



Report Reference Number 2020/1300/FUL

**To:** Planning Committee  
**Date:** 7 July 2021  
**Author:** Chris Fairchild (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

<b>APPLICATION NUMBER:</b>	2020/1300/FUL	<b>PARISH:</b>	Riccall Parish Council
<b>APPLICANT:</b>	Mr J Knowles	<b>VALID DATE:</b> <b>EXPIRY DATE:</b>	1st December 2020 26th January 2021
<b>PROPOSAL:</b>	Demolition of existing dwelling, construction of seven residential properties		
<b>LOCATION:</b>	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ		
<b>RECOMMENDATION:</b>	Approve subject to Section 106 agreement legal agreement, completion of satisfactory bat surveys and agreement of subsequent mitigation.		

This application has been brought before Planning Committee due to the number of objections contrary to Officers' recommendation to approve, and in addition to a request from the local Ward Member.

## 1. INTRODUCTION AND BACKGROUND

- 1.1 This planning application was previously heard at Committee on 19.05.2021. As per the meeting minutes, the determination of the application was deferred to allow a site visit *'to gain a better understanding of the site location with regards impact upon the heritage and conservation, impact on the amenity of neighbours, highways, access, waste and recycling.'*

### Site and Context

- 1.2 The site adjoins Station Road and is currently occupied by the detached dwelling, Tamwood. The site is surrounded by residential development including recent development to the east and west and the historic core of the village to the north.

## **The Proposal**

- 1.3 Full planning permission is sought for the demolition of the existing dwelling, Tamwood, and the erection of seven dwellings.

## **Relevant Planning History**

- 1.4 The following historical applications are relevant to the determination of this application:

Ref: 2018/0185/FUL

Description: Proposed erection of two detached dwellings with garages

Address: Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ

Decision: Permitted 24-MAY-18

## **2. CONSULTATION AND PUBLICITY**

### **Local Highway Authority**

- 2.1 The Local Highway Authority recognises that the refuse collection point negates refuse vehicles entering the site. Besides a request for on-site turning for fire attendants should be shown on the submitted drawings given some dwellings are located further than 45 metres from the highway there are no objections.

### **Conservation Officer**

- 2.2 The Conservation Officer does not consider the property is not a non-designated heritage asset and makes a neutral contribution to the setting of the conservation area.
- 2.3 The Conservation Officer notes the spacious plot provides an attractive view towards the conservation area with trees visible as a backdrop. The development would obscure these trees and the spaciousness of the plot would be compromised. The development may impact upon the longevity of these trees.
- 2.4 Removal of most of the front garden for hard surfacing would be harmful due to the attractive frontage this provides in combination with the front wall. The position of the bin store at the frontage is not desirable. In terms of number of dwellings, the proposal appears to be over-development.
- 2.5 The Conservation Officer notes these as issues of general design/impact on character but also harmful impact on the setting of the conservation area, resulting in a low level of harm to its overall significance.

### **Yorkshire Water**

- 2.6 Yorkshire Water recommend conditions requiring separate systems of foul and surface water on and off site. Yorkshire Water note the intention to drain into the public sewer, however sustainable drainage should be sought and on-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

### **The Ouse & Derwent Internal Drainage Board (IDB)**

- 2.7 The IDB set out the requirements for when the IDB's prior written consent is required. The IDB note the submitted Design and Access Statement specifies surface water may be disposed of via an attenuation tank at a restricted rate or soakaway. The IDB note that the mains sewer runs into an IDB maintained watercourse and their consent is required prior to connection.
- 2.8 In respect of surface water, the IDB recommend details of surface water drainage are conditioned including a constrained run-off rate, surface floodwater storage including climate change allowance.
- 2.9 The IDB notes the proposed connection into the mains foul sewer and have no objection to the new connection subject to Yorkshire Water's consent.
- 2.10 Following percolation testing and a resultant drainage layout, the IDB were reconsulted. The IDB note percolation testing demonstrates soakaways are not achievable, accordingly discharge into the mains surface water sewer / watercourse can be considered. The IDB request details of surface water connection, discharge rate confirmation and attenuation, flood storage including climate allowance and recommend a condition requiring these accordingly.
- 2.11 The applicants provided a further drainage layout including micro drainage calculations. The Internal Drainage Board continued to seek clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage. No response has been received from Yorkshire Water.

#### **Environmental Health Officer (EHO)**

- 2.12 The EHO notes the surrounding residential development and that given the scale of the proposed development there is potential for generation of dust, noise & vibration that requires specific planning control (beyond other regulations) and as such the following conditions are recommended: 1) a Construction Management Statement; 2) working hours limitations, and 3) details of any piling.
- 2.13 The applicants subsequently submitted a Construction Management Statement, that was considered by the EHO as acceptable.

#### **County Ecologist**

- 2.14 The County Ecologist notes that the bat scoping report, undertaken outside the bat activity season, concludes the house is highly suitable to support roosting bats while the garage is of lower suitability. As such, bat activity surveys of both buildings need to be completed before the application is determined.
- 2.15 Following surveys, the Ecologist seeks an Ecological Impact Assessment, explaining how any impacts would be mitigated and including an Outline Method Statement. Other ecological impacts of the proposed development and how they would be avoided, mitigated or compensated, and ensuring no net loss of biodiversity and net gain where possible is also requested. Particular attention should be paid to compensate for the loss of House Martin nesting sites, and the mature vegetation of the site.
- 2.16 The applicants undertook one night's bat emergence survey and produced a Bat Survey Report accordingly. The survey demonstrates that further emergence

surveys are required. The findings and report have been considered by North Yorkshire County Ecology who agree that further surveys are required prior to determination of the application.

### **North Yorkshire Bat Group**

- 2.17 The North Yorkshire Bat Group note the submitted survey demonstrates the existing dwelling to have high bat roost potential and therefore emergence surveys should be carried out during the period May to August to determine whether bats do roost at the property. The Bat Group agrees with the ecologists' recommendation that bat emergence surveys be conducted during the appropriate time of year and that a decision on the application should be deferred until after the results of the survey are available.

### **Riccall Parish Council**

- 2.18 The Parish Council object to the current application and considers the proposed changes made since application ref. 2019/1350/OUT do not significantly address the concerns raised in their objection to the previous application.
- 2.19 The Parish Council considers the proposal is overcrowded, will overlook adjoining properties and impact upon residential amenity. Concerns that insufficient access and on-site manoeuvring for emergency vehicles is raised. Station Road has no capacity for on-street parking, the site entrance is almost opposite the Nisa car park and close to the junction and traffic lights.
- 2.20 The previously approved application, to retain the existing dwelling and two additional properties, is still seen as the most appropriate use for this site by the Parish Council and neighbouring residents.

### **Waste and Recycling Officer**

- 2.21 The Waste and Recycling Officer notes the bin storage at the site entrance and confirms a presentation point is required given the private nature of the road. However, an enclosed bin store was considered to be a potential magnet for anti-social behaviour, and instead a simple area of hard standing to present bins on collection day was preferable.
- 2.22 The Waste and Recycling Officer clarifies that storage should be available at each property for 4 no. 240 litre wheeled bins.
- 2.23 The Waste and Recycling Officer confirms that the developer will be required to pay for additional waste and recycling containers.
- 2.24 Following reconsultation, the Officer was satisfied with the replacement of the bin store for a presentation point and the occupants' storage.

### **Contaminated Land**

- 2.25 The Contaminated Land Consultant considers the submitted Phase 1 Report is acceptable, including the further proposed site investigation works contained therein. Conditions are recommended requiring: 1) investigation of land contamination prior to development; 2) a detailed remediation scheme prior to

commencement of development; 3) verification of remedial works, and 4) reporting of unexpected contamination.

- 2.26 The applicants have provided a Phase 2 Ground Investigation Report. The Contaminated Land Consultant considers the Report acceptable and agrees with the conclusion that no further investigation. The Consultant recommends a condition in respect of unexpected contamination.

### **Publicity**

- 2.27 The application was advertised via the erection of a site notice and distribution of letters to adjoining occupiers. Following this publicity, 21 responses including the local Ward Member were received all in objection to the proposals. A summary of the concerns raised are listed below:

- Tamwood is a fine example of 1920s architecture and was the second house built on Station Rd as such set example for following development.
- As a group of 6 similar houses demonstrates Riccall's interwar history
- Loss of the building would alter streetscape of Station Road.
- Proposal is overdevelopment to maximise developer profits over good development.
- The previous planning permission is optimum for site.
- The proposed overdevelopment would set a precedent.
- The development is out of character with the village.
- Privacy and amenity of surrounding dwellings is compromised by way of overshadowing, overbearing, loss of daylight and sunlight, sense of privacy.
- Insufficient waste and recycling storage is proposed.
- No visitor parking is proposed leading to on-street parking.
- Station Rd already has many parked cars and is difficult for emergency vehicles, lorries, bin wagons to navigate and dangerous for pedestrians.
- The orchard and other trees provide many benefits to wildlife and habitat that will be lost.
- The brick boundary wall may be damaged in construction.
- Plans show incorrect north-south navigation.
- Riccall has had much development, now more akin to a town than village.
- A Monkey Puzzle Tree, an endangered species was cut down prior to planning.
- The proposal does not honour the charitable spirit of the former occupants.
- The proposal is immaterially different from the withdrawn 2019 application and shares the same issues of amenity.
- The base maps for the plans do not reflect the correct up-to-date setting of existing buildings including recent extensions and vegetation distorting the proposal.
- The comments of the Conservation Officer within determination of ref. 2018/0185/FUL were correct and this scheme ignores those.
- The proposal is contrary to SDLP Policy ENV25 which also covers sites adjacent Conservation Areas, i.e., the setting, not just those in it.
- The nuisance and highway impacts of construction will be unwelcome and may damage surrounding historic properties.
- The proposal will impact outlook for residents.
- Increase in light pollution.
- Boundary treatments are inappropriate.
- Infrastructure e.g., schools, GPs, internet, drainage have not kept up with development and this will be exacerbated.
- Development is not opposed providing it betters the environment for residents.

- The area should be kept as it was in the past as a reminder of village life.
- The site access is opposite the local shop where kerbside parking frequently occurs and will impact the proposed access.

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located within the defined Development Limits of Riccall.
- 3.2 The site is outside but immediately adjacent the Conservation Area, there are no other heritage assets on or near the site.
- 3.3 There are no designated assets of ecological value on or near the site.
- 3.4 The site sits within Flood Zone 1, the area of lowest flood risk.

### **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 National Planning Policy Framework (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 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 NPPF outlines the implementation of the Framework –

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

## **Selby District Core Strategy Local Plan (CS) 2013**

4.6 The relevant CS Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP4 Management of Residential Development in Settlements
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

## **Selby District Local Plan (SDLP) 2005**

4.7 The relevant saved SDLP Policies are:

- T1 Development in Relation to the Highway network
- T2 Access to Roads
- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV25 Control of Development in Conservation Areas
- RT2 Open Space Requirements for New residential Development

## **Supplementary Planning Policies and Guidance**

4.8 Planning contributions are a material consideration and therefore the Council's Adopted Developer Contributions Supplementary Planning Document represents a material consideration in determining the application. The development plan also includes the Riccall Village Design Statement Supplementary Planning Document (VDS) and this also represents a material consideration.

## **National Planning Policy Framework 2019**

4.9 The relevant chapters are:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

## **5. APPRAISAL**

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

- 1. Principle of Development
- 2. Conservation, Landscape & Character
- 3. Residential Amenity
- 4. Access & Highway Safety
- 5. Ground Conditions
- 6. Impact on Nature Conservation
- 7. Flood Risk & Drainage

8. Waste & Recycling
9. Planning Contributions

## **Principle of Development**

### Context

- 5.1. Saved CS Policy SP1 states that "*when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with national policy set out in Chapter 2 of the NPPF.
- 5.2. Saved CS Policy SP2A sets out the District's settlement hierarchy and directs development to the majority of new development to towns, however, CS Policy SP2A(a) states Designated Service Villages such as Riccall have some scope for additional residential growth.
- 5.3. Saved CS Policy SP2 also states proposals for development on non-allocated sites must meet the requirements of Saved CS Policy SP4. Saved CS Policy SP4 lists the types of residential development that will be acceptable within development limits. In relation to Designated Service Villages this relates to replacement dwellings, redevelopment of previously developed land, and "appropriate scale development" on greenfield land (including garden land and conversion/redevelopment of farmsteads).
- 5.4. Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly.
- 5.5. The proposal puts forward a development for housing on a small site within an existing settlement and as such meets both the aspirations of the local plan and the NPPF.

### Assessment

- 5.6. Riccall is noted within the development plan as having scope for additional residential development and is therefore in compliance with CS Policy SP2. The site is unallocated and predominantly greenfield land owing to the large garden which surrounds the existing dwelling. The definition of Previously Developed Land set out in Annex 2 of the NPPF excludes land that is in built up areas such as residential gardens. The proposal does not therefore comply with this part of policy SP4 and neither does it constitute a replacement dwelling however, Saved Policy SP4 of the Core Strategy allows for development for housing which is considered to be of an 'appropriate scale development on greenfield land. Officers are therefore of the view that the proposal is acceptable in principle and as such complies with saved policy SP4 of the Core Strategy.
- 5.7. Chapter 68 c) of the NPPF states that Local Planning Authorities should support the development of windfall sites through decisions giving great weight to the benefits of using suitable sites within existing settlements for homes for which officers have attached significant weight.



## Conservation, Landscape & Character

- 5.8. Saved CS Policy SP4(c) seeks to both preserve and enhance the character of the local area. Saved CS Policy SP4(d) requires development of garden land to be of an appropriate scale that is assessed as follows:

*“..in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy.”*

- 5.9. Relevant development plan policy includes: Saved policies SP18, SP19(b) of the Core Strategy, ENV1(5) and ENV25 of the Selby District Local Plan ENV25 and Chapters 112, 15 and 16 of the NPPF. These policies require conservation of historic assets which contribute most to the District's character, and ensure development contributes positively to an area's identity and heritage in terms of scale, density and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area.
- 5.10. The VDS is a material consideration in determining the application. The VDS seeks to explain the context and character of the village to allow new forms of development in the village to be sympathetic. The VDS understands that new development will “look new” but expects this to be undertaken in a way that fits in with the context of the village.
- 5.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’) also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.12. Paragraph 193 of the NPPF requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196). Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 5.13. NPPF Paragraph 127(c) states that decisions should ensure that developments:

*“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”*

### Assessment

- 5.14. The Conservation Officer has been consulted and confirms that the existing dwelling is not classed as a non-designated heritage asset. Officers agree and therefore NPPF Paragraph 197 is not considered relevant. The only heritage consideration is the proposal's impact upon the setting of the Conservation Area.
- 5.15. The Conservation Officer notes the dwelling itself is a neutral contributor to setting but the spacious plot is positive in providing an attractive tree-lined view to the Conservation Area. The Conservation Officer then notes “*issues of general design/*

*impact on character*” that also “*result in a low level of harm to its overall significance.*”

- 5.16. The site is identified within the Village Design Statement (VDS) as being located in the Riccall Character Area. Officers note that the proposal incorporates a large number of the features of identified character: The proposal consists of detached houses with some irregular terraces and semidetached houses; roofs are all gabled and with the exception of plot 7 all eaves are front-facing; the houses are set behind short gardens with low walls and hedgerows; the footprints are generally rectangular with few extensions; buildings are two-storey; red multi brick and terracotta pantile are proposed; soldier-course brick lintels and stone cills are incorporated; decorative brick detailing at the eaves is shown; no roof lights are included.
- 5.17. The Conservation Officer raised concerns that the proposed dwellings are not characteristic of the area and in turn would have a harmful impact on the setting of the Conservation Area. On this occasion, officers do not share this view as it. NPPF Paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the Conservation Area) the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. Planning Practice Guidance defines this as anything that delivers economic, social or environmental progress.
- 5.18. The proposal will provide a net gain of six dwellings, the NPPF makes clear that the Government’s objective is to significantly boost the supply of housing (Paragraph 59), whilst meeting housing delivery should be considered as a minimum rather than a ceiling (Paragraph 11). Officers consider the scheme will provide societal benefits in meeting housing need. New dwellings will provide economic benefits including increased spend in local shops. The proposal will make efficient use of land to provide housing in a sustainable location. Officers are therefore of the view that, the proposal will secure the optimal viable use for which significant weight has been attached.
- 5.19. Whilst the Council can demonstrate a 5-year housing land supply and it is accepted that the provision of seven homes is modest, this should be balanced against the low level of harm. The weight attached to the fact that the Council can demonstrate a 5-year supply of housing attracts little weight in the consideration of this proposal based on the low level of harm and that the overall message from the Government is to boost the supply of housing overall.
- 5.20. Officers consider that the revised design pays regard to preserving the character and appearance of the Riccall Conservation Area, complies with the VDS, and are of an appropriate scale, CS Policies SP18 & SP19(b), SDLP Policies ENV1(5), and SDLP Policy ENV25, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to be acceptable taking account of the matters set out above.

### **Residential Amenity**

- 5.21. CS Policy SP4(c) states that “*in all cases proposals will be expected to protect local amenity.*” SDLP Policy ENV1 provides eight broad aspirations for achieving ‘good quality development’ that should be taken into account where relevant. SDLP

ENV1(1) requires “*the effect upon... the amenity of adjoining occupiers*” to be taken into consideration.

### Assessment

- 5.22. The front elevation of Plot 1 is in accordance with the building line of The Limes to the west, the rear elevations of the respective properties are also broadly in line with one another. The side elevation to side elevation relationship ensures results in no overbearance. The rear elevation for Plot 1 sits at a right angle to the rear garden of Plot 4 and is separated by c.9.5m distance with a 1.8m fence on the boundary, Officers consider, given the separation and boundary treatment, that no significant adverse overlooking will occur. Given the building line is broadly oriented east-west, in accordance with the neighbouring properties no overshadowing will occur upon these properties.
- 5.23. Plot 2 sits in the middle of the terrace and shares the same building line as the adjoining properties, and in accordance with the above assessment no overbearance or overshadowing will occur. The rear elevation faces the parking for Plots 2 & 4 and the side elevation for Plot 4 that contains a dining room window at ground floor and an en-suite window at first floor. Subject to the en-suite window being obscured no overlooking will occur.
- 5.24. The side elevation of Plot 3 is in approximately the same location as the existing dwelling, the proposed elevation is comparatively longer than the existing by c.1m and includes a blank gable as opposed to the hipped roof of the existing, however Officers do not consider that this will significantly change the existing relationship and does not create a significant adverse impact from either an overbearance or overshadowing perspective. The rear elevation shares the same relationship as Plot 2 and there are no side elevation windows, as a result no overlooking will occur.
- 5.25. Plots 4 and 5 are c.9m from the rear gardens of the properties on Main Street to the west and c.40m from their rear elevations. Given the extent of the Main Street properties' rear gardens, Officers consider no significantly adverse overlooking or overbearance will occur upon these properties. As described above no overlooking will result from the southern (side) elevation, in respect of the northern elevation the separation distance to Plot 5 and 6 to the north is c.13m and separated by a 1.5m fence, as such no overlooking will occur from the ground floor window. The first floor contains an en-suite and bedroom window that overlook the private drive and fronts of 6 & 7 and is not considered to be detrimental. The front elevations of Plots 4 and 5 are at right angles to the rear garden of 7 Station Rise to the east, separated by a distance of c.10.5m and proposed planting, Officers consider given the separation and satisfactory details of boundary treatment to be provided by condition no significant adverse overlooking will occur. Overshadowing will occur upon the rear gardens of Main St in the early morning and 7 Station Rise in the evening, however given the separation, orientation and times of the overshadowing it is not considered to be significantly adverse impact upon overshadowing.
- 5.26. The side elevation of Plot 6 is c.2m from the rear gardens of the Main Street properties and c.27m to their rear elevations. Given the extent of the Main Street properties' rear gardens Officers consider no significantly adverse overlooking or overbearance will occur upon these properties subject to the en-suite window on the first floor being obscured. Overshadowing will occur in the morning upon the Main Street properties and onto the side elevation of Plot 7 in the evening, however given the early morning overshadowing upon Main St properties and blank elevation of

Plot 7 (save windows to non-habitable rooms) it is not considered a significantly adverse impact upon overshadowing would result.

- 5.27. Plot 7 is c.4.5m from the boundary of 7 & 9 Station Rise. The side elevation of Plot 7 overlaps 7 Station Rise, with a short section consisting of the garage/bedroom offshot (without any rear windows) being c.7.5m from the corner of Plot 7 elevations, the rest of 7 Station Rise looks over the site through non-habitable room windows. 9 Station Rise is oblique to the Plot 7 building and the two dwellings do not face one another. Officers consider that this relationship will not give rise to a significant adverse overbearing presence. The building's relationship with adjoining properties makes overshadowing in the morning and afternoons fall principally on blank elevations or ancillary curtilage space and is not significantly adverse. The western (side) elevation faces the blank elevation of Plot 6, the eastern elevation contains no overlooking will occur.
- 5.28. The comments and recommended conditions from the EHO are noted and considered reasonable and appropriate to protect residential amenity, Officers recommend their inclusion on any approval.
- 5.29. In summary, subject to conditions officers consider that the proposals will not create significant adverse impacts that are prejudicial to the residential amenity of existing or future residents, and the proposals accord with CS Policy SP4 and SDLP Policy ENV1.

### **Access & Highway Safety**

- 5.30. Saved SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer.
- 5.31. Saved SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.32. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

### **Assessment**

- 5.33. The Local Highway Authority have no concerns in respect of refuse vehicles (that do not need to access the site), however the dwellings would be more than 45 metres from the adopted highway and as such on-site turning is required to enable vehicles to leave the site in a forward gear.
- 5.34. Officers note that the intention of the application is to construct the first section of the highway up to an adoptable standard. The furthest dwelling from the adoptable standard segment is within 45m and therefore there is no requirement to bring the residual road up to adoptable standards.
- 5.35. Officers consider that sufficient on-site parking and the site configured to allow manoeuvrability and vehicles to enter and exit in forward gear. Sufficient visibility splays are provided for the speed limit and nature of the road. Conditions are

considered appropriate that require parking and manoeuvrability to be provided prior to the use of the dwellings and retained thereafter. Subject to these conditions the proposal is considered acceptable from a highway safety perspective and in accordance with SDLP Policies T1 & T2 and paragraph 109 of the NPPF.

### **Ground Conditions**

- 5.36. Saved CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.37. Saved SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented.
- 5.38. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions.

### Assessment

- 5.39. The application is supported by a Phase 2 Site Investigation Report. The Contaminated Land Consultant has assessed the Report and agrees with the conclusion that no further investigation. A condition in respect of unexpected contamination is recommended and is considered by Officers to be appropriate.
- 5.40. Subject to this condition the proposal is considered acceptable from a ground condition perspective and the proposals comply with CS Policy SP19 and SDLP Policy ENV2. Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/landowner.

### **Impact on Nature Conservation**

- 5.41. Relevant policies in respect of nature conservation and protected species include Saved CS Policy SP18 of the Core Strategy. Saved CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain in biodiversity.
- 5.42. NPPF Paragraph 170(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

### Assessment

- 5.43. The application is supported by a bat scoping report that confirms the house is highly suitable to support roosting bats and the garage is of lower suitability. The submitted report confirms that accordingly bat activity surveys are required and that these must be undertaken prior to determination of the planning application.
- 5.44. The County Ecologist and Bat Group both agree that the emergence surveys are required prior to determination. The County Ecologist recommends this is incorporated within a wider Ecology Survey.

- 5.45. The applicants have undertaken one night's bat emergence survey and produced a Bat Survey Report accordingly. The survey demonstrates that further emergence surveys are required.
- 5.46. The findings and report have been considered by North Yorkshire County Ecology who agree that further surveys are required prior to determination of the application. Officers consider that in consideration of the survey and comments of the County Ecologist that Members resolve to approve subject completion of satisfactory bat surveys and agreement of subsequent mitigation (and engrossment of the Section 106 agreement).
- 5.47. The County Ecologist recommends the measures in Section 8.5 of the report, in respect of biodiversity net gains, should be adhered to. Officers agree that a condition requiring such is appropriate in accordance with CS Policy 18 and NPPF Paragraph 170(d).

### **Flood Risk & Drainage**

- 5.48. The site sits within Flood Zone 1, the area at lowest risk of flood risk. Saved CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.

#### Assessment

- 5.49. The site is located within Flood Zone 1 i.e. the area of lowest risk and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 155.
- 5.50. There is no objection from Yorkshire Water in respect of foul drainage via the mains sewer.
- 5.51. In respect of foul drainage, whilst a number of methods of disposal are suggested within the submitted information, both the IDB and Yorkshire Water recommend sustainable drainage is sought first and foremost.
- 5.52. The applicants have undertaken percolation testing that demonstrates soakaways are not achievable. The proposed disposal of surface water via mains connection, and in this instance ultimately to Riccall Dam (Gosling Marsh Clough) is acceptable.
- 5.53. The applicants have continued to discuss the proposed drainage layout including clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage.
- 5.54. Officers consider that given no drainage layout has been agreed that a condition requiring details of such should remain.

### **Waste & Recycling**

- 5.55. Saved CS Policy SP15B(a) supports the incorporation of facilities to support recycling. The Council's Adopted Developer Contributions Supplementary Planning Document (March 2007) is also a material consideration and requires development of 4 or more dwellings to provide bins at the applicant's expense.

### Assessment

- 5.56. The Council's Waste & Recycling Officer raised initial concerns in respect of the proposed roadside bin store. The applicants have since submitted plans that replace the bin store with a simple presentation point and have demonstrated bin storage within each occupant's curtilage, a further revision has been submitted that rotates the presentation point 90 degrees anti-clockwise and, and the Waste & Recycling Officer considers this approach acceptable.
- 5.57. The draft Section 106 Agreement contains the requisite contributions for the waste and recycling provision.

### **Open Space**

- 5.58. Saved SDLP Policy RT2 A of the Local Plan requires residential schemes of between 4 and 10 dwellings to provide a commuted payment to provide a commuted payment to enable the district council to provide new or upgrade existing facilities in the locality.

### Assessment

- 5.59. Following consultation with the Parish Council, no costed schemes were submitted for the provision of new facilities. In accordance with SDLP Policy RT2 and the Developer Contributions Supplementary Planning Document, the funds will therefore be available for the Parish Council to upgrade existing facilities. The draft Section 106 Agreement includes this contribution and is considered to be acceptable.

## **6. CONCLUSION**

- 6.1. The proposed development is considered acceptable in principle. Officers have considered the proposals against all material considerations that arise from the development.
- 6.2. The proposal seeks to deliver housing development within an existing settlement that is in accordance with the aspirations of both local and national planning policy. The Government's objective is to significantly boost the supply of homes (Paragraph 59 of the NPPF) and small/medium sized sites are considered to make an important contribution to meeting the housing requirement (Paragraph 68 of the NPPF).
- 6.3. On balance, taking into account all of the material planning considerations above, the proposal is considered to be sustainable development as set out in the NPPF and as such recommended accordingly. The representations put forward by interested parties and consultees have been taken into account, however, officers have attached significant weight to the delivery of housing in line with National Planning Policy.

## 7. RECOMMENDATION

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).**

PLANNING COMMITTEE RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, SUBJECT TO THE COMPLETION OF THE FURTHER SATISFACTORY ECOLOGY SURVEYS AND THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN RELATION TO THE FOLLOWING MATTERS:

**A. Financial contribution towards the enhancement of Public Open Space.**

**B. The provision of waste and recycling facilities.**

**THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION ON COMPLETION OF THE AGREEMENT.**

**Planning Permission Granted (Section 106) 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:

- Site Location Plan ref.001 Rev.P00
- Proposed Site Plan ref.105 Rev.P03
- Proposed Floor Plans Plots 1 – 3 Ref.110 Rev.P00
- Proposed Elevations Plots 1 – 3 Ref.130 Rev.P00
- Proposed Floor Plans Plots 4 – 5 Ref.410 Rev.P00
- Proposed Elevations Plots 4 – 5 Ref.430 Rev.P01
- Proposed Floor Plans Plot 6 Ref.610 Rev.P00
- Proposed Elevations Plot 6 Ref.630 Rev.P00
- Proposed Elevations Plot 6 Ref.631 Rev.P00
- Proposed Floor Plans Plot 7 Ref.710 Rev.P00
- Proposed Elevations Plot 7 Ref.730 Rev.P00

Reason:

For the avoidance of doubt.

03. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ouse & Derwent Internal Drainage



Board, has approved a scheme for the disposal of surface water and foul sewage.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 litres per second per hectare (1:1 year storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100-year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason:

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

04. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage.

05. 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:-

- a) evidence that surface water disposal via infiltration or watercourse are not reasonably practical.
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

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.

06. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

07. There shall be no piling on the site until a schedule of works identifying those plots affected and setting out mitigation measures to protect residents from noise and vibration has been submitted to and approved in writing by the local planning authority. The piling shall thereafter be carried out in accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

08. 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.

09. Prior to occupation of the approved scheme, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason:

To ensure appropriate landscaping of the site in the interests of visual amenity.

10. Prior to occupation of the approved dwellings, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatment shall be completed prior to occupation of the approved dwellings. Development shall be carried out in accordance with the

approved details and retained and maintained in accordance with the approved details.

Reason:

To safeguard privacy and ensure satisfactory levels of amenity for future occupiers of the proposed dwellings and that of neighbouring dwellings having had regard to Policy ENV1 of the Selby District Local Plan.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 2:

a. 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 SDLP Policies T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

12. Prior to any development above ground, details of the materials to be used in the construction of the exterior walls and roof 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.

13. The development shall be carried out in accordance with the measures outlined in Section 8.5 of the submitted Bat survey.

Reason:

In order to establish a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

## INFORMATIVES

01. 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.

02. A sewer connection request under Section 106 Water Industry Act 1991 will be required and should be submitted to Yorkshire Water.

03. Under the IDB's Byelaws, the written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

## **8. Legal Issues**

### **Planning Acts**

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

8.3. 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**

9.1. A S106 agreement will be entered into upon the issue of a planning approval providing contributions to open space improvement and provision of waste and recycling facilities.

## **10. Background Documents**

10.1. Planning Application file reference 2019/0905/FUL and associated documents.

**Contact Officer: Chris Fairchild (Senior Planning Officer)**

**Appendices: None**