



Report Reference Number: 2020/0137/FUL

To: Planning Committee
Date: 12 May 2020
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APPLICATION NUMBER:	2020/0137/FUL	PARISH:	Barlow Parish Council
APPLICANT:	Dodsworth Joinery & Building Ltd	VALID DATE: EXPIRY DATE:	11th February 2020 OUT OF TIME
PROPOSAL:	Proposed erection of a storage building on land adjacent		
LOCATION:	Land Adjacent To 2 Prospect Villas Barlow Common Road Barlow Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought back before Planning Committee as it was previously deferred at a Planning Committee which took place on 10th February 2020.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to 764 square metres of unused paddock land, is located outside the defined development limits of Barlow. It is located immediately to the east of a pair of semi-detached properties, namely Prospect Villas, and falls within the ownership of No 2 Prospect Villas which is adjacent to the site. The site is separated from No 1 Prospect Villas by approximately 9 metres, and over 60 metres from Barlow Lodge to the north west and cottages to the east. Access is shown as utilising and widening of the existing field access track.
- 1.2 The land is generally flat, and the eastern and southern boundaries are marked by a low post and rail timber fence whilst the western boundary is marked by a hedge and other vegetation. The northern boundary is where the access to the site is

located from Barlow Common Road and consists of a combination of row of vegetation, a low post and rail timber fence and a timber gate.

The Proposal

- 1.3 The application seeks full planning permission for a storage building which would be associated with Dodsworth Joinery and Building Ltd (suppliers and fitters of joinery products) whose office is registered at the dwelling located at No 2 Prospect Villas which is adjacent to the site on the west and a Lawful Development Certificate was granted for existing use of premises as a mixed use under planning application 2020/0824/CPE. The Design and Access Statement accompanying the application describes the proposal as consolidation of the business at this one site for improvement of both security and operational efficiency.
- 1.4 The proposal is for the erection of storage building. The building would be 13 metres in depth and 9 metres in width. It would have roller shutter doors to the front elevation. The height to the ridge of its pitched roof would measure approximately 5.15 metres. The scheme has been amended by the applicant and the walls of the building would be finished in Yorkshire boarding cladding and the roof would be finished with grey profiled steel sheet roofing. The building would sit to the rear of a compound which would be surfaced with grasscrete or similar grass system measuring approximately 35 metres by 12 metres and bound by 1.2 metre high post and rail fence, and the front boundary of the compound would line up with the front elevation of 2, Prospect Villas. There would be timber field gates which would match the existing and would be set back from a highway by approximately 6 metres and the access between the highway and the gates would have a macadam surface.
- 1.5 The objective of the proposal is stated to be the operational efficiency and security of the Dodsworth Joinery and Building Company Ltd. Presently, whilst this business is registered at 2, Prospect Villas much of its equipment is stored off site at rented accommodation. It is the applicant's intention to make the building and compound secure and to install CCTV. The building would be used to store business tools, plant, trailers, and business materials along with the applicant's motor home. All the machinery would be portable with none fixed to the floor. It is stated there would thus be no use of the machinery within the building. Mr Dodsworth would expect to use the building personally for his business, loading and unloading materials according to the specific job he was involved with at the time.

Relevant Planning History

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

- 1.6 Application (reference CO/2002/0113) for the erection of a two-storey extension to form garage with bedroom over on the side elevation of 2 Prospect Villas, Barlow Common Road, Barlow was approved in July 2002
- 1.7 Application (reference 2018/0772/FUL) for the proposed erection of a storage building/workshop in association with joinery business at land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow was withdrawn in September 2019

- 1.8 Application (reference 2019/0539/FUL) for the proposed erection of building to be used for storage/workshop facility on land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow was refused in October 2019 due to the following reasons:
1. The application site is located outside development limits and is therefore within the open countryside. The proposal would not constitute any of the types of development acceptable in principle in the countryside nor would it improve or contribute to the local rural economy, it would therefore fail to comply with the aims of Policies SP1, SP2 and SP13 of the Core Strategy and with Policy EMP2 of the Selby District Local Plan and with the NPPF. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.
 2. The proposal would introduce an intrusive prominent development of an industrial character uncharacteristic and harmful to the open rural character of this part of the countryside due to its size, scale, siting, boundary treatment and use of an open industrial compound contrary to the aims of Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP13, SP18 and SP19 of Core Strategy and the NPPF.
 3. The proposal is likely to generate unacceptable levels of noise and disturbance to the residents of the neighbouring properties due to the proposed use of the site and the building for the purposes of storage and workshop for the joinery and building business together with the comings and goings of vehicles associated with the use. Given the nature and scale of the proposal combined with the likely low existing background sound levels in this rural area, it is considered that the proposal would adversely affect the amenities of the neighbouring properties and as such would be contrary to Policy ENV1 of the Selby District Local Plan.
 4. The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information to demonstrate that the Sequential test can be met. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
 5. The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Site Specific Flood Risk Assessment. The submitted Flood Risk Assessment does not comply with the requirements set out in national policy and guidance and therefore the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
- 1.9 Application (reference 2020/0824/CPE) for a lawful development certificate for existing use of premises as a mixed use; part C3 residential; part B1 business use at 2 Prospect Villas, Barlow Common Road, Barlow was granted on 23 November 2020.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** - There are no local Highway Authority objections to the proposed development subject to conditions relating to construction requirements of private access/verge crossings, visibility splays, provision of approved access, turning and parking areas, and subject to informatives related to the above.

Response following a re-consultation on the amended scheme dated 24 February 2021 – raised no concerns but requested to amend the drawings to show the gates set back by 6m back for the highway and to annotate the tarmac area is constructed to NYCC Spec E6D.

- 2.2 **Yorkshire Water Services** – No response received.
- 2.3 **Selby Area Internal Drainage Board** – No objection and recommends condition in relation to surface water drainage together with details of various consents required of the Board.
- 2.4 **Environmental Health** - Noted that the proposed building is to be used purely for storage and that it is linked to the current occupation of the adjoining residential property. Under these circumstances and with a restriction on the hours of use to prevent access and egress during the night-time period, did not object to this application and recommended that the above three issues are conditioned.
- 2.5 **Parish Council** – No response received.
- 2.5 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

17 supporting comments have been received from members of the public as follows:

- 5 were submitted online stating that they support the application without any comments and
- 12 stated that “this proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”.

In addition to the above, 2 letters were submitted by the next-door neighbour stating that there are no objections but commented that off road hard standing for visiting cars/vans/lorries etc., should be considered when making final plans.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of Barlow and is therefore defined as open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly, there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zones 1 & 2.

4 POLICY CONSIDERATIONS

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

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

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- EMP2 – Location of Economic Development
- T1 – Development in Relation to the Highway
- T2 – Access to Roads

5 APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change

The Principle of Development

5.2 The application site is located outside development limits of Barlow and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1, SP2 and SP13 of the Core Strategy, Policy EMP2 of the Selby District Local Plan, and the NPPF.

5.3 CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

“Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

5.4 Policy SP13 (C) of the Selby District Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including for example the re-use of existing buildings and infrastructure and the development of well-designed new buildings.

5.5 Policy EMP2 of the Selby District Local Plan states that new development will be concentrated in and around Eggborough, Selby, Sherburn in Elmet and Tadcaster, and that encouragement will be given to the proposals for small-scale development in villages and rural areas in support of rural economy.

5.6 With Section 6 of the NPPF includes the sub-section ‘*supporting a prosperous rural economy*’. NPPF Paragraph 83(a) states that planning decisions should enable ‘the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings’.

5.7 NPPF Paragraph 84 states that planning decisions should recognise:

'...that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

- 5.8 It is noted that 12 of 17 letters of support have the same contents stating that they “believe the proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”. One of the letters has not been signed. 5 of 12 supporting members stated that they support the application but did not provide any comments, and the next-door neighbour sent two letters raising no objections subject to off road hardstanding being provided.
- 5.9 The proposal is for a construction of a new storage building which would be used for a joinery and building business. It is noted that a Certificate of Lawful Development for existing use of dwelling known 2 Prospect Villas as a mixed use; part C3 residential; part B1 business use was granted in November 2020 under planning reference 2020/0824/CPE and the business use at this location is therefore now established.
- 5.10 According to the information submitted, the proposed building would also be used for a storage of the applicants’ motorhome and the proposed building would also partially be used as a large domestic garage sited outside the curtilage of the dwelling which would also be contrary to Development Plan policies given its countryside location. However, the use of the proposed building could be controlled via a condition limiting use of the building to business use only.
- 5.11 Although there is no evidence to suggest it would support the rural economy, the proposal is considered as expansion of existing business in the open countryside which is supported by Paragraph 83 of the NPPF and Policy SP2 of the Core Strategy and the proposal is therefore acceptable in principle subject to criteria set out in Policy SP13 (D).

Design and Impact on the Character and Appearance of the Area

- 5.12 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.13 The Design and Access Statement supplied with the application assesses the context of the site, states that setting the building back will result in it only being seen at a distance when viewed from the A1041 to the west and will make building unobtrusive when viewed from Barlow Common Road. It also refers to an Additional Design Statement produced by Chris Finn which concludes that the local character is mixed with a range of industrial sites clearly visible from the site and provides examples of similar types of developments approved within Selby District over

recent years. Furthermore, D&A Statement states that although largely in agricultural use, the examples shown are constructed to a similar pattern to the proposal. It also concludes that the impact of the proposed building would be no more or less than the examples shown in the addition Design & Access Statement, that the submitted drawings illustrate proposed improvements to the site's screening which will help to integrate the use within this rural landscape, that it will not have a significant impact on the character of the local landscape, and that its scale would be appropriate for its location and to neighbouring buildings.

- 5.14 The application site is a parcel of undeveloped land adjacent to the eastern boundary of the residential property located at No 2 Prospect Villas, and the proposal is for the construction of a new compound on this site and a new storage building within the southern part of the site measuring approximately 13 metres in depth, 9 metres in width, and approximately 5.15 metres above ground level to the ridge.
- 5.15 The immediate area is characterised by a predominantly open landscape with some remote residential properties located close to a highway and partially screened from it by predominantly high hedges, timber fences and some trees. The lower hedge also runs alongside the Barlow Common Road.
- 5.16 The proposal as originally submitted, due to the size, scale, design, due to the proposed compound and the fence of the industrial character and due to the location of the site was considered to introduce industrial type of development to this location which is not comparable with the traditional agricultural buildings elsewhere in the area and was therefore considered to erode the rural character of the area.
- 5.17 The Applicant submitted an amended scheme where the proposed building is shown to be built of Yorkshire boarding cladding for walls, and grey profiled sheeting for the roof, and would have a green roller shutter door. The amended scheme also proposes to erect a 1.2 metre high post and rail fence and field gates instead of previously proposed high fencing and gates of an industrial character which would surround the compound which is now proposed to be surfaced with grasscrete or other similar grass system.
- 5.18 The site is currently a part of a larger undeveloped open field. The proposal will introduce a new industrial building designed to look like an agricultural with a grasscrete compound and low timber post and rail fence with field gates. It has been suggested that the building would be agricultural in appearance and a Local Character Study and Study of Recent Agricultural Buildings in Open Countryside document was submitted showing examples of farm buildings within the surrounding area. Whilst contents of this document are noted and whilst large modern agricultural buildings are not uncommon on farm sites, it is accepted that these require a countryside location and cannot be located elsewhere.
- 5.19 The building with compound and fencing would be seen within the context of the open fields and a pair of isolated small-scale semi-detached properties and would be highly visible due to their prominent and open location within the countryside. In addition to this, vehicle movements or further storage of materials and equipment would occur within the compound which is therefore considered to have potential to cause a harmful impact on the surrounding area. However, the building would serve the existing business use as established under application 2020/0824/CPE, the design of the scheme is appropriate to the locality and the proposed building would

be significantly set back from the highway. In addition to this, given the materials and design of the proposed compound and fencing with gates, those elements would be appropriate for the countryside location and would contribute to reduction of the industrial nature of the use of the site. Furthermore, following discussions with the applicant, the scheme has been amended to include hedge outside the proposed fence along the eastern and southern boundaries which, once established, would contribute to reduction of the prominence of the proposed development and would soften its impact on the open countryside and this can be secured via condition.

- 5.20 Furthermore, it is noted that the lighting and advertisements could potentially be erected given the industrial nature of the use of the site which is considered to cause a detrimental impact on the character of the open countryside. However, these issues can be dealt with via appropriate conditions.
- 5.21 Taking into consideration all of the above and subject above conditions, it is therefore on balance considered that the proposal would not cause a detrimental impact on the character and appearance of the open countryside. The proposal is therefore not contrary to Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and the NPPF.

Impact on Residential Amenity

- 5.22 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.23 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 5.24 Given the separation distance from the nearest residential properties, and due to the size, scale and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties.
- 5.25 The Design and Access Statement supplied with the application states that the workshop use was removed from the proposal and that building would largely be used for storage and that no machinery will be permanently located within the building. However, the proposal is for storage and there is no planning control over the machinery related to this trade they could potentially use there in the case the application is approved.
- 5.26 It is also noted that the applicant requested a condition linking occupancy of the dwelling owned by the applicant, namely No 2, with the use of the proposed development. However, although imposition of such a condition would prevent future loss of amenity to occupants of 2 Prospect Villas from living next to an unrelated business use, it is also noted that there is another residential property within the vicinity of the site, the adjoining semi-detached dwelling namely No 1 Prospect Villas, the amenity of which could potentially be affected by the proposal due to proximity to the site and the scale and nature of the proposal. It is noted that the occupiers of No 1 Prospect Villas did not object to the proposals. However, the

lack of objection does not mean the proposed development is considered acceptable by the occupants. Moreover, the planning system exists to protect the living conditions of dwellings for any current or future occupants from the harmful impacts of development.

- 5.27 The Environmental Health Officer (EHO) has been consulted on the scheme and noted that the proposed building is to be used purely for storage (falling within B8 use class) and that it proposed to be linked to the current occupation of the adjoining residential property. Under these circumstances and with a restriction on the hours of use to prevent access and egress during the night-time period, EHO does not object to this application. As such and given the nature, scale of the proposal, location of the site and its relationship with the residential property which is not associated with the business, namely 1 Prospect Villas, conditions relating to control of use of the building, linking occupancy to 2 Prospect Villas and restriction of hours of use are considered reasonable and appropriate in this instance.
- 5.28 Although it is considered that the proposal would increase the type and number of traffic movements within the area which could potentially have a harmful impact on the amenities of neighbouring occupiers, taking into account the location of the site, comments made by the EHO and occupants of the neighbouring property, that the proposed scheme would only be used for storage and distribution, and subject to aforementioned conditions, it is on balance considered that harm caused to the amenities of adjoining occupiers would not be so detrimental as to justify refusal on this basis.
- 5.29 Given all of the above, it is on balance considered that the proposal would not cause significant adverse impact on the residential amenity of the neighbouring properties and as such would not be contrary to Policy ENV1 of the Selby District Local Plan.

Highway Issues

- 5.30 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.31 NYCC Highways have been consulted and raised no objections subject to a number of conditions requiring construction of access to the site in accordance with the published Specification of the Highway Authority and additional requirements outlined in the recommended condition, provision of visibility splays and provision of approved access, turning and parking areas. They have also recommended adding informatives relating to a separate licence being required from the Highway Authority and relating to liability for a range of offences under the relevant acts for any activity on the development site that results in the deposit of soil, mud or other debris onto the highway. Given the nature and scale of the proposal and the location of the site, the recommended conditions are therefore considered reasonable and appropriate.
- 5.32 The scheme has been amended since the original consultation and NYCC Highways Officer has been re-consulted on the proposals. NYCC Highways Officer raised no objections but requested to show on the drawings that the gates would be set back from the highway by 6m and annotate that the tarmac area would be

constructed to NYCC Spec E6D. The drawings were amended to address the above comments.

- 5.33 Taking into consideration all of the above and the size, scale and nature of the proposed development, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF.

Flood Risk and Drainage

- 5.34 Relevant policies in respect to flood risk include Policies SP15, SP19 of the Core Strategy, and paragraphs 149,150,155,156, 157, 158, 163 of the NPPF.
- 5.35 The application site is part located within Flood Zone 1 which has a low probability of flooding and part located within the Flood Zone 2 which has been 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.
- 5.36 Paragraph 163 of the NPPF states that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”*.
- 5.37 Footnote 50 states *“In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”*
- 5.38 Although a small part the application site is located within Flood Zone 2, the proposed storage building, compound and access would be located within Flood zone 1 and there is no evidence to suggest that the land subject to this proposal falls into any of the criteria as described in Footnote 50. As such, FRA is not required to be submitted.
- 5.39 In terms of surface and foul water drainage, the application form states that there will be no foul drainage connection as there is no need for it, and that the surface water would be disposed of via the existing water course.
- 5.40 Internal Drainage Board and Yorkshire Water Services have been consulted on this application. Yorkshire Water Services have not commented on this application and it is therefore assumed that they do not object to the proposals on the basis of the information submitted. Internal Drainage Board raised no objections in principle

providing that if surface water is to be discharged into any watercourse within the drainage district, consent from the IDB would be required and would be restricted to 1.4 litres per second per hectare on greenfield runoff which can be adequately dealt with via an informative. As such and given the information relating to drainage provided, the proposal is considered to be appropriate in terms of its impact on drainage.

- 5.41 Having regard to the above, the proposed development is considered to be acceptable in terms of flood risk and in terms of drainage, taking into account national policy contained within the NPPF.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of building to be used for storage facility on land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow to consolidate the business at this site.
- 6.2 Having assessed the proposals against the relevant policies and subject to aforementioned conditions, it is considered that the proposal is on balance acceptable in respect of the design and impact on the character and appearance of the open countryside, impact on residential amenity, and is acceptable in respect of the impact on highway safety, flood risk and drainage.

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 listed below:

Drawing No 2637-01-01C – Block Plan

Drawing No 2637-01-02K – Planning Drawing

Drawing No 2637-02-01B - Swept Path and Car Parking

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on the drawing No 2637-01-02K received by the Local Planning Authority 16 April 2021.

Reason:

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

04. The fence, gates and hedge hereby approved shall be in accordance with the drawing No 2637-01-02K received by the Local Planning Authority 16 April 2021 and shall be retained as such throughout the lifetime of the development.

Reason:

In the interests of visual amenity and to reduce the impact on the character and appearance of the open countryside to accord with Policy ENV1 of the Selby District Local Plan, Policies SP13, SP18 and SP19 of the Core Strategy.

05. There shall be no movements of vehicle in or out of site between the hours of 23:00pm and 7:00am.

Reason:

This condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and in the interests of residential amenities of the neighbouring occupiers.

06. The development hereby approved shall be used solely in association with the occupation of the property known as "2 Prospect Villas" and shall not be occupied independently.

Reason:

The application has been assessed on the basis of being for the use in association with 2 Prospect Villas as it has potential to cause a detrimental impact on residential amenities of this property if occupied independently.

07. There shall be no external lighting installed or used for the development hereby permitted for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to ensure the development hereby approved would not stand out within the open countryside to accord with Policy ENV1 of the Selby District Local Plan.

08. Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed within the site or outside it without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority over advertisements in the interests of safeguarding the character of the open countryside in line with Policy ENV1 of the Selby District Local Plan.

09. The development hereby permitted shall only be used for storage in association with business activities taking place at 2 Prospect Villa and shall not be used for any other purpose.

Reason:

The proposal has been assessed as being acceptable in principle in the open countryside on the basis that the site would be used for storage only in association with business activities taking place at 2 Prospect Villa and any other use of the site would have to be assessed against relevant local and national policies.

10. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6D.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road Barlow Common Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of road safety.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas as shown on the drawing No 2637-02-01B are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informatives:

1. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2. COAL AUTHORITY - LOW RISK AREA The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 10 and an explanation of the terms used in condition 11 is available from the Highway Authority.
4. You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.
5. The surface water is to be discharged to a watercourse within the Drainage District and as such a 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.

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 2020/0137/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None