



**Report Reference Number** 2019/0759/FUL  
**Agenda Item No:**

**To:** Planning Committee  
**Date:** 27<sup>th</sup> January 2021  
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**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0759/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Yorvik Homes Ltd	VALID DATE: EXPIRY DATE:	14th August 2019 9th October 2019
PROPOSAL:	Proposed erection of 5 dwellings and associated infrastructure		
LOCATION:	Land Adjacent A163 Market Weighton Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	Minded to APPROVE subject to S106 Agreement on Recreational Open Space Contributions		

This application has been brought before Planning Committee as the development is a Departure and therefore contrary to the requirements of the Development Plan. Officers consider however, that there are material considerations which would support a recommendation for approval.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located beyond but adjacent to the Development Limits of North Duffield, extends to approximately 0.69ha and comprises the northern portion of a large triangular shaped paddock. Adjoining the site and forming part of the same paddock to the south west is are allotments (approved under approved under a retrospective planning application ref: 2017/1061/FUL), albeit they were part of earlier residential consents for the current application site which have lapsed.
- 1.2 Access would be taken directly from Green Lane which joins (the A163) Market Weighton Road to the south east. Existing residential development lies to the north in the form of a large detached bungalow (Kapuni); to the north east are a group of

recently constructed 2.5 storey properties and to the south east are well established properties which face the A163 and to the northwest are open agricultural fields.

- 1.3 The proposal site is flat with hedgerows to the south east and northern boundary and facing the public highway. The boundary to the north west is for the most part lacking any existing screening and which joins Moses Drain. There are no notable features within the extent of the application site.
- 1.5 To the north west boundary of the site, is the Moses Dyke which is maintained by the Internal Drainage Board (IDB) beyond which is open agricultural land.
- 1.6 The site is located predominantly within Flood Zone 1, however a section to the north west falls within Flood Zones 2 and 3. The layout approved at the outline consent proposed all development within Flood Zone 1 and this application follows the same principle in this regard.

### **Background**

- 1.7 An outline planning permission was granted on the application site (reference 2015/0519/OUT) for a residential development of 6 no. semi-detached units (with access and layout for approval and appearance/landscaping and scale reserved) for residential development, recreational open space and highway improvements. The landscaping, appearance, and scale was reserved for subsequent approval under a reserved matters application granted (under reference 2016/1265/REM).
- 1.8 The submitted DAS advises that since the granting of this permission further market assessments have resulted in re-consideration of the previously approved scheme, where it is considered that an alternative house type mix and design would be more appropriate to provide a greater variety which has led to the submission of this application.

### **The Proposal**

- 1.9. This application seeks planning permission for five detached dwellings comprising one 2 bedroom bungalow; in addition to four no. 3 bedroom, two storey properties.

### **Relevant Planning History**

- 1.10 The following historical applications are considered to be relevant to the determination of this application.
  - 2015/0519/OUT, Alt Ref: 8/13/267A/PA: Outline application (with access and layout for approval and appearance/landscaping and scale reserved) for residential development (6 units), recreational open space and highway improvements: Green Lane, North Duffield  
Decision: Approved 08.10.2015
  - 2016/1265/REM Reserved matters application (landscaping, appearance and scale) for residential development (6 units), recreational open space and highway improvements on land to the west of  
Decision: Approved 21.12.2016
  - 2017/1061/FUL - Retrospective application for the creation of a new vehicular access and change of use of land to a car park and construction of parking bays  
Decision: Approved: 03.01.2018

## 2. CONSULTATION AND PUBLICITY

- 2.1 **Environment Agency – (Initial response (25.09.2019))** – All residential development is located in flood zone 1. No objections subject to a condition (as specified) ensuring that there is no raising of floor levels included.

**Environment Agency (Final response 11.12.2019)** - Having reviewed the new information submitted with the application there are no further comments. The advice in response dated 25 September 2019 still applies.

- 2.2 **Environmental Health** - Further to consultation dated 21st January 2020 concerning the above proposals, have considered the information provided by the applicant and would make the following comments. The applicant has submitted an Addendum Noise Report, dated 5th July 2019 which considers noise impacts from road traffic on the A163. The report concludes that in order to secure good standards of amenity in terms of mitigating noise impacts an acoustic fence to the garden of plot 1 and alternative ventilation solutions to plots 1, 2 and 3 are required. In view of the above, recommend that the mitigation measures specified in the report are incorporated in to the development by way of condition.

- 2.3 **SuDS** -. The LLFA is only a statutory consultee on major application, defined for residential development as 10 dwellings or more. It would appear that the IDB have mandated a 1l/s runoff rate from the site, for which a connection will require the consent of the IDB. The LLFA have no further comments to make.

- 2.4 **The Ouse & Derwent Internal Drainage Board – Initial & second responses** - Following on from first response on 5 September 2019. The Board notes that this is an application for the proposed erection of 5 dwellings and associated infrastructure. This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.

**The Ouse & Derwent Internal Drainage Board (Final response)** – As set out previously the application sits within the Board's district and the Board has assets adjacent to the site in the form of Moses Drain, which can be subject to high flows during storm events. Reference to use of a hydrobrake with a discharge rate of 1 litres per second within the site and the use of a perforated filtration pipe to the watercourse. The Board would not usually agree a higher discharge rate than that proposed by the greenfield run off rates but given the specific circumstances, the Board will accept a discharge rate of 1 litres per second on this occasion. Agreed on the basis that the Board can inspect the installation periodically to ensure that the discharge rate above remains.

Conclusion - Accordingly, the Board recommends that any approval granted to the proposed development should include conditions requiring drainage works to be agreed (and a number of informatives to be included).

- 2.5 **NYCC Highways - Initial Response (21.08.2019)** - This application reduces the development to 5 dwellings and changes some of the previously agreed highway aspects. Notable changes in regards to this scheme are the S278 works that alters the alignment of the proposed footway and removing some of the previously agreed footway works on the adjacent highway on Green Lane.

- Alignment of proposed footway is acceptable, but the Highway Authority would not be able to adopt the section from the gable end of plot 3 up to the allotments. The reason being that NYCC do not take on green spaces anymore. The footway will either need to remain private for this section along with the

vegetation or realigned and altered as previously agreed in the earlier applications.

- The Section 278 plan shows that a footway on the adjacent side to the site is to be incorporated within the development. This was agreed through the previous applications. However the Design and Access statement and a number of the plans submitted show this element removed. In order to connect the site to the village the footway adjacent is necessary. The applicant needs to reinstate this on all plans submitted for consideration.
- The tactile paving shown on the S278 drawing is not to NYCC's specification, this should be amended to have a minimum of 3 rows.
- Applicant needs to add a key to the S278 to make it easier to read.
- There would appear to be a lack of vehicle on-site turning provided. Turning areas should be provided or swept paths showing that vehicles can turn on site.
- On site turning should be provided where dwellings are more than 45 metres from a public highway. Whilst the majority of houses are within this distance, plot 5 is just over this limit.
- Construction details for the access need adding onto the Construction Details drawing.
- Proposed construction depths of the West Channel Tie in Details need confirming as not to NYCC's specification but in order to determine whether they are acceptable or not NYCC need to understand the reasoning behind them.

**NYCC Highways – Final Response (29.06.2020)** - The applicant has confirmed that the site will remain private and there are a number of alterations to make to the existing highway. There has been ongoing liaison with the agent to gain a design which is acceptable to the Highway Authority. The applicant will need to enter into a section 278 agreement with the Highway Authority to carry out the necessary highway works. Conditions are required in respect of construction of access prior to development; crossing of the highway verge and/or footway; Delivery of off-site highway Works; Provision of Approved Access, Turning and Parking Areas at Green Lane; Construction Phase Management Plan- Small sites and Garage conversion to habitable rooms requiring planning permission.

2.6 **Yorkshire Water Services** - If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure through the use of separate systems for foul and surface water and means of surface water. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

2.7 **North Yorkshire Bat Group** – No response received.

2.8 **County Ecologist – First Response**

- Assume that potential impacts on nearby internationally-designated sites (Skipwith Common SAC and the Lower Derwent Valley SAC/SPA/Ramsar site) were considered at this stage.
- Unlikely that the proposed development would impact on these protected sites: Skipwith Common is, at its nearest point, over 1 km distant with Moses Drain, arable farmland and Cornelius Causeway in between.

- Lower Derwent Valley is, at its nearest point, over 1.5 km to the east with the village of North Duffield between.
- Application is accompanied by a lengthy Preliminary Ecological Appraisal but the recommendations concerning ecological mitigation/enhancement are spread across several sections and difficult to distinguish between general advice (e.g. provision of rough grassland for Hedgehogs) and measures which need to be undertaken to ensure compliance with legislation and planning policy.

Recommend that an Ecological Management Plan is produced, to be submitted to the Authority for agreement prior to commencement; thereafter, the development should be undertaken in accordance with the agreed Ecological Management Plan taking into consideration the following points:

- Plan should be clear and concise; it need not be more than a few pages long. It should include clearly marked maps where different actions are required in different places (e.g. in the reptile mitigation Method Statement).
- It should address the specifics of the development (e.g. timing of removal of the roadside hedge). Statements irrelevant to the application site (e.g. recommendations for nest box densities in woodland in para 8.4.5.6) should be avoided.
- All actions to be undertaken should have been discussed with and agreed by the applicant prior to submission.
- There should be a clear separation between actions which need to be taken and more generic recommendations of an advisory nature.
- Mitigation measures should be proportionate to the risk; given the conclusion that the site is unlikely to support reptiles (para 8.6.3.2), and suggest reptile mitigation Method Statement might be simplified.

**County Ecologist – Second Response** In relation to the Construction Ecological Management Plan and Ecological Enhancement Plan for this application. The scope of ecological mitigation and enhancements measures is satisfactory and well-explained but request a quick review of the plan content. Previous comments of 19 August 2019, it was advised that there should be a clear separation between actions which need to be taken and more generic recommendations of an advisory nature. This is still unclear in places, which makes it difficult to secure compliance with the document via a planning condition.

**County Ecologist – Final Response** – The revised Construction Ecological Management Plan and Ecological Enhancement Management Plan for this application. Can confirm that the suggested revisions have been incorporated into the document, and recommend that adherence to these plans is secured by condition.

2.9 **Yorkshire Wildlife Trust - Initial response** - Reiterate Ecology comments that a Construction Ecological Management Plan is approved by the Council prior to commencement of works on site. This should include precautionary working methods for species such as great crested newts, reptiles, water voles and nesting birds. Would also like confirmation of the mitigation measures proposed within the report, including installation of bat and bird boxes, sensitive lighting schemes and detail on how the proposal will achieve a net gain in biodiversity as required under NPPF.

**Yorkshire Wildlife Trust – Final Response** - Note the submission of the updated CEMP and that comments from NYCC Ecology confirm they are now satisfied with the content following amendments relating to previous consultation. No further comment to add on this occasion.

2.10 **Public Rights of Way Officer** – No response received.

2.11 **HER Officer - Initial response** - A Written Scheme of Investigation and archaeological mitigation recording should be undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

**HER Officer – Final response** - A Written Scheme for Archaeological Investigation has been submitted. The pre-commencement part of the required condition can be deleted and replaced with a shorter condition as set out.

2.12 **Landscape Consultant** - No Landscape objection to the above application. Recommend that the following is conditioned: soft landscape scheme is implemented in the first available planting season following occupation; and that all planting is replaced if found defective within the first 3 years.

2.13 **Waste & Recycling Officer – Initial Response** - Noted that a bin presentation point has been identified at the entrance to the development. These are only usually required where access to a development is to remain in private ownership and not when access roads are intended to be adopted by the Highway Authority. Where access roads are adopted W&R would usually provide a kerbside collection from the individual properties. Confirmation required as to whether the access is intended to be private or public.

**Waste & Recycling Officer – Final Response** - The bin presentation point will need to be large enough to accommodate up to 2 bins per property (10 bins in total) on any one collection day. The position of the bin presentation point is acceptable.

2.14 **North Duffield Parish Council** – Object to this application. The Parish Council supported the original outline plans on the basis that it included much needed affordable housing. This application has not included any affordable homes. Councillors also object on grounds of access/traffic and layout/density as the entrance is on a bend in a dangerous place and the larger housing is an over development of the site.

2.15 **Contaminated Land Consultant** – The site is currently considered low risk with regards to the proposed residential and allotment end use. The conceptual site model did not identify any significant potential contaminant linkages therefore no further investigation or remediation is necessary. Public Protection has no objections or further comments to make regards this scheme.

## **PUBLICITY**

2.17 The proposal was advertised as a Departure by way of a site and press notice, in addition to direct neighbour notification. Four letters of objection have been received from local residents raising the following points:

- Disappointed that proposal is for five detached properties rather than six semi-detached houses to provide much needed affordable homes as part of a larger site (which I supported)
- Young families unable to afford these properties and a need in the village for less expensive housing – developer should consider needs of the village
- Detached properties do not meet needs of the community
- Site would be dangerous as on a large bend

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located outside the defined development limits of North Duffield, is not allocated in the Local Plan and so is therefore defined as open countryside. Development within the village to the north and north east of the site is predominantly residential in nature. The western boundary of the application site is marked by Moses Dyke with agricultural land beyond. The site does not contain any protected trees and there are no statutory or local landscape designations. There is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zone 1, with a narrow strip close to the west boundary located in Flood Zones 2 and 3.

### **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
- SP5 Scale & Distribution of Housing
- SP8 Housing Mix
- SP9 Affordable Housing
- SP12 Access Services, Community Facilities and Infrastructure
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV28 Archaeological Remains
- T1 Development in Relation to Highway
- T2 Access to Roads
- RT1 Recreational Open Space
- RT2 Open Space Requirements

### **Additional Documents**

- Affordable Housing Supplementary Planning Document (2013)
- Developer Contributions Supplementary Planning Document (2007)
- North Duffield Village Design Statement (Feb 2012)
- National Planning Policy Framework (February 2019)

## **5 APPRAISAL**

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

- i. Principle of Development
- ii. Design, Layout, Scale & Visual Impact
- iii. Residential Amenity
- iv. Flood Risk & Drainage
- v. Highways, Access & Parking
- vi. Landscaping
- vii. Ecology
- viii. Contamination/Ground Conditions
- ix. Archaeology
- x. Affordable Housing
- xi. Recreational Open Space
- xii. Other Matters

Taking these in turn,

### **Principle of Development**

5.2 On 6th October 2020, the Director of Economic Regeneration & Place formally endorsed an updated five year housing land supply methodology and resultant housing land supply figure of 7.7 year deliverable supply, as set out in the 2020-2025 Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application, a position repeated by numerous



appeal Inspectors. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPFs aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications and approval on this site would provide additional dwellings to the housing supply.

- 5.3 Of note is that this site was previously included as part of the 5 year supply under outline permission 2015/0519/OUT for six dwellings, at the time of approval. The agent advises that the application is a key element of the wider "The Paddocks" development and would enable the whole area of The Paddocks to be delivered.
- 5.4 NPPF Paragraph 12 states that the Development Plan is the statutory starting point for decision making, adding that where a planning application conflicts with an up to date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.5 The previous outline permission (2015/0519/OUT) for 6 dwellings, was granted (08.10.2015) when the Council could not demonstrate a deliverable 5 year supply of housing land. The application was therefore determined without the relevant Local Plan policies being given any weight as they were considered to be out of date. Subsequently, a reserved matters application 2016/1265/REM was approved on 21.12.2016. However the permission expired in December 2018 and so the principle of development for this proposal must be considered again but this time with the full range of Local Plan housing land supply policies carrying full weight.
- 5.6 The submitted Planning Statement advises that North Duffield has had new development in recent years and the village would benefit from a small number of appropriately sited additional houses. The viability of the existing services and facilities would be enhanced but it is still necessary to consider whether those other matters of acknowledged importance would weigh in favour of the development or not.
- 5.7 Core Strategy Policies SP2 and SP4 direct new Development to the Market Towns and Designated Service Villages (DSVs) and restrict new Development in the open countryside. Within the Core Strategy North Duffield is classed as a DSV, whereby there is scope for some additional residential development and small scale employment provision, in order to support its rural sustainability.
- 5.8 Policy SP2A(a) of the Core Strategy states that *"The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints"*. The same policy adds: that *"Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability"* and that *"Proposals for development on non-allocated sites must meet the requirements of Policy SP4."*
- 5.9 Core Strategy Policy SP4(a) states that *"in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits"*.
- 5.10 In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages *"Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."*

- 5.11 Core Strategy Policy SP5 designates levels of growth within settlements based on their infrastructure capacity and sustainability. The policy sets a minimum target up to 2027 of 2000 dwellings for DSVs which the most recent monitoring indicates, has been exceeded by completions and permissions in these settlements as a whole.
- 5.12 Planning Policy have advised that the Council put forward various growth options for DSVs as part of the development of PLAN Selby in 2014 and 2015 and at that time the research indicated minimum growth options of between 11-36 dwellings for North Duffield. To date North Duffield has had 19 (gross) dwellings built in the settlement since the start of the Plan Period (17 net) in April 2011 and has extant approvals for 53 dwellings (51 net), giving a gross total of 72 dwellings. (68 net). On the basis of the above figures Planning Policy advise that the proposal is contrary to Core Strategy Policy SP2A c). This is at the upper end of what the DSV growth options study assessed as being a sustainable amount of growth over the plan period and the proposed development would increase the number of dwellings beyond this.
- 5.13 Taking into account the range of growth options identified for North Duffield, the scale of this individual proposal is considered to be appropriate to the size and role of a Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have with the previous levels of growth in the village that have occurred since the start of the plan period. Also, other applications for land to the north east at The Paddocks have been considered and recommended for approval in 2019.
- 5.14 In assessing the impacts of a housing scheme, the effects on the settlements character, infrastructure capacity (including schools, healthcare and transport) and its sustainability must also be considered.
- 5.15 North Duffield has a public house, a village hall, a Methodist Chapel, a general store including Post Office, a primary school and sport and recreation facilities which include playing fields. The village also has a bus service to York and Selby, albeit this offers limited services. Consequently, in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement it can be considered as being in a sustainable location.
- 5.16 When granting the previous approval the Council considered that the development was acceptable in respect of all matters of acknowledged importance and would bring economic, social and environmental benefits to North Duffield. The current conflict with up to date Development Plan policies in respect of the settlement boundary does, however, suggest that planning permission should now be refused. As mentioned above, Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. The NPPF advises however, that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that weigh in favour of the proposal are considered below.
- 5.17 Paragraph 9 of the NPPF advises that planning policies and decisions should play an active role in guiding development toward sustainable solutions but that local circumstances need to be taken into account, in order to reflect the character, needs and opportunities of each area. Paragraph 59 seeks to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development. The NPPF adds (Para. 68) that small and medium sized sites can make an important contribution to meeting the housing requirements of an area

and are often built relatively quickly. Therefore, planning permission should not be refused solely on the grounds that the Council has a 5 year housing land supply.

- 5.18 Given the nature and scale of the proposal, it is considered that approving the application would not cause serious harm to the Council's strategy for the provision of housing. The site has been assessed previously as being an appropriate location for housing and included in the Council's supply figure. Other land which was previously linked to this application, to the north east (beyond Kapuni) and outside the defined Development Limits and Moses Drain has also been granted planning permission, under three other separate planning applications.

### **Design, Layout, Scale & Visual Impact**

- 5.19 Core Strategy Policy SP18 seeks to protect (amongst other things) local distinctiveness and Policy SP8 states that proposals should provide an appropriate mix of scale and types of dwellings which reflect the requirements taken from the latest Strategic Housing Market Assessment (SHMA).
- 5.20 A number of those making representations have stressed the need for new housing for young families and the proposal still includes three bedroom properties (albeit detached) as well as two bedroom properties. The proposal has been reduced as per the previous approvals from six dwellings to five and rather than all properties being semi-detached the scheme now proposes five detached dwellings with a mix of a bungalow and two storey properties. In addition, the previous approval was for 3 and 4 bedroomed properties. Reference is also made to the Selby District SHMA within the submitted DAS and advises there is a requirement to create a wide mix of dwellings as "*demand continues to outstrip supply.*"
- 5.21 Development has already occurred between the defined Development Limits of the village and Moses Drain and, together with the development at The Paddocks, could be considered to represent a more natural and clearly identifiable boundary for expansion of the village to the west.
- 5.22 The submitted DAS refers to the sites position at the "*entrance of the village.*" and the existing built form within the immediate locality which is characterised by a range of house types, plot sizes and materials. Residential development adjacent to the site to the east on Victoria Terrace comprises two storey, terraced properties. Dwellings on Maple Drive, a modern development, having terraced, two and a half storey dwellings.
- 5.23 The accompanying DAS also refers to the Village Design Statement (VDS) and includes examples (photographs) of other properties within the village. The submitted plans show that the proposed houses would be built using similar materials to those found locally and would provide a mix of different house types and thereby providing variety in their appearance. It is not considered that the proposed houses would be prominent in views from any of the approaches to the village and the proposed form and setting would maintain the current visual character and seen within the context of this part of the edge of the village. The approach taken in this application accords with the North Duffield Village Design Statement which aims for "*detached houses and brick construction materials*". Detailing would include heads and cills in art stone; chimneys, eaves detailing, single bay windows and canopies to all providing visual interest and which are already incorporated on a number of properties within the village.
- 5.24 The proposed layout sees the properties being located to the frontage of the site and facing Green Lane, with outdoor amenity space and parking situated to the rear (north west). The layout accounts for the 9m strip and the portion of the site which is situated within Flood Zones 2 and 3 ensuring that the dwellings remain within Flood Zone 1.

- 5.25 In conclusion, it is considered that the proposal is acceptable with a similar layout pattern to the existing adjacent form of development in terms of the siting of the proposed dwellings. These are set back from the road sufficiently to avoid an enclosed street frontage and the layout plan utilises the constraints of the site to its advantage. Granted, parking is to the rear but this maintains a car free frontage and is considered to be acceptable on this site due to its modest scale. Materials would reflect those used on existing properties and interest is added to the simplified elevations through the use of additional detailing. However, in order to ensure that the proposed development maintains the same level of character as existing adjacent dwellings, it is proposed to include a condition which would require the face of the windows be set within reveals of at least 50mm. On this basis, the proposal is considered to be acceptable and therefore accords with Core Strategy Policies SP18 and SP8 and the NPPF in this regard.

### **Residential Amenity**

- 5.26 Policy in respect to impacts on neighbour amenity and securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. In addition, paragraph 127(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being '*with a high standard of amenity.*'
- 5.27 There are no properties in the immediate vicinity of the site to the north west, west or south and the closest property to the north is the bungalow 'Kapuni' which would be situated more than 30m from the closest of the proposed dwellings. Kapuni is also separated from the site by a farm track and has intermittent planting at a relatively high level to its facing boundary. In addition, a hedgerow is proposed to be retained and supplemented to the north facing boundary of the application site.
- 5.28 To the south east of the site are a row of seven properties (Victoria Terrace) where the frontages face south and toward Market Weighton Road. A large area of hardstanding provides parking and immediately adjoins the rear (north) of these properties, which results in the amenity space being separated from the dwellings. An established hedgerow runs along the full extent of the side and rear boundaries of the gardens connected to No.1 Victoria Terrace and the rear boundaries of the remaining gardens. There would be no direct views of the site from the rear of this property. The side (west) elevation of No. 1 is the closest of these properties and faces the application site but is blank apart from a first floor window which serves a bathroom and given that there is a minimum distance of 13m between the side elevation Victoria Terrace and the closest property frontage of the proposal, there are no concerns in regards to residential amenity.
- 5.29 Adjoining the rear gardens of Victoria Terrace are a number of relatively new properties which are two and a half storey. The closest being No. 49 Maple Drive. This is located at a distance of approximately 20m from the closest proposed dwelling and is sited in a north west and south east direction. Therefore the distance and position of the existing dwelling, would prevent direct overlooking to or from properties within the proposal site. Given the position of the site it is considered that permitted development rights should be removed which would require a planning application for any extensions, and additional proposed means of enclosure being gates and walls. This would ensure an element of control would be retained by the authority in regards to maintaining the levels of residential amenity and the general character of the area.

### *Noise*

- 5.30 The submitted application includes an Addendum Noise Report which advises that the main source of noise to the site is from the adjacent Market Weighton Road (A163) and that mitigation measures are required to ensure the amenity of future occupants is acceptable.
- 5.31 The report advises that the mitigation measures required to meet acceptable noise levels would comprise alternative ventilation and glazing solutions to plots 1, 2 and 3; in addition to an acoustic fence to the south side of the rear garden of plot 1. The report adds that plots 4 and 5 would not require any specific mitigation due to the greater separation distance from the A163. In terms of glazing, it is suggested that closed standard double glazed units be utilised with an alternative means of ventilation comprising of passive acoustic core vents in habitable rooms with continuous mechanical extraction in bathrooms and kitchens. This system would achieve background ventilation levels whilst windows may be openable at the occupant's discretion. The Environmental Health Officer (EHO) has reviewed the Addendum Noise Report, and recommends that the mitigation measures specified in the report are incorporated in to the development.

### *Conclusion*

- 5.32 Given the nature of the development and its relationship to neighbouring residential properties, it would not have a significant adverse impact and an acceptable relationship could be achieved between the existing and proposed development. Furthermore, the mitigation measures referred to in the Noise Report and to be incorporated within the development would ensure that future occupants would be protected from noise disturbance from the A163 which can be controlled via condition. On this basis the proposal is considered to accord with Local Plan Policy ENV1 (1) and (4), Core Strategy Policy SP19 and the advice contained within the NPPF.

### **Flood Risk & Drainage**

- 5.33 Core Strategy Policy SP15 require proposals to take account of flood risk, drainage and climate change. Criterion d) of Policy SP15 applies in respect of ensuring development is located which avoids flood risk areas.
- 5.34 The majority of the application site is located in Flood Zone 1 (low probability of flooding), which comprises of land assessed as being low risk and having a less than 1:1000 annual probability of flooding. A section of the land to the north west is situated within Flood Zones 2 and 3 and would comprise a 9m wide strip to provide an easement as required by the IDB with none of the proposed dwellings being situated within this area.
- 5.35 The Internal Drainage Board (IDB) have responded to the proposal and their final comments advise that as the development site is currently grassland, the maximum discharge rate normally accepted is at the "greenfield" rate of 1.4 litres per second per hectare. However, given the scale of the site at 0.69 hectares and using the greenfield run-off rates this would equate to a discharge rate of 0.966 litres per second. In addition, the IDB refers to the use of a hydrobrake with a discharge rate of 1 litres per second within the site and the use of a perforated filtration pipe to the watercourse. The IDB advise they would not normally agree to a higher discharge rate than that proposed by the greenfield run off rates but given the specific circumstances, they would accept the discharge rate proposed on this occasion. This is agreed on the basis that the Board can inspect the installation periodically to ensure that the discharge rate of 1 litres per second remains, which would need to be secured by condition.

- 5.36 The Environment Agency have advised that there are no objections to the proposal subject to there being no raising of the existing land levels of the site.

#### *Foul Drainage*

- 5.37 Foul drainage would discharge into the existing mains sewer on Green Lane and Yorkshire Water Services (YWS) have not raised objections but advise conditions be included requiring separate systems for foul and surface water and no piped discharge of surface water until a satisfactory outfall has been provided. In addition they advise that the submitted details have not been approved for the purposes of adoption or diversion. Should the proposal be approved an informative would be included.
- 5.38 On the basis of the above comments, assessment and that the means of both foul and surface water drainage are provided in accordance with the conditions required by the above consultees, it is considered that the development is capable of a satisfactory provision for both foul and surface water and therefore accords with Core Strategy Policy SP15 and the relevant advice within the NPPF.

#### **Highways, Access & Parking**

- 5.39 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition paragraph 109 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.40 There have been many minor changes to the technical details of the proposed access throughout the planning process in order to satisfy the Highway Officer's technical requirements. The main access to this site would be a private drive given that the site now proposes only 5 dwellings and would be maintained as such. The site access would be taken from Green Lane in a similar position to that approved under application ref: 2016/1265/REM.
- 5.41 Parking is located to the rear of the site as previously approved. However, the proposed layout introduces private drives to three of the proposed properties. Parking spaces would adjoin the rear gardens to the remaining two plots and is now dispersed more evenly throughout the extent of the site, which is considered to be an improvement on the previous layout where parking was in groups of six and four. The submitted Design and Access Statement (DAS) states that the layout avoids frontage parking and "*avoids a car free streetscene,*" as well as ensuring that surveillance is maintained onto Green Lane from the property frontages. It is also considered in encouraging more sustainable development that a condition be added which would require the provision of electric vehicle charging points, which is referred to in Core Strategy Policy 15.
- 5.42 A footpath would be designed to continue to the boundary of the allotments to the south of the site. This would provide safe pedestrian access to the community facility and would run along the frontage of the plots on Green Lane.
- 5.43 In conclusion and on the basis of the favourable comments from the Highway Officer, being subject to conditions relating to parking, turning, access, verge crossing, off-site highway works and Construction Phase Management Plan, the highway specifics are considered to be acceptable and would therefore accord with Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

## **Landscaping**

- 5.44 Core Strategy Policy SP18 requires that high quality and local distinctiveness of the natural environment will be sustained by *'safeguarding, and where possible, enhancing the natural environment, including the landscape character and setting of areas of acknowledged importance.'*
- 5.45 The proposal includes removal of the existing hedge to the site frontage in order to extend the grass highway verge which would run across the frontage of plots 1 to 3 at the junction of Market Weighton Road and Green Lane. The hedge would however be reinstated but set back further from the highway in order to allow for better visibility at the junction. A timber fence now separates the proposal site from the adjoining (proposed) allotments and a native hedgerow with trees interspersed would be planted along a large proportion of this boundary, enabling screening from Market Weighton Road. Additional trees would be planted at intervals, with two small groups adjacent to the 9m easement along Moses drain.
- 5.46 Further low-level planting is proposed to the immediate frontage of the dwellings in order to separate the public and private space. The additional landscaping to the front of the site would soften the built form and add quality to the street scene. An 1800mm high screen wall / fencing is utilised where public and private garden space meets in order to provide adequate screening for privacy.
- 5.47 The Landscape Architect has advised there are no objections but requires a condition to ensure that all planting is undertaken in the first available planting season following occupation of the dwellings.
- 5.48 On the basis of the above assessment, the proposal is considered to accord with Core Strategy Policy SP18 and the advice within the NPPF.

## **Ecology**

- 5.49 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF. Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 5.50 The site comprises a mix of grassland types with dotted areas of scrub, trees and a mature hedgerow which is present to the majority of the boundaries. The application site is not a formal or informal designated protected site for nature conservation; known to support or be in close proximity to any site supporting protected species or any other species of conservation interest. Skipwith Common is, at its nearest point, over 1 km from the application site, with Moses Drain, arable farmland and Cornelius Causeway in between and the Lower Derwent Valley is, at its nearest point, over 1.5 km to the east with the village of North Duffield between.
- 5.51 The Ecology Officer's (EO) initial response referred to the submitted Preliminary Ecological Appraisal (PEA) advising that it was a lengthy document but that specifics between general advice and measures to be undertaken were nuclear, such as mitigation being proportionate to the risk. On this basis, the EO requested that a Construction Ecological Management Plan (CEMP) and Ecological Enhancement Plan

(EEP) be produced to ensure compliance with the relevant legislation. Following some minor changes to the content of the CEMP and EEP and following a further (3rd) consultation, the Ecology Officer advised that the suggested revisions have been incorporated and the scope of ecological mitigation is acceptable but that adherence should be secured by condition.

- 5.52 The Yorkshire Wildlife Trust's final comments concur with the Ecology Officer's response and advise no further comments.
- 5.53 Subject to the inclusion and adherence to the relevant condition, the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

### **Contamination/Ground Conditions**

- 5.54 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 5.55 A Phase 1 Preliminary Risk Assessment accompanies the application which advises the survey did not reveal any evidence of made ground or any signs of subsidence or land contamination any significant potential contaminant linkages, so the overall risk is considered to be low.
- 5.56 The Contamination Consultant (CC) has advised that the submitted desk study and site walkover indicate that land contamination is unlikely to be present and that historic maps show that no past industrial activities have been located onsite or within the immediate vicinity. The submitted survey also shows the site to be low risk. The consultant concludes that the site is low risk and that no further investigation is necessary.
- 5.57 In conclusion, there are no concerns with regard to contamination and the development is considered to accord with Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19, in addition to the NPPF.

### **Archaeology**

- 5.58 Local Plan Policy ENV27 and Core Strategy Policy SP18 (amongst other things) are concerned with the protection of archaeological remains and that the NPPF (para. 194) affords protection for such remains.
- 5.59 The Principal Archaeologist (PA) initial comments advised that a pre-commencement condition would be required in respect of the submission of a Written Scheme of observation and recording. The agent has since submitted a scheme which has been assessed by the PA whose final comments advise that this is sufficient and that the pre-commencement part of the condition can be deleted and replaced with the shorter condition set out in response dated 08.10.209.
- 5.60 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of archaeological implications (subject to the inclusion of the requisite condition), of the proposal and the proposed development would therefore



comply with Local Plan Policy ENV27 and Core Strategy Policy SP18 and the provisions of the NPPF.

### **Affordable Housing**

- 5.61 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.62 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 63 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the Ministerial Statement and national advice. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.
- 5.63 The application is in full with a site area of more than 0.5 ha (0.69 ha) and the proposed number of dwellings is below 10 and the site could not reasonably accommodate 10 or more dwellings due to the constraints from Flood Zones 2 and 3 to the north western boundary. Furthermore, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.
- 5.64 It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

### **Recreational Open Space**

- 5.65 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space. There is a requirement to provide 60sqm per dwelling which, in this case, would equate to 300sqm. The submitted layout plan does not incorporate any on-site recreational open space as part of the development.
- 5.66 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and upto and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality. Discussion with the Parish Council would be needed to identify which of the two would be of the most benefit to the village. Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:
- provide open space within the site;
  - provide open space within the locality;
  - provide open space elsewhere;
  - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.67 In this instance a commuted sum would be required and depending upon the requirements of the Parish Council (based on current figures) would comprise of either of the following:

- Cost per dwelling for upgrading existing open space @ 60 m<sup>2</sup> = £991
- Cost per dwelling for provision of new recreation facilities: £991 + £103.80 = £1,095

Payment would be secured through the applicant entering into a Section 106 Agreement which would be required to be in place prior to the issuing of any planning permission.

### **Waste and Recycling**

- 5.68 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling equipment. The Waste & Recycling Officer queried whether the drive would be private and advised on this basis that the position of the bin presentation points were acceptable. The waste and recycling contribution would be provided under the Section 106/Unilateral Agreement in accordance with Developer Contributions.

### **Other Matters**

- 5.69 Local Plan Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare are required. Given the small scale of the application, it does not trigger any of the contributions listed.

## **6 CONCLUSION**

- 6.1 The proposed scheme is for 5 dwellings and located on land outside the development limits of North Duffield which is a Designated Service Village. The proposal is contrary to Core Strategy Policy SP2A(c) and so is not in accordance with the Development Plan and should be refused unless material considerations indicate otherwise.
- 6.2 One such material consideration is the NPPF which states that proposals for housing should be considered in the context of the presumption in favour of sustainable development and which seeks to boost the supply of housing. In applying the principles of the proposal against the NPPF, the development would bring economic benefits as it would generate employment opportunities in both the construction and other sectors linked to the construction sector. The proposal would also bring additional residents to the area who in turn would contribute to the local economy through supporting existing local businesses and facilities.
- 6.3 The development takes into account environmental issues such as ecology, flooding and impacts on climate change and the benefit of the existing local services within North Duffield and access to public transport, means the need to travel by car can be reduced. The proposals are also considered to be acceptable in respect of the access, layout, impact upon residential amenity, drainage and contamination in accordance with adopted Local Plan policy. It is, therefore, considered that the development would bring significant economic, social and environmental benefits to the village of North Duffield and that there would be no harm to matters of acknowledged importance.
- 6.4 Whilst recognising the conflict with the adopted and up-to-date settlement boundary, it is not considered that approving the application would cause serious harm to the Council's strategy for the provision of housing. Designated Service Villages such as North Duffield have been identified in the Core Strategy as having some capacity for additional residential development and the application land has been assessed as

being an appropriate location for housing and has previously been included in the Council's 5 year housing land supply figure. Other land between the western edge of the defined Development Limits and Moses Drain has also been granted planning permission. It has been suggested that North Duffield has seen a relatively small amount of new development in recent years, particularly when compared to other DSVs, and that the village would benefit from a small number of appropriately sited additional houses such as is now proposed.

- 6.5 In recommending that the Committee approve this application, Members are requested to recognise that the application is not in accordance with the Development Plan but that the nature and extent of the material considerations justify a decision that is contrary to the provisions of the Plan. Therefore, subject to the recommended conditions and the material considerations as set out in this report outweigh the conflict with the Development Plan to the extent that planning permission should be granted.

## **7 RECOMMENDATION**

This application is recommended to be GRANTED subject to A S106/Unilateral AGREEMENT and 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:

- P16 5022 11- Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 12 - Proposed Floor Plans & Elevations - 3 bed - Fishergate
- P16 5022 13 - Proposed Floor Plans & Elevations - 3 bed - Swale (AS)
- P16 5022 14 - Proposed Floor Plans & Elevations - 2 bed bungalow - BU4 (AS)
- P16 5022-120 Rev D – Site Layout showing Landscape Proposals
- P16 5022-111 Rev E – Site Layout
- P16 5022- 112 – Garage Details
- P16 5022-113 - Boundary Treatments
- P16 5022–114 – Location Plan
- 12370-5002-01 Rev 5 - Site Layout
- 12370-5002-02 Rev 6 – Kerbing Plan
- 12370-5002-03 Rev 6 – Section 278
- 12370-5002-04 5 Typical Highway Construction Details (Sheet 1)
- 12370-5002-C-05 Rev 7 - Drainage Layout Plan
- 12370-5002-C-09 Rev 1- Site Layout Tracking
- 12370-5002-06 7 – Surfacing Plan
- 12370-5002-07 – Porous Paving Detail
- 12370-5002- 08 Rev 2 – Private Drive Construction Details & Storm Cell Details
- Sewer Site Plan received on 31.03.2020
- 12370-5002-11 – Vehicle Swept Path

Reason: For the avoidance of doubt

03. A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for an Archaeological Strip, Map and Record prepared by MAP Archaeological Practice (Ref: Vers. A031019).B).

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Sub Section (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure compliance with Policy ENV28 of the Selby District Local Plan and Section 12 of the NPPF as the site is of archaeological interest.

04. No part of the development shall be brought into use until the access to the site at Green Lane, North Duffield has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.-

- a. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway
- b. 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
- c. The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway
- d. Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

05. Prior to first occupation of the development hereby approved, the following schemes of off-site highway mitigation measures must be completed as indicated below:

- a) Provision of a 2 metre wide footway on both sides of Green Lane prior to first occupation of dwellings
- b) Increased width of carriageway, including new carriageway, tie in and resurfacing of existing carriageway at Green Lane, North Duffield prior to commencement on site;
- c) Provision of tactile crossing point prior to first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect

or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

06. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the site on Green Lane, North Duffield have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

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

Reason: In the interest of public safety and amenity.

08. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved details and prior to occupation of the site.

Reason: In the interest of satisfactory and sustainable drainage.

09. 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 provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm). The total discharge from the new development site shall therefore not exceed 1 litres per second.
- 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 a satisfactory means of drainage and to reduce the risk of flooding.

10. The development hereby approved shall not be brought into use until the noise mitigation measures within the submitted Addendum Noise Report (dated 5<sup>th</sup> July 2019) prepared by Environmental Studies - Leeds City Council have been provided on site.

Reason: In accordance with Core Strategy Policy SP19 and in order to ensure that the amenities of the occupants of the dwellings hereby approved are not adversely affected by noise from vehicle movements on Market Weighton Road (A163).

11. No new buildings, structures, walls, fences, trees or other planting or obstruction shall be erected or placed within 9 metres of the bank top of Moses Drain.

Reason: To maintain access to the watercourse for maintenance or improvements.

12. There must be no raising of ground levels in Flood Zone 3 (as per the flood map for planning on the Environment Agency website), and all spoil / arisings are to be removed from the floodplain.

Reason: To ensure that there is no loss of flood storage, and that flood flows are not displaced onto others.

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

- Revised Construction Ecological Management Plan (CIEM) & Ecological Enhancement Management Plan (EEMP) prepared by Wold Ecology Ltd and received on the 22.04.2020

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

14. The external face of the frames of all windows and doors shall be set in reveals of at least 50mm from the front face of the brickwork.

Reason: In the interests of the character and appearance of the area.

15. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner; All shrubs, trees and hedge

planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of **five** years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

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

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

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Local Plan Policy ENV1 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A or B and Part 2 of Class A including the erection of buildings or structures, the construction of gates, walls, fences or other means of enclosure, other than those shown on the approved plans shall take place to any elevation of the dwelling houses hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

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

## **INFORMATIVES**

### Highway Works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification\\_for\\_housing\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads___street_works_2nd_edi.pdf)

### Yorkshire Water Services

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82), email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRC publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

### Board's Consent

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's **prior written** consent (outside of the planning process) is needed for:

- a. Any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. Any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. ***This applies whether the discharge enters the watercourse either directly or indirectly.***
- c. Works including the creation of an outfall structure (including those associated with land drainage), bridges, culverting etc. into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- d. Any construction, fencing or planting within 9 metres of a Board maintained watercourse (as shown

The Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Full details of the Consent process can be found on our website:-  
<http://www.yorkconsort.gov.uk>

### Erections within 9 metres of the Watercourse

The Board's consent is required for any construction, fencing or planting with 9 metres of the top of the embankment of a Board maintained watercourse.

The Board notes that the applicant proposes to erect a fence and wall within 9 metres of the watercourse, as well as a parking area for plot 5.



Consent for this has not been obtained and will need to be discussed, and agreed, with the Board prior to the erection of the same.

The Board can agree, in principle, for the fence, wall and parking area to be erected within the 9 metre easement area but the exact location will need to be agreed with the Board and subject to certain conditions.

### Maintenance Responsibility - General

The proposed development is within the Board's area and is adjacent to Moses Drain, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

## 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 2019/0759/FUL and associated documents.

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Appendices: None