



Report Reference Number 2020/0467/FUL

To: Planning Committee
Date: 7 April 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0467/FUL	PARISH:	Selby Town Council
APPLICANT:	DWM Yorkshire Ltd	VALID DATE:	3rd June 2020
		EXPIRY DATE:	29th July 2020
PROPOSAL:	Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden		
LOCATION:	The Haven White Street Selby YO8 4BP		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee at the request of Councillor Jennifer Shaw-Wright on the basis of loss of residential amenity due to potential noise disturbance; overdevelopment in a residential area that is detrimental to the street scene and impact on highways.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a large plot with a 1950s bungalow. A tarmac drive links the site to White Street with some additional small areas of hardstanding. The large garden is mostly laid to lawn with a hawthorn hedge to the north west and north east boundaries; a 1.8m close board fence to the north east boundary and conifer/leylandi hedge to the southeast boundary.
- 1.2 Adjoining the proposal site to the north west are a number of (two storey) blocks of flats on Carentan Close; south west is a large plot with an extended bungalow 'The Willows.' Immediately north east are a pair of detached bungalows (No.s 102 and 104 Charles Street) and adjoining the site to the southeast are the gardens of a semi-detached, two storey property (No. 30 White Street) and a terraced bungalow (No. 2 Garden Court).
- 1.3 White Street is accessed off Flaxley Road where streets (Buller Street and Kitchener Street) run parallel to the west and are typified by small, (two storey) terraced

properties. White Street comprises mostly semi-detached (two storey) properties which are set in more spacious plots in comparison.

The Proposal

- 1.4 Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden.
- 1.5 The proposed layout would comprise of four properties with rear gardens facing the north west boundary – two of which would be semi-detached and the remaining two being detached. The three remaining properties would have rear gardens facing the north east boundary and would comprise a pair of semi-detached properties and a detached property with its side elevation facing the south east boundary and being the warden's dwelling. Each garden would have an outdoor patio area with the remainder laid to lawn and equating to approximately 47sqm per property.
- 1.6 The development would comprise of seven dwellings in total, with four dwellings adjacent to the north west boundary and the remaining three adjacent to the northeast boundary, with the rear gardens facing the outer boundaries. Access would be from the south corner off White Street with parking and turning located along part of the south west boundary and extending beyond the frontage areas of some of the proposed dwellings. An outdoor seating area would separate the two groups of dwellings with low level planting.
- 1.7 The development would include a mix of both single (Type A) and two bedroomed properties (Type B) and would accommodate between two to three people. Each of the type A properties would have a separate entrance hall with w/c off and open plan lounge, dining area and kitchen to ground floor. To the upper floor would be a single double bedroom with en-suite and storage cupboards to the eaves. The ground floor layout would be similar for the type B properties but to the upper floor would be a double and single bedroom to front and rear, respectively and each bedroom would have the benefit of an en-suite. The smaller units would have an internal floor area of 51.3sqm (including the warden's property) and the larger units 70sqm.

Relevant Planning History

2. The following historical application is considered to be relevant to the determination of this application.
 - CO/1981/08578, Alt Ref: 8/19/506A/PA: Approval Reserved Matters for Erection of two Bungalows with Garages, at The Haven, Cockret Close, Selby
Decision: Approved: 15-DEC-81

CONSULTATION AND PUBLICITY

- 2.1 **Selby Town Council** – Objected to the application due to loss of residential amenity from potential noise disturbance, overdevelopment in a residential area, development that is detrimental to the street scene and impact on highways.

NYCC Highways – made a series of comments on the application as follows:

(Initial response) - The proposed plans would lead me to believe that the change of use is to extend the amenity area for the existing dwelling. If this is the case no Local Highway Authority objections are raised to the proposed development

(2nd response) - Thank you for your consultation on the above application. The principle of the development is acceptable to the Highway Authority. However on-site

turning should be provided to ensure vehicles can leave the site in a forward gear. Therefore recommend that the applicant provides swept paths showing that vehicles can turn and leave the site in a forward gear. Any parking spaces which do not have sufficient turning available to them will need redesigning to ensure on-site turning is available. Also recommend that the site layout plan shows the size of the car parking spaces annotated on the plan. The brick pillars and fencing immediately adjacent to the highway will require reducing to 1 metre. This is to ensure that visibility when exiting the site is available.

(3rd response) - Further to the amended plan consultation and whilst the majority are acceptable the turning manoeuvres required should be able to be achieved in 3 moves. Given the type of housing to be provided this is particularly important. The manoeuvres could be considered too onerous and therefore lead to vehicles reversing onto the highway. Concerns in relation to parking spaces 1-3. With regards to the visibility splay at the access, it is noted that the plans show the existing boundary treatment being reduced to 900mm. This is considered acceptable. Recommend that the applicant reconsiders the car parking arrangement for spaces 1-3.

(Final response) – The Highway Authority recommends that a condition is included in any permission granted in respect of: Construction Phase Management Plan for small sites.

Environment Agency (Liaison Officer) – No response received in the statutory consultation period.

SuDS Officer – No response received in the statutory consultation period, however given the scale of the development (i.e. under 1 hectare and less than 10 units) a response would not be expected on the submission.

Yorkshire Water Services Ltd – noted that if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

- The drainage details submitted on drawing HOP/549/01/004 (revision A) dated 14/05/2020 that has been prepared by The Planning & Design Associates are not currently acceptable to Yorkshire Water but the matter can be controlled via condition.

The following point(s) should be addressed:

- Evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
- evidence of existing impermeable areas positively draining to the public sewer is required to prove the existing rate of discharge. For further information, the developer should contact our Developer Services Team (telephone 0345120 84 82, technical.sewerage@yorkshirewater.co.uk)
- If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

Selby Area Internal Drainage Board - The IDB as a Consultee give the following comments/recommendations: Current guidelines for any increase in surface water discharge are as follows: -

- If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions

in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

- 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 and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.
- 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.

Contaminated Land Consultant – noted that the

- site has previously been used as agricultural land prior to the construction of the existing property.
- No significant areas of infilling were noted, however some made ground is expected to be present due to the history of development.
- Contaminants of concern include methane, carbon dioxide, arsenic, cadmium, chromium (III and VI), copper, lead, mercury, nickel, selenium, zinc, cyanide, soluble sulphate, asbestos and speciated PAH's, with testing for pH and total organic carbon also considered necessary, along with TPH, BTEX and MTBE should any hydrocarbons be encountered during the works.
- The risk to groundwater is considered negligible
- Potential for slight risks from ground gas and ground contamination.
- Submitted report recommends that an intrusive investigation is carried out to fully characterise the ground/groundwater conditions and the ground gas regime.
- The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination and the proposed site investigation works are acceptable.
- If contamination is found, appropriate remedial action will be required to make the site safe and suitable for its proposed use.

Advised that relevant planning conditions are attached to any planning approval as follows: Investigation of Land Contamination; Submission of a Remediation Scheme; Verification of Remedial Works and the Reporting of Unexpected Contamination.

Environmental Health – Advised that the development site is in a densely populated area with residential receptors in close proximity on all sides. Due to the close proximity of the residential receptors the construction phase of the development could give rise to negative impacts on residential amenity in terms of noise dust and vibration. Recommend that the applicant is asked to consider the potential impacts identified and consider how those impacts might be mitigated against. Given the scale of development a condition restricting the hours operation may be sufficient.

Landscape Consultant – made a series of comments on the application as follows:
(Initial Response) - The application is not sufficient in Landscape terms because it does not provide a good quality external environment for users, promoting health and well-being (contrary to Selby DC Policy ENV1 and the National Design Guide 2019 - H2 Well-related to external amenity and public spaces). Concerns relate to:

- Lack of good quality external shared community spaces and private garden areas. The proposed layout has a single shared access leading to a shared courtyard area with parking.
- Proposed layout to the shared frontage is predominantly hard landscape surfaces with no meaningful amenity or communal planting and garden space.
- Individual rear gardens and space between dwellings are also very limited due to the density of layout. This will be further impacted by hard surface footpaths and paved areas.
- Notwithstanding the above, if the Application were to be approved then a detailed hard and soft landscaping scheme should be conditioned.

(Final Response) –

- Concerns relating to overall layout; high density and lack of good quality external shared community spaces and private garden areas and insufficient in landscape terms. Would not promote health and well-being and therefore contrary to Local Plan Policy ENV1 and the National Design Guide 2019 – H2 – Well Related to External Amenity & Public Spaces.

County Ecologist made a series of comments on the application as follows:

(Initial Response) - No ecological information provided with the application. An ecological assessment required which includes the suitability of the existing dwelling to support bats and/or nesting birds. Features which support biodiversity within the domestic curtilage also need to be recorded including hedgerows, trees and ponds if present. The NPPF requires developments to build in features for biodiversity where possible with the aim of achieving a biodiversity net gain. Plans need to be provided to demonstrate how biodiversity will be accommodated on site.

(Final Response) – Satisfied with the submitted Ecological Impact Assessment (EclA) and support the conclusions drawn. Provided that the recommendations in relation to lighting and invasive species within the report are incorporated into the development then there would be no adverse ecological impact. Recommendations made in relation to enhancement measures for biodiversity should also be incorporated into the design proposals.

Waste & Recycling Officer - The Council recently moved from a kerbside sort recycling collection to a wheeled bin recycling collection using 2 x 240 litre wheeled bins.

- External bin store at each new property should be large enough to accommodate 4 x 240 litre wheeled bins (refuse, green waste and 2 x recycling).
- Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal.
- Noted that a bin collection area has been identified at the entrance to the site (collection vehicles will not access private drives or use them for turning), although the plan suggests that collections could take place from the garden of less mobile residents.
- Would assume that residents will be able to take their own bins to the presentation point and so this area should be large enough for 14 bins which is a maximum of two bins per property on any one collection day.
- Finally as there are 4 properties here the developer will be required to pay for the bins. The Developer Guidance policy document will shortly be updated to include revised costs for the new service and will be advised at a later date.

2.2 PUBLICITY

The proposal has been advertised via site notice and neighbour notification. Two letters have been received from local residents raising the following points:

- Plans do not indicate that drains for both foul sewerage and surface water are shared with 'The Willows'
- Concerns in respect of increase in traffic as White Street is narrow with a dangerous sharp bend at the bottom
- No longer feel safe and secure as people would be able to access our property from the side due to our partial fence

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site (0.12 hectares) is situated within the development limits of Selby, within Flood Zone 2 and in an area of low risk from coal workings. There are no TPOs with the site and the site is not within a Conservation Area or within 100m of any Listed Buildings.

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. Consultation on preferred options took place in early 2021. 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
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP7 - Managing Housing Land Supply
SP8 - Housing Mix
SP12 - Access Services, Community Facilities and Infrastructure
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP17 - Low-Carbon and Renewable Energy
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality
SP9 - Affordable Housing

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
H2 - Location of New Housing Development
T1 - Development in Relation to Highway
T2 - Access to Roads

Additional Documents

National Design Guide (2019)
Affordable Housing Supplementary Planning Document (2013)
Developer Contributions Supplementary Planning Document (2007) Page 32
National Planning Policy Framework (February 2019)

5 APPRAISAL

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

- **Principle of Development**
- **Design, Scale, Layout & Visual Impact on Character & Appearance of the Area**
- **Residential Amenity**
- **Highways/Access**
- **Flood Risk, Drainage, Climate Change & Energy Efficiency**
- **Landscaping**
- **Ecology**
- **Contamination**
- **Affordable Housing**
- **Waste & Recycling**
- **Other Matters - Education**

Principle of Development

5.2 The application site is situated within the defined development limits of Selby, which is a Principal Town, as identified in the Core Strategy.

5.3 Policy SP1 of the Core Strategy outlines that *"when considering development proposals, the Council will take a positive approach that reflects the presumption in*

favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

- 5.4 Policy SP2A(a) of the Core Strategy states *"The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints."*
- 5.5 Policy SP4 a) of the Core Strategy states that *"in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits."* In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages (amongst other things) *"appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)"* is acceptable in principle.
- 5.6 The application site comprises an existing bungalow situated centrally within a larger than average plot and therefore is considered to a (majority) Greenfield site in line with the NPPF definition as it is garden land to a dwelling within a built-up area. The site sits within the settlement limits of Selby and therefore redevelopment of the site for residential use is acceptable in principle given that the Councils spatial strategy allows for growth within the settlement of an appropriate scale.
- 5.7 Core Strategy Policy SP4 (c) states *"in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations."*
- 5.8 To conclude, whilst the development of the site is acceptable in principle, this is subject to the considerations to impacts of the design, residential amenity, drainage, flooding and impact on the public highway as discussed in the sections below.

Design, Scale, Layout & Visual Impact on Character & Appearance of the Area

- 5.9 Relevant policies in respect to design and impact on the character and appearance of the area include Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19.
- 5.10 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant guidance within the NPPF which relate to design include paragraphs 127, 130 and 131.
- 5.11 The application is in full and therefore includes most of the details required to assess its suitability in relation to the adjacent area, including in terms of scale, character and visual impacts.
- 5.12 The proposed layout would comprise of four properties with rear gardens facing the north west boundary – two of which would be semi-detached and the remaining two being detached. The three remaining properties would have rear gardens facing the north east boundary and would comprise a pair of semi-detached properties and a detached property with its side elevation facing the south east boundary and being the warden's dwelling. Each garden would have an outdoor patio area with the remainder laid to lawn and equating to approximately 47sqm per property.
- 5.13 The development would include a mix of both single (Type A) and two bedroomed properties (Type B) and would accommodate between two to three people. Each of the type A properties would have a separate entrance hall with w/c off and open plan

lounge, dining area and kitchen to ground floor. To the upper floor would be a single double bedroom with en-suite and storage cupboards to the eaves. The ground floor layout would be similar for the type B properties but to the upper floor would be a double and single bedroom to front and rear, respectively and each bedroom would have the benefit of an en-suite. The smaller units would have an internal floor area of 51.3sqm (including the warden's property) and the larger units 70sqm.

- 5.14 Properties (bungalows) to the north east of the site are approximately 40 years old and have no architectural features of specific merit, with materials being in a red or sandy coloured brick with grey concrete roof tiles and standard openings in white upvc. The bungalow immediately south west (The Willows) of the application site is approximately 40 years old and built in a red/brown brick and the extension however has dark red concrete pantiles and cream render. New windows facing the road are elongated and slim on the extension and contemporary in appearance. The two storey properties along White Street to the south are of a more traditional build, with large brick chimneys; being a dark reddish/brown brick with some dark grey undertones (from pollution) and cream render to the first floor frontages. Roof tiles comprise for the majority dark grey concrete and windows have a vertical emphasis and are more regular in position.
- 5.15 The proposed dwellings would be modern but relatively traditional in appearance, with a standard pitch roof and windows which reflect those on the older properties on White Street. There would be rooflights to the rear (north west and north east) elevations and two smaller rooflights to the front, as well as a small, pitch roof dormer set centrally at eaves height, to the front elevation and facing the parking areas. The style of dormers proposed to the development are an uncharacteristic feature and not seen on any of the nearby properties but the positioning on the roof is reflective of the rear pitch roof extensions to the rear of those on White Street and therefore considered to be acceptable in appearance.
- 5.16 There were concerns in regard to the height of properties within the scheme and close proximity to the adjacent neighbours when the application was first submitted. However, the proposed dwellings have been moved in from all of the relevant boundaries by 0.5m and reduced in height to 6.8m and 6.23m, which would ensure the dwellings would not dominate the adjacent bungalows being The Willows to the south west and the bungalow immediately north east of the proposal (No. 102 Carentan Court) being 6.75m in height. In addition, the maximum height of the proposed dwellings would be much lower than 28 and 30 White Street (8.05m) to the south east and the flats to the north west being Carentan Close (7.8m).
- 5.17 There is limited information supplied in respect of materials, but the application forms advise that roof tiles would be red concrete; windows would be upvc and doors would be high security coloured composite with glazing; with the brick to be local authority approved. In addition, artstone lintels would be utilised for the windows. Given that the majority of properties within the locality are predominantly constructed in a deep red brick, it is considered that a brick of a similar colour would be acceptable. However, in order to ensure that appropriate materials are used, a condition would be included requiring full details of all external materials.
- 5.18 In conclusion, it is considered that the design, scale and siting and impact on the area character of the proposal would be acceptable and as the materials would be subject to condition, there would be no concerns with regard to the overall appearance of the dwellings. On this basis, the development is considered to accord with Local Plan Policy ENV1 (1) and (4); Core Strategy Policy SP19 and the advice within the NPPF.

Residential Amenity

- 5.19 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 1) and 4) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.20 The key considerations in respect of residential amenity are the potential of development to result in overlooking and overshadowing of neighbouring properties and whether dominance and enclosure would result from the size, scale and massing of the proposed dwellings.
- 5.21 The Willows to the south west of the site has the benefit of recent additions to the north east and south east elevations comprising a large lounge extension with a blank (gable) facing the application site and a double garage respectively. Two large French doors would face north west but given the alignment of windows, the removal of a first floor, gable (facing) window and position of the closest dwelling on the proposal site, no direct overlooking, overshadowing or sense of enclosure would result. Given these changes then acceptable separation distances would be maintained between the proposed and the existing dwellings, whereby no direct overlooking, dominance or overshadowing would result. However, given that the site would comprise of seven properties and the proximity of adjacent dwellings, it is considered that a condition should be imposed which would remove permitted development rights and ensure that nothing could be built without planning permission, in order to continue to protect the residential amenity of the existing residents.

Construction Phase

- 5.22 The Environmental Health Officer was consulted as part of the application process and has advised that given the proximity of the site to other residential properties that consideration should be given during the construction phase. It has been suggested that a restriction on the hours of operation should be included to protect the amenity of the adjacent properties. A condition would be included to cover this in any permission and would include a restriction on deliveries/vehicle movements too.

Conclusion

- 5.23 It is considered that the proposed development would ensure that residential amenity is retained by the existing occupants of the adjacent properties and future occupants of the development, as no direct overlooking, dominance or overshadowing would occur as a result. In addition, given the restrictions in regard to working hours, it is considered that demolition and construction would have a temporary and negligible impact upon the amenity of existing residents in regard to noise and vehicle movements and on this basis the proposal complies with Local Plan Policy ENV1 1) and 4) and the advice within the NPPF.

Highways/Access

- 5.24 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 109 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.

- 5.25 The Highway Officer's (HO) initial response requested a number of small revisions to the submitted plans including the size of the parking spaces; a swept path plan and reduction of the brick pillars and fencing immediately adjacent to the highway to 1m. A plan showing the swept paths was submitted but the HO was concerned about the amount of turning manoeuvres required and the potential for vehicles reversing onto the highway. An amended plan was submitted which omits the two parking spaces closest to the site entrance with a slight re-configuration for the remainder and a reduction from eight to nine parking spaces.
- 5.26 The HO's final response simply states the requirement that a Construction Phase Management Plan condition be included, should the application be approved.
- 5.27 In conclusion and on the basis of no adverse comments from the Highway Officer, the parking and access details are considered to be acceptable and no highway safety issues would arise, therefore the proposal would accord with Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

Flood Risk, Drainage, Climate Change & Energy Efficiency

- 5.28 Relevant policies in respect to drainage, climate change and flood risk include Local Plan Policy ENV1(3) and Core Strategy Policies SP15 and SP16. 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 appropriate meet 8 criteria set out within the policy.
- 5.29 The application site is located within Flood Zone 2 and is in an area which benefits from flood defences. Flood Zone 2 is assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%- 0.1%) in any year.
- 5.30 It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'. A Sequential Test is also required.
- 5.31 The Sequential Test is a planning tool that the Council applies to ensure that developments in areas at risk of flooding are only approved if the applicant can successfully demonstrate that there are no reasonably available alternative sites at a lower risk of flooding, and that the proposed uses are suitable in terms of their vulnerability, as specified in Table 2 of the National Planning Policy Guidance (NPPG)."

Sequential & Exception Tests

- 5.32 The sequential test considers whether there are any reasonably available sites located within lower flood zones. Paragraph 155 of the NPPF states that "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*"
- 5.33 Paragraph 158 of the NPPF states that "*Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*" This means that development should be directed to areas of Flood Zone 1 wherever possible, and then sequentially to Flood Zones 2 and 3, and to areas of least flood risk within Flood Zones 2 and 3.

- 5.34 Paragraph 159 of the NPPF states that *“If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.”*
- 5.35 The Flood Risk Sequential Test Guidance produced by Selby DC (Oct 2019) allows for the search area to be within or immediately adjacent to the development limits of that settlement, which in this case is Selby Town.
- 5.36 The method of search for comparable sites includes those within the Selby District Local Plan and Core Strategy, sites identified for housing in emerging Development Plan Documents, which have reached advanced stages of preparation and unimplemented planning permissions for housing. In addition to any windfall sites currently being marketed. A Flood Risk Assessment has been submitted in support of the proposal which includes a sequential test. The report advises that the finished floor levels (FFL) must be raised at least 300mm above the peak flood level for the 1%AEP event, this gives a minimum finished flood level of 5.8mAOD which is 200mm below the average site level.
- 5.37 The submitted FRA advises that apart from the east bank of the River Ouse, which is wholly situated within Flood Zone 3a, the search area includes the full extent of development sites within the Selby Town development limit. The document adds that there is only one site within Selby which is in a lower flood zone than the proposal site (Selby-73) which is unsuitable for delivery of the proposal.
- 5.38 Given that the only other available site within a lower flood zone than the proposal site is smaller and therefore unsuitable for the development it is concluded that the Sequential Test in respect of the subject site has been met in accordance with the NPPF.

Foul & Surface Water Drainage

- 5.38 Given the small scale of the site it is unlikely that there would be space for soakaways and therefore a package treatment plant for foul sewerage. Foul sewerage and surface water would be discharged to the existing mains sewer. Surface water discharge to main sewer is not the preferred method and Yorkshire Water (YW) have advised in their response that the current drainage details are not acceptable as other means of surface water drainage have not been explored and discounted. YW add however, that the means of surface water disposal could be controlled via a condition which would require the submission of evidence to demonstrate that all other means of have been considered and an explanation as to why they have been disregarded. In addition, a further condition would be included in respect of details of foul sewerage.
- 5.39 The IDB in their response advise standard measures in regard to the discharge of surface water and instances where IDB consent would be required.
- 5.40 The occupant of the adjacent property to the immediate south west of the site whilst not raising an objection has referred to the fact that the drainage to his property which is currently a combined system for both foul and surface water drainage, is shared with the existing property (The Haven) and that this is not shown on the plans. However, the submitted plans do show that the shared system crosses the neighbour's site, therefore the applicant and agent are aware of this.

- 5.41 Given the comments from the IDB and Yorkshire Water and that they have not objected to the application then it is considered that subject to investigation in regard to the drainage hierarchy and submission of a scheme via a condition then details could be agreed. As such it is considered that a satisfactory means of both foul and surface water drainage can be achieved and on this basis the proposal is considered to be acceptable. Furthermore, in regard to the sequential test, the proposal is considered to be acceptable, given that all but one (which has been deemed unsuitable) of the sites available within Selby are also within Flood Zone 2.

Climate Change & Energy Efficiency

- 5.42 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. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

Conclusion

- 5.43 On the basis of the above assessment it is considered that matters of sustainability in regard to flood risk, drainage, climate change and energy efficiency can be satisfied subject to the imposition of relevant conditions. On this basis the proposal complies with the relevant core strategy and local plan policies and the provisions of the NPPF.

Landscaping

- 5.44 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.'
- 5.45 Having regard to landscaping, the site boundaries are currently enclosed by a low but dense hawthorn hedgerow and chain link fence to the north east and north west boundaries. There are also trees beyond the site to the north west and a higher mix of privet and conifer hedge to the south east boundary; with a 1.8m close board timber fence to the south west boundary.
- 5.46 It is proposed to retain the chain link fence and hawthorn hedge, which would be pruned to 1.8m high. The conifer hedge would be removed and was originally to be replaced with a laurel hedge at a height of 1.5m. However, this has been amended to a hornbeam hedge as the Ecology Report advises to avoid beech given that it is a non-native species and of little value to birds.
- 5.47 The application proposes private gardens to each of the properties, in addition to frontage beech hedge and/or shrub planting. The scheme would also include outdoor communal areas, including an area laid to lawn, with further shrub planting and a large, curved bench and a smaller bench incorporating a bird bath. Central to the proposed parking area would be another small landscaped area with a himalayan birch tree; in addition to a field maple located within another landscaped area close to the south east boundary.

- 5.48 Hard landscaping would involve the use of tarmac to the parking areas with tegula block paving for the shared amenity circulation areas and yorkstone, Brett paving for the private footpaths and patio areas.
- 5.49 Amended plans have been received in response to a number of comments made by various consultees but the Landscape Consultant (LC) has maintained his objection. The LC objects on the basis of the “*overall layout and high density where there is a lack of good quality external shared community spaces and private garden areas*” and adds that the scheme does not provide an external environment of good quality for users and is therefore insufficient.
- 5.50 Responding to the LC’s objection it should be noted that the proposal comprises a modest scheme of six, self-contained (sheltered) houses for older people (usually aged over 60 years) and not a large scheme where there is a greater requirement for more extensive shared, outdoor areas. The scheme incorporates a well-designed outdoor communal area, with extensive shrub and low hedge planting and benefits from surveillance from the adjacent properties and therefore providing a perception of safety. This area is also situated within the site so as not to be overlooked from outside and therefore would maintain a degree of privacy, which in the case officer’s opinion fulfils the requirements of H2 of the National Design Guide (2019). In addition, H2 is a general design requirement and not specific to the type of housing proposed. Furthermore, the site is close to the town centre, where there is a wide range of local amenity areas and with access to public transport services.
- 5.51 Whilst acknowledging the LC’s objection it is considered that an adequate level of open space is provided within the site and given that this is in addition to relatively generous private, rear gardens proposed and in the context of the development being for older persons, the site provision is considered to be acceptable in this instance. On this basis, it is considered the proposal accords with Local Plan Policy ENV1 1), 4) and 5) and Core Strategy Policies SP18 and SP19 e) and paragraph 127 c) of the NPPF.

Ecology

- 5.52 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF.
- 5.53 The Ecology Officer’s (EO) initial response referred to a requirement for a Preliminary Ecological Impact Assessment (EclA) which has since been submitted. The report advises that the closest colony of bats are at a distance of 165m (east) of the site and would only have low value for commuting or foraging bats. There would be a minor loss of bird nesting habitat to the site boundaries. Recommendations include the provision of bat (3) and bird boxes (2) and a low impact directional lighting scheme. In addition, any landscape planting would comprise of native trees and shrubs such as hawthorn, hazel, dogwood, guelder rose, birch, willow, and field maple. The EO’s final comments advise that provided the recommendations within the EclA are incorporated into the development then there would be no adverse ecological impact from the development.
- 5.54 Subject to the inclusion and adherence to a relevant condition, the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

Contamination/Ground Conditions

- 5.55 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and paragraph 178 of the NPPF advises that policies and decisions should take account of any risks arising from (amongst other things) contamination. In addition, 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.
- 5.56 A Phase 1 Report accompanies the proposal which indicates that the site was previously used as agricultural land before the existing property was built. The Contamination Consultant (CC) has advised that the submitted report provides a good overview of the site's history, its setting and its potential to be affected by contamination. In addition, there is a low risk from a number of contaminants but not to groundwater. The CC concludes that the proposed site investigation works are acceptable and conditions are to be attached to any permission requiring investigation of land contamination; submission of a remediation scheme; verification of remedial works and the reporting of unexpected contamination.
- 5.57 On the basis of the CC's comments and the inclusion and adherence to the relevant recommended conditions, the proposal is considered to be satisfactory in regard to contamination and therefore complies with Policy ENV2; Criterion k) of Core Strategy Policy SP19 and the provisions of the NPPF.

Affordable Housing

- 5.58 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.59 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.
- 5.60 The application is in full, with a site area of 0.12 ha, the proposed number of dwellings is below 10 and the site could not reasonably accommodate 10 or more dwellings due to its small scale. In addition, the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Recreational Open Space

- 5.61 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document (DCSPD) relates to the provision of recreational open space.
- 5.62 New Community Infrastructure Levy (CIL) Regulations came into force on the 1st of September 2019 which removed the S106 pooling restrictions and allow local

authorities to use both the Levy and S106 planning obligations to fund the same item of infrastructure, (S106 contributions must still directly relate to the development). In addition, the new Regulations removed the provisions relating to the 123 list and introduced a requirement for all local authorities (not just CIL charging ones) to publish an annual Infrastructure Funding Statement (IFS). The Infrastructure Funding Statement replaces the Regulation 123 list. On 3rd December at the Executive meeting, Members resolved to approve the Draft Infrastructure Funding Statement. This was published on the Council's website on 31st December 2020 and replaced the existing Regulation 123 list. Therefore, from the 31st December 2020 planning applications determined are required to take into account this position. Given the above this application would now be subject to requirements for Recreational Open Space under Policy RT2 of the Local Plan. Policy RT2 of the Local Plan stipulates that for dwellings of more than 4 and including 10 dwellings a commuted payment should be secured for new or upgraded facilities within the locality. This would normally be secured by way of a legal agreement.

- 5.63 There is a requirement to provide 60sqm per dwelling which, in this case, would equate to 102sqm (approx.) for the outdoor seating area, which when applied generally, would result in a shortfall of 258sqm. The DCSPD advises however, that *"in the case of accommodation specifically designed for the elderly, applications are subject to separate negotiation to provide appropriately sized leisure/seating areas as an alternative to play space provision."*
- 5.64 Given that the accommodation is proposed for older persons; the site's proximity to the town centre and that an acceptable level of outdoor seating has been provided, it is considered that in this instance a commuted sum would not be required.
- 5.65 On the basis of the above, the proposal accords with Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document (DCSPD) and the provisions of the NPPF.

Waste & Recycling

- 5.66 For developments of four or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling equipment.
- 5.67 The Waste & Recycling Officer (WRO) has submitted general advice in regard to changes from kerbside collection to a wheeled bin collection and states that each property should be large enough to accommodate 4 x 240 litre wheeled bins (refuse, green waste and 2 x recycling). The size of the bins was queried with the WRO who confirmed that the two recycling bins are for different materials therefore both would be required. One being for paper/card, the other for glass/cans/plastic. Smaller (140 litre) recycling bins could be provided but one of each would still be required and the WRO advised having room for 2x240's as there may be some residents who produce large amounts of waste due to a medical condition.
- 5.68 The agent has advised that the bin presentation space would be immediately east of the access point at the frontage of the site. However given the size and amount of bins required, the condition referred to above would include the requirement for details to be submitted in order to ensure this is achievable and to ensure that the developer provides the bins in accordance with the Council's requirements for residential development.

Education

- 5.69 Local Plan Policy ENV1 and the Developer Contributions Supplementary Planning Document (DCSPD) set out the criteria for when contributions towards education and healthcare are required. That given the type of housing proposed and the density would not enable NYCC to seek a developer contribution for education facilities.

6 CONCLUSION

- 6.1 The proposed scheme is for 7 dwellings and located on land within the development limits of Selby in a sustainable location and therefore acceptable in principle. The scale, design and layout would achieve an acceptable scheme without compromising the existing residential amenity for occupants of the adjacent dwellings and provide a good standard of amenity for future occupants of the development. Furthermore, all other material considerations relating to residential amenity; drainage; highway safety; climate change; ecology and landscaping are considered to be acceptable.

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 and documents listed below:

- HOP/549/01/002 Rev B – Proposed Layout, Floor Plans & Elevations
- HOP/549/01/003 – Location Plan
- HOP/549/01/004 Rev D – Proposed Site Layout Plan
- HOP/549/01/005 Rev A – Proposed Fence
- HOP/549/01/006 Rev A – Vehicle Swept Path Analysis
- HOP/549/01/007 – Contextual Street Elevations
- THW L1 – Landscape Proposals

Reason: For the avoidance of doubt.

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

1. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in constructing the development clear of the highway;
4. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

04. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

05. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

06. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

07. No development shall take place on site until details of the works for the disposal of foul sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the

approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: In accordance with Policy SP15 of the Selby District Core Strategy and in order to ensure that the proposal is provided with a satisfactory means of drainage.

08. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) The means of discharging to the public sewer network at a maximum rate of 3.5 (three point five) litres a second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

09. No development shall commence above slab level until details of the materials to be used in the construction of the external walls and roofs of the dwellings hereby approved; shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

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

10. Prior to occupation by the first residents of the dwellings hereby approved, details of electric vehicle recharge points for electric vehicles shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason: To promote and incentivise the use of low emission vehicles on site; to reduce the overall emission impact of development related traffic and in accordance with policy SP15 B. f) of the Core Strategy.

11. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

Reason: In accordance with Local Plan Policy ENV1 and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

12. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the following documents:

- Ecological Impact Assessment (EclA) prepared by MAB Environment & Ecology Ltd and dated October 2020

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and in accordance with the requirements of the National Planning Policy Framework (NPPF).

13. No demolition or construction works to include delivery, loading and unloading of goods and vehicle movements shall take place on site outside of the hours of:

- 8.00am to 6.00pm Monday to Friday
- 9.00am to 1.00pm Saturday and not at all on Sundays or Bank Holidays

Reason: In the interests of the residential amenities of the area and in order to comply with Policy ENV1 of the Selby District Local Plan.

14. The occupation of the dwellings hereby approved shall be limited to persons of 60 years of age or over, together with a spouse or partner of 55 years of age and over (if applicable) and for no other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order (Amendment) 2010 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The proposal is for a specific need in this locality and the car parking provision reflects this and would not be adequate to meet the needs of an open age group of residents.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be undertaken to any of the properties hereby approved, within Schedule 2, Part 1, of Classes A, B, C, D or E, without the grant of a separate planning permission from the Local Planning Authority

Reason: In accordance with Local Plan Policy ENV1 and as the Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and detriment to the character of the area and for this reason would wish to control any future development.

INFORMATIVES

Surface Water Disposal

The following point(s) should be addressed:

- 1) Evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
- 2) Evidence of existing impermeable areas positively draining to the public sewer is required to prove the existing rate of discharge

For further information, the developer should contact the Developer Services Team (telephone 0345120 84 82, technical.sewerage@yorkshirewater.co.uk)

Consent to Discharge

Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Internal Drainage Board.

Adoption of Sewers

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

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 2020/0467/FUL and associated documents.

Contact Officer: Mandy Cooper (Senior Planning Officer)

Appendices: None