area of potentially contaminated land. Almost all of the footprint for the proposed dwelling is situated within the Colton Development limits with a small proportion just outside and the proposed garden area would be outside development limits. The site lies in Flood Zone 1 and there is a Public Right of Way runs outside the site along the west boundary.

## 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 would take 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**

#### **4.6 The relevant Core Strategy Policies are:**

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy  
SP3 - Green Belt  
SP4 - Management of Residential Development in Settlements  
SP5 - The Scale and Distribution of Housing  
SP18 - Protecting and Enhancing the Environment  
SP19 - Design Quality

### **Selby District Local Plan**

#### **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 Highway  
T2 - Access to Roads

## **5 APPRAISAL**

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

- Principle of Development within the Green Belt

- Design & Impact on Character & Appearance of the Area
- Residential Amenity
- Highway Safety & Access
- Flood Risk, Drainage and Climate Change
- Landscaping
- Ecology
- Contamination
- Affordable Housing

### **Principle of Development within the Green Belt**

- 5.2 The principle of development has already been established and there is a live permission but given that it will expire by the end of May 2021, then it is necessary to reassess the current proposal in terms of policy compliance.
- 5.3 The relevant Development Plan Policies in regard to the principle of development are Core Strategy Policies SP1 which promotes a presumption in favour of sustainable development in accordance with the NPPF. Policy SP2 which establishes the locational principles for guiding development within Selby District, with the focus on Selby as the Principal Town, Sherburn in Elmet and Tadcaster as Local Service Centres and identified Designated Service Villages.
- 5.4 The development limit boundary for Colton runs through the application site, resulting in the majority of the proposed dwelling and access being located within the defined development limits of Colton, which is a Secondary Village as identified within the Core Strategy. Policy SP2A (b) of the Core Strategy 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 conform to the provisions of Policy SP4 and Policy SP10.”* Policy SP2 (d) of the Core Strategy states that *“In Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies.”*
- 5.5 The site is washed over by the Green Belt and the proposed garden would be located outside the defined development limits of Colton and therefore within the Green Belt. Policy SP3 (B) advises that within defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- 5.6 Policy SP4 (a) of the Core Strategy states however, that in Secondary Villages, conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages (amongst other things) are acceptable in principle.
- 5.7 The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- It must be determined whether the development is appropriate or inappropriate development in the Green Belt;
  - If the development is appropriate, the application should be determined on its own merits;
  - If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it



- 5.8 The guidance within the NPPF paragraph 145 states that the local planning authority should consider the construction of new buildings as inappropriate in Green Belt. Exceptions to this include (amongst other things) "*limited infilling in villages*" (para 145 e).
- 5.9 Neither "limited infilling" or "villages" are defined within the NPPF and therefore it is for the Local Planning Authority to make an informed judgement as to whether a proposal constitutes "*limited infilling in villages*" taking into account the site, surrounding area, existing development and also the number of dwellings proposed. In this instance, the proposed dwelling would be located with an open gap between a residential dwelling to the west and St Pauls Church to the east. Having regard to the location of the application site, the surrounding existing development and the siting of the proposed development, it is considered that the proposal constitutes limited infilling in villages and is therefore an appropriate form of development within the Green Belt.
- 5.10 Having regard to the above, it is considered that the proposal is acceptable in principle in accordance with Policies SP2 and SP3 of the Core Strategy and the advice contained within the NPPF.

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

- 5.11 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Core Strategy Policy SP18 which seeks to protect (amongst other things) local distinctiveness with Policy SP19 relating to the design quality.
- 5.12 The application proposes the erection of a detached dwelling on an existing area of vacant grass land situated between Manor Farm and St Pauls Church. With regard to scale and appearance, the proposed dwelling would have accommodation within the roof space, including a dormer.
- 5.13 The proposed dwelling would measure 5.5m wide (6.5m including eaves overhang) by 20.5m (including roof overhang) in depth and would have a pitched roof with gable ends to the north and south and facing Main Street. The height to eaves would be 3.6m, with a ridge height of 7.06m. There would be three rooflights to the west facing roof plane; a small array of solar panels close to the northern point and a catslide dormer window is proposed further south, which would measure 2.3m in width and would sit just below the eaves level. To the ground floor is a side entry door with side glazed panels, a narrow patio type window and a higher level wide but shallow window.
- 5.14 The east facing roof plane would have a similar arrangement with four rooflights at various heights; one of which would have double openings and sitting just below eaves height. Various shaped windows some with a vertical emphasis and others with a horizontal emphasis, along with a single, side entry door is shown to the east facing elevation at ground floor level. The south facing (gable) elevation would front Main Street and shows two long and narrow windows to first floor with a wide but shallow window to ground floor.
- 5.15 In terms of layout and form, it is noted that the majority of dwellings within Colton have the principal elevations fronting the highway, with a mix of two storey dwellings and bungalows within the vicinity of the application site. Dwellings within the locality are however set within large plots giving a spacious rural character to the village. There are however, some areas which comprise of denser development, such as at Manor Farm to the west of the application site, resulting from the re-development of former farmsteads. These plots entail back land development and with some re-use of the

existing agricultural buildings. The proposed dwelling would have vehicular access from Main Street to the south which would run along just past the halfway point of the west elevation. There would be an area of hardstanding for parking for two cars to the frontage area; a footpath would run along the east side, opening out to a large garden to the rear (north) of the dwelling.

- 5.16 There is an existing Public Right of Way (PROW) which currently runs through the application site from north to south and accessed via the large post and rail gate. This would be retained but would be moved slightly and immediately adjoin the west boundary of the plot and accessed through a smaller gate. The Public Rights of Way Officer referring to the PROW as a 'claimed' PROW and has not raised objections to the proposal but as the development would physically affect its route, albeit marginally, a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990.
- 5.17 The Parish Council and a number of residents have raised concerns regarding the materials proposed for the external construction of the walls of the proposed dwelling. These were originally shown to feature patterned moulded concrete for the lower half and vertical Siberian larch for the upper portion of the walls, with dark grey slate for the roof. The timber element has however, now been removed from the scheme, with the applicant utilising white render for the majority of the exterior. Dwellings within the vicinity of the application site are primarily constructed from red brick; however there are other external wall materials evident within the vicinity of the application site, such as stone and render, and as such, it is considered that the external materials would be acceptable. Windows and doors would be constructed in a dark grey powder coated aluminium for the larger glazed doors and composite doors (also in dark grey) for the main entry doors, which would complement the render.
- 5.18 The proposed dwelling responds to the constraints of the site, being orientated side onto the highway and would have a tall, long and narrow footprint. This would however be at odds with the layout and spacious rural character of the village and would result in the dwelling appearing cramped within its plot. In addition, the scattered arrangement and various scales of the proposed windows to the east, west and south elevations would result in a fragmented presence with no coherent link to the existing character of dwellings in the immediate locality. The window arrangement would not be highly visible to the west elevation as it faces a mostly blank side elevation of Manor Barn and blank elevation of Manor Farm.
- 5.19 As such given the orientation of the proposed dwelling it is considered however, that the layout and form of the proposed dwelling is unacceptable having regard to the character and appearance of the area. The proposed scheme is therefore considered to have a detrimental impact on the character and form of the area contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.20 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 127(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being "*with a high standard of amenity.*"
- 5.21 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking and whether the size, scale and

massing would result in the dwelling causing overshadowing or being dominant in respect of neighbouring properties.

- 5.22 To the north of the application site are open fields; to the east is St Paul's Church and immediately adjacent to the south is Main Street. The proposal would therefore not have any adverse impact on residential amenity to the north, east and south.
- 5.23 To the immediate west of the application site are two residential properties, 'Manor Farm' which fronts Main Street and 'The Barn' at Manor Farm Court to the rear. The front elevation of the proposed dwelling would almost be in line with the principal elevation of the neighbouring property Manor Farm and there would be a minimum gap of 4.93m between the two side elevations. Given the size, siting and design of the proposed dwelling, it is considered that it would not result in any adverse effects of overshadowing or oppression when viewed from the neighbouring properties to the west. The proposed dwelling would have a number of ground floor windows on the west elevation, serving both primary and secondary rooms but there are no windows in the east (side) facing elevation of Manor Farm, with one small high level ground floor window in the side facing elevation of The Barn at Manor Farm Court which serves a car port. There are also three, tiny first floor windows (one facing south), to the first floor of The Barn, all being secondary windows and serving a bedroom two of which would face the proposed dwelling. As such, it is considered that the proposal would not result in any adverse effects of overlooking to the neighbouring properties to the west.
- 5.24 The Environmental Health Officer (EHO) has been consulted on the application and has not raised any objections but states that as the development site is close to residential properties, a suitable condition should be included in order to ensure that the adjacent residents would be protected from noise disturbance and dust. It is also noted in the response that should any of the proposed foundations be piled, a schedule of works to identify those plots affected and setting out mitigation measures to protect residents particularly from vibration, would need to be submitted, prior to commencement of any works.
- 5.25 In consideration of the above, the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

### **Highway Safety & Access**

- 5.26 Relevant policies in respect of highway safety include Local Plan 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.
- 5.27 NYCC Highways were consulted on the proposals and the response to the amendments advised that the gate proposed to the access be set back by 6m to avoid vehicles waiting on the road (Main Street) might block any ongoing traffic. A further amendment has moved the gate in accordance with the HO's concerns and in his final response the HO has stated no objections on this basis.
- 5.28 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.

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

### *Flood Risk*

- 5.29 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.
- 5.30 The application site is situated in Flood Zone 1, which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding.

### *Surface Water*

- 5.31 There are no details provided in respect of surface water disposal other than the submitted application form advises that it would be disposed of via a sustainable drainage system. It is considered that conditions requiring separate systems for foul and surface water drainage and the requirement for full details by way of condition as to how both systems would operate in order to serve the development, should be attached to any planning permission granted.

### *Foul Drainage*

- 5.32 The application form advises that foul sewerage would be disposed of via the existing mains sewer. Yorkshire Water Services (YWS) and the Internal Drainage Board (IDB) have been consulted on the proposals. YWS have not responded and the IDB have not raised any objections to the proposals or recommended any conditions but include an informative requiring the IDB's consent should water discharge directly or indirectly to a Board maintained watercourse.

### *Climate Change & Energy Efficiency*

- 5.33 In order to comply with the specific requirements of Local Plan Policy ENV1 7) and Core Strategy Policies SP15, SP16 and SP17 which require (amongst other things) that energy, where possible, should be from renewal, low carbon or decentralised energy sources and should incorporate improved energy efficiency through the design of new buildings. The proposal demonstrates that heating would be provided through the implementation of an air source heat pump, which is a system that transfers heat from outside to inside a building, or in reverse when required during the warmer months.

### *Conclusion*

- 5.34 On the basis of the above assessment, it is considered that matters of flood risk, foul sewerage, surface water drainage and climate change and efficiency would be acceptable and on this basis the proposal accords with Local Plan Policy ENV1 7) and Core Strategy Policies SP15, SP16 and SP17 and the advice within the NPPF.

## **Landscaping**

- 5.35 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.”*
- 5.36 The proposal includes retention of the existing hedgerows to part of the side (east) boundary and the majority of the hedgerow to the south (frontage) boundary would

remain. A post and rail fence would be added within site to the south and east and immediately behind the hedge within the grounds of St Paul's Church and the fence would then link with the existing post and rail fence to the north (rear) boundary.

- 5.37 The Landscape Architect comments are awaited on the revised plans and committee will be updated accordingly at the meeting.

## **Ecology**

- 5.38 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 3 b) 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.
- 5.39 There is a pond situated just beyond the northeast corner of the application site which is known to be home to Great Crested Newts, being established from a previous survey in 2016. The application includes a Great Crested Newt Survey on this basis.
- 5.40 The NYCC Ecology Officer (EO) has advised in his response that he agrees with the conclusions and recommendations of the report which includes the exact timing of the works and method of construction. The report concludes that a Natural England licence would not be required provided that the works are undertaken in accordance with a Precautionary Method of Working (PMW) which is included in the report and under the supervision of a licensed ecologist. The EO adds that if permission is granted a condition would be required to ensure that a PMW which should be based on the methods in the submitted Ecology Report, is submitted prior (including site clearance) to the start of any works. This would ensure that a *“favourable conservation status of the species can be maintained.”*
- 5.41 On the basis of compliance with the condition referred to by the EHO the proposal is considered to accord with Core Strategy Policy SP18 3 b) and Local Plan Policy ENV1(5) and the advice contained within the NPPF.

## **Contamination**

- 5.42 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 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.
- 5.43 The Contamination Consultant (CC) has responded stating that the Screening Assessment Form advises the site is currently pasture/grazing land and that no chemicals or fuels have been stored on site, with no past industrial or waste activities within site or close by. On this basis no further investigations are required but the CC recommends a condition to be included requiring the reporting of any unexpected contamination.

- 5.44 On the basis of the above, it is considered that subject to the implementation of the above condition to ensure the CLC's requirements are addressed, the site would be acceptable for proposed use and therefore the development would be in accordance with Policy ENV2 of the Selby District Local Plan and paragraph 178 of the NPPF.

## **Affordable Housing**

- 5.45 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) 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.
- 5.46 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.
- 5.47 The application is in full with a site area of less than 0.1 ha and the proposal is for a single dwelling. In addition, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.
- 5.48 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.

## **6 CONCLUSION**

- 6.1 Matters of flood risk, drainage, contamination and ecology are considered to be acceptable, subject to adherence to specific conditions as required by the relevant officers. In addition, there are no concerns with regard to the proposal having a detrimental impact on residential amenity for occupants of the adjacent properties.

The proposed dwelling would be at odds with the layout and spacious rural character of the village and would result in the dwelling appearing cramped within its plot. In addition, the scattered arrangement and various scales of the proposed windows to the east, west and south elevations would result in a fragmented presence with no coherent link to the existing character of dwellings in the immediate locality. It is considered that the layout and form of the proposed dwelling is unacceptable and would have an adverse impact on the character and appearance of the area. The proposed scheme is therefore considered to be contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

## **7 RECOMMENDATION**

- 7.1 This application is recommended to be REFUSED for the reasons stated below:

01. The proposed dwelling would be at odds with the layout and spacious rural character of the village and would result in the dwelling appearing cramped within its plot. In addition, the use of Siberian larch for the external materials, scattered arrangement and various scales of the proposed windows to the east, west and

south elevations would result in a fragmented appearance with no coherent link to the existing character of dwellings in the immediate locality. It is considered that the layout and form of the proposed dwelling is unacceptable and would have an adverse impact on the character and appearance of the area. The proposed scheme is therefore considered to be contrary to Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within 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 2020/0061/FUL and associated documents.

*Contact Officer:* Mandy Cooper (Principal Planning Officer)

Appendices: None