



Report Reference Number: 2020/1041/FUL

To: Planning Committee
Date: 6 October 2021
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| APPLICATION NUMBER: | 2020/1041/FUL | PARISH: | North Duffield Parish Council |
| APPLICANT: | Symes Bains Broomer Solicitors | VALID DATE: EXPIRY DATE: | 2nd October 2020 27th November 2020 |
| PROPOSAL: | Proposed conversion of existing agricultural building to 2no dwellings with garages and erection of 3no dwellings with garages following demolition of existing farm buildings | | |
| LOCATION: | Gothic Farm Main Street North Duffield Selby North Yorkshire YO8 5RG | | |
| RECOMMENDATION: | GRANT subject to the completion of a Unilateral Undertaking | | |

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the Development Plan in that it does not strictly accord with the provisions of Policy SP2(c) of the Selby District Core Strategy, as the proposal includes the erection of a dwelling outside the defined Development Limit of the settlement. However, the proposal would comply with all other relevant criteria, and it is considered that there are material considerations which would support the recommendation for approval.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located to the north of Back Lane adjacent to the junction with Main Street, North Duffield. The site comprises of a block of red brick and tile, single storey agricultural sheds to the rear of Gothic farmhouse, red brick and tile

two storey agricultural buildings, set around a fold yard to the front of the site along Back Lane and a breeze block and steel roll top agricultural building set within the wider curtilage of Gothic Farm. Gothic farmhouse and its immediate garden curtilage are sited outside the application site to the southwest.

- 1.2 The site measures approximately 0.27 hectares in size and is currently vacant with the majority of the site set within the defined Development Limits of North Duffield. The northeast corner of the site (approximately one third of the application site) which contains the breeze block and steel roll top agricultural building is outside the defined Development Limits and is therefore within the open countryside.
- 1.3 The site is bounded by agricultural land to the north and east with existing residential development and the wider built form of North Duffield to the south and west. The site boundaries comprise a mix of trees and some sporadic hedging to the north, east and western edges of the site with boundary of the site running behind the existing farmhouse. The south facing southern frontage to Gothic Farm comprises large mature hedging.

The Proposal

- 1.4 The application proposes the conversion of existing agricultural building to 2 no. dwellings with garages and erection of 3 no. dwellings with garages following demolition of existing farm buildings.
- 1.4 The proposal would provide 2 no. 3 bedroom properties within the conversion (Plots 1 and 2) and 3 no. detached 3-bedroom properties (Plots 3, 4 and 5).
- 1.5 An amended drainage plan was received in response to the comments received from the Internal Drainage Board.
- 1.6 Following discussions with the agent in respect of the siting of the garage at Plot 5 and the heights of the proposed detached garages serving Plots 3, 4 and 5, amended floor plans, elevations, perimeter elevations, site sections and garage plans were provided.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
 - CO/1987/0319 - Description: Proposed change of use of existing farm buildings into residential units. Refused 11-MAY-88.
 - CO/1988/0359 - Change of use of existing farm buildings into four No. residential units and associated works. Permitted 15-SEP-88.
 - CO/1989/0348 - Description: Proposed conversion of existing farm buildings to four No. residential units. Refused 13-FEB-90.
 - CO/1990/0313 - Change of use of existing farm buildings into four residential units, garages and associated works. Permitted 21-DEC-90.

- CO/1996/0001- Renewal of consent for change of use of existing farm buildings into four residential units, garages and associated works. Permitted 13-FEB-96.

2. CONSULTATION AND PUBLICITY

2.1 Parish Council – Support.

2.2 **NYCC Highways** – The initial highways response received 26 October 2020 suggested a number of conditions. Following correspondence between the Highways Authority and the agent the recommended condition in respect of the visibility splays was amended as set out in the highways response received on 15 February 2021. The final highway authority comments are set out below:

2.3 In assessing the proposal and in recognition that the proposal does not include a footpath link within or to the site, this would mean that most, if not all trips, would be by car. Therefore, to encourage and promote walking, plus link the site to the village via suitable footway, recommend conditions are attached to any permission in respect of:

- New and altered Private Access or Verge Crossing at Back Lane:
- Delivery of off-site highway works: Minimum 1.5 metres wide footway within the site and linking the vehicle access point on Back Lane to the existing footway of Main Street prior to first occupation of any dwelling.
- Visibility Splays at Back Lane: No access or egress by any vehicles between the highway and the application site at Back Lane until splays are provided giving clear visibility of 45 metres West and 30m East measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road.
- Construction Phase Management Plan.

2.4 **Yorkshire Water** – Recommend conditions be attached to any approval requiring that the site be developed with a separate system for foul and surface water on and off site and that no piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed. Response also confirms that there is no objection to:

- The proposed separate systems of drainage on and off site;
- The proposed amount of domestic foul water to be discharged to the public foul sewer network
- The proposed point of discharge of foul water to the public foul sewer in Back Lane.

2.5 **The Ouse & Derwent Internal Drainage Board** – (Response dated 16 October 2020) Reference to the application being within the Board's district. The Board has assets in the wider area (North Duffield Village Drain) which is known to be subject to high flows during storm events. Concerns raised over surface water disposal.

The Board notes that it is not clear what is proposed for the disposal of surface water from Plots 1 and 2, but that soakaways are proposed for Plots 3, 4 and 5. The Planning Supporting Statement sets out that “...the surface water will be discharged

via the existing surface water drainage system together with attenuated drainage into soakaway” and “All subject to detailed design and survey and to be agreed with the planning authority/local drainage board and local water authority.”

Even if a soakaway already exists, the Board would suggest that the Local Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the volume of water that will be generated by the development. It is not, usually, sufficient for the applicant to rely on anecdotal evidence of its past performance.

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

Conclusion: The Board recommends any approval should include a condition that Drainage works to be agreed before development commences.

2.6 The Ouse & Derwent Internal Drainage Board – (Response dated 10 November 2020 to amended drainage details Dwg. No. (03)106 Rev 1).

In reviewing the amended drainage details the Board notes that soakaways are now proposed for all the plots. The Board recommends that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water, so this very much welcomed by the Board.

The Board would ask the Planning Authority to seek the same details as set out in the initial response dated 16 October 2020 in respect of:

- Soakaways
- Discharge
- Foul Sewage
- Recommended condition – Scheme for the provision of surface water drainage works
- Board’s consent for discharge into any watercourse within the Board’s District.

2.7 Contaminated Land Consultant – Made ground is expected on site and there is potential for impact from use and storage of agricultural machinery. Past activities could have given rise to land contamination. Confirm that the report and proposed site investigation works are acceptable. If contamination is found, appropriate remedial action will be required to make the site safe and suitable for its purpose. Recommend a number of conditions be attached to any approval in respect of (1) investigation of land contamination, (2) submission of a remediation scheme, (3) verification of remedial works, and (4) reporting of unexpected contamination.

2.8 County Ecologist – (Response dated 24 May 2021) Satisfied that the recommendations made in the two ecology survey reports can be incorporated into the development that the favourable conservation status of these species can be maintained. However, at this stage none of the plans for the development site include details of the location and specification for the great crested newt compensatory terrestrial habitat, barn owl temporary boxes and permanent barn owl nest facility and the recommended bat boxes. Recommend that a plan is submitted to show the locations of these features along with some recommendations on linking the mitigation plan to the relevant paragraphs of the reports to assist with

cross referencing the requirements. Further comments will be provided in receipt of this plan.

- 2.9 **County Ecologist** – (Response dated 20 July 2021 in response to submitted Construction Ecological Management Plan and Wildlife Enhancement Plan) Report is thorough and covers all the legal requirements in relation to protected species, includes compensatory and enhancement measures for a range of locally occurring species and also includes habitat enhancement of hedgerows and grassland. It is therefore considered the report is sufficient for the determination of this application and expect that adherence to the content of the report to be secured by condition.

2.10 **Publicity**

The proposal was publicised by way of a site notice (21 December 2020) and within the Selby Times (31 December 2020) as a departure from the development plan; in addition to direct neighbour notification. To date five residents have provided comments to the proposal.

Comments raised are as follows:

Amenity:

- Plots 4 and 5 appear closer to the western boundary than the existing buildings to be demolished.
- Concerns in respect of overshadowing from plots 4 and 5 on property to the west leading to reduction in light and overlooking issues.
- Potential for new fence along western edge of development to impact on light to the kitchen of property to the west.
- Support for retaining existing dwelling on site – important from both a historical and streetscene viewpoint.

Highways/Access:

- Hall Farm requires access at all times from the farm lane at the corner of Back Lane.
- Access is needed by lorries delivering food and animal transport vehicles.
- Lorries cannot access from Back Lane past the Village Hall – so no access needed from Main Street, past Gothic Farm.
- Access is required at all hours.
- Traffic problems – appears every house has at least one car and most have two – most properties who have drives do not use them and leads to challenges when driving through the village.
- Road which connects the property to Main Street and Back Lane is very narrow with no raised curb path.

Infrastructure:

- Concerns Yorkshire Water Pumping Station at top of Back Lane being at maximum capacity – number of new developments in the village and no knowledge of any investment made in the infrastructure.

Leisure/recreation facilities:

- Current leisure facilities/play facilities for minors and teenagers are a bare minimum and have remained the same for 27 years – when increasing housing and population you have to take into account the amenities for the people – note a spike in teenage antisocial behaviour.

Nature Conservation and Protected Species:

- Query whether hedging along western boundary to rear of plots 4 and 5 is to be retained or replaced by a fence – concerns regarding wildlife which nest in the hedge.

Scale of development:

- Sympathetic development – preference for small scale developments which allow the village to grow organically, unlike some of the larger development seen in recent years.

3 SITE CONSTRAINTS

- 3.1 The application site is located partly within the defined Development Limits of North Duffield with approximately a 1/3 of the site in the northeast corner outside the defined Development Limits and therefore in the open countryside. The proposal is therefore considered as a Departure from the development plan.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "*if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP8 - Housing Mix
SP9 - Affordable Housing
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
T1 - Development in Relation to Highway
T2 - Access to Roads
RT2 - Open Space Requirements
CS6 - Development Contributions-Infrastructure

Other Policies and Guidance

- 4.8 - Affordable Housing Supplementary Planning Document (2014).
- North Duffield Village Design Statement Supplementary Planning Document (2012).
- Developer Contributions Supplementary Planning Document (2007).

5 APPRAISAL

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

- Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway Safety
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species

- Land Contamination
- Affordable Housing
- Developer Contributions

Principle of the Development

- 5.2 Paragraph 12 of the NPPF is clear that the starting point for decision making is the development plan adding that where a planning application conflicts with an up-to-date development it should not normally be granted unless material considerations indicate otherwise. Local planning authorities may therefore 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. Policy SP1 of the Core Strategy states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.
- 5.3 North Duffield is identified as a Designated Service Village in the spatial development hierarchy (Policy SP2) of the Core Strategy Local Plan. Designated Service Villages are considered to have some scope for additional residential growth to support rural sustainability. Policy SP4 allows for conversions, replacement dwellings, redevelopment of previously developed land, appropriate new greenfield development and the conversion/redevelopment of farmsteads within Designated Service Villages.
- 5.4 North Duffield has a defined Development Limit with the majority of the application site set within the defined Development Limit. However, the northeast corner of the site (which equates to approximately one third of the application site) is located outside the Development Limit and would be sited within an area regarded as open countryside. This constitutes a partial Departure from the Development Plan, which should be the starting point for assessing the principle of the development. The conversion and the new build (plots 4 and 5) are within the Development Limit and regarded as appropriate development in line with SP4.
- 5.5 Policy SP2A(a) states: *“The majority of new development will be directed to the towns and more sustainable villages depending on their role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints.”* The policy goes on to state that: *“Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability.”* This is in line with paragraph 78 of the NPPF which sets out that *“...housing should be located where it will enhance or maintain the vitality of rural communities.”*
- 5.6 In considering development which is sited outside the defined Development Limits and therefore within the open countryside Policy SP2A(c) sets out that development *“...will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”* The proposed part of the development is not considered to meet the limitations set out in Policy SP2A(c) as it constitutes development in the open countryside and is not for rural affordable housing.

- 5.7 In considering what material considerations would support an approval of the scheme on policy grounds, the following matters are considered to be relevant:

Sustainability and Emerging Local Plan

- 5.8 As set out above the application site straddles the defined Development Limit for North Duffield, which is identified as a Designated Service Village in the Core Strategy. The spatial strategy set out in the Core Strategy focusses growth within the three towns of Selby, Tadcaster and Sherburn in Elmet. However, the Core Strategy recognises that there is insufficient capacity to absorb all future growth in the three towns without compromising environmental and sustainability objectives. The strategy therefore considers that limited growth in the larger villages (Designated Service Villages), which have a good range of local services is considered appropriate. This approach is supported in paragraph 38 of the NPPF which states that decision makers “...*should seek to approve applications for sustainable development where possible.*” In supporting the Government’s objective of significantly boosting the supply of homes, paragraph 60 states “...*it is important that a sufficient amount and variety of land can come forward where it is needed.*”
- 5.9 Paragraph 69 of the NPPF goes on to state that: “*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area.*” Paragraph 79 of the NPPF promotes sustainable development in rural areas recognising that housing should be sited “...*where it will enhance or maintain the vitality of rural communities...*” and goes on to state that “...*planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.*”
- 5.10 For information only, it is noted that the application site is identified as a preferred allocation for residential development in North Duffield in the emerging new Local Plan (Site Ref: NDUF-L). However, as set out above at paragraph 4.3, that Plan has no status at this stage and no weight can be attached to emerging Local Plan policies.
- 5.11 However, it is considered reasonable that the latest supporting evidence base, as set out under paragraph 24.1 of the Local Plan Preferred Options consultation document, is referenced which sets out that North Duffield has the following local services:
- Primary School
 - Healthcare facility
 - Convenience store
 - Two village halls/meeting rooms
 - Two bus routes which pass through the village Monday to Friday, with up to 5 journeys.

Site Characteristics

- 5.12 The existing site is clearly marked with established boundaries separating the site from the wider agricultural land to the rear. The site is adjacent to the existing built form of North Duffield and the site, including the northeast corner of the site outside the defined Development Limits, is already built up with existing agricultural buildings. With the exception of Plot 3, the remainder of the site would be within the defined Development Limit and would accord with the provisions of the Development Plan.

- 5.13 Should the development site be amended to exclude the northeast corner of the site from the red line application site, this would likely lead to this area of the site being land-locked and the existing breeze block roll top agricultural building would lead to a vacant parcel of land and agricultural building. Given the clearly defined boundaries to the site it is considered reasonable, in this case, to consider the whole site for development, as a logical development site following the existing built form of the village along Back Lane.
- 5.14 In addition, the supporting statement submitted with the application suggests that whilst Policy SP4 states that, for development in the open countryside, proposals for the re-use of buildings should preferably be for employment purposes, the agent suggests that as the scheme is for a residential use within the Development Limit, it would be more appropriate for the area outside the Development Limit to be developed for residential use. In further support the agent has suggested that the agricultural building within this area of the site could be developed through the Class Q permitted development allowances to convert agricultural buildings to dwellings. Following further correspondence with the agent he has referenced the footnote to Policy SP2 which sets out that "*Development Limits will be reviewed through further Local Plan documents*", noting that these were adopted through the 2005 Selby District Local Plan.
- 5.15 Having considered the points raised above it is considered that, whilst the development does not strictly accord with the Development Plan, in that Plot 3 would be sited outside the defined Development Limits contrary to the provisions of Policy SP2, the proposal as a whole would offer an acceptable form of development. The development would be set against the existing built form of the settlement within an existing site with an established boundary and a number of buildings. Whilst the argument for a fallback position for Class Q development in relation to the large roll top agricultural building is not supported, given that no approval has been given or sought, it must be noted that development of the rest of the site, which accords with the Development Plan, would essentially leave a small portion of the site as a vacant landlocked parcel. As such, it is considered the circumstances of the application set out above would lend itself to a suitable type of development appropriate to the settlement and would constitute a material consideration.

Design and Impact on the Character and Appearance of the Area

- 5.16 Policy ENV1 (1) and (4) of the Selby District Local Plan set out that proposals should consider the effect upon the character of the area as well as the standard of layout, design and materials in relation to the surrounding. Furthermore, Policy SP19 of the Core Strategy sets out key requirements developments should meet to ensure high quality design is achieved having regard to local character, identity and context of its surroundings.
- 5.17 The application proposes the creation of 5 dwellings comprising of two barn conversions to the front of the site and the erection of three detached two storey dwellings to the rear of the site, behind the barn conversions and existing Gothic Farmhouse. The proposed conversions would fully retain the existing structures, with the proposed fenestration arrangement utilising the existing openings, as well as creating a number of additional openings comprised of dark grey metal doors and windows with some areas of vertical timber cladding. The proposed new build dwellings (Plots 3, 4 and 5) are proposed to be built in similar external materials,

with the dwellings proposed to be constructed in buff brick with grey slate roofs, with the garages proposed to be constructed in dark/antique brick with clay pantiles.

- 5.18 North Duffield is characterised as two distinct areas, although the boundary between the two is not defined, as (1) the three original lanes, and (2) later volume developments, as defined in the Village Design Statement (VDS). The application site is set within the historic 'three lanes' section outside of the wider more modern housing estates which fill the sections between the historic linear format of the village with the historic roads leading away from the village green. The VDS recognises the 'one-at-a-time' development style along these linear routes with a varied style of housing generally set within good sized plots and being low density in character. Although each property within the older parts of the village differs in style, the character of the properties have broadly similar proportions in terms of height and width.
- 5.19 The immediate development around the application site comprises of mainly detached two storey dwellings in red/buff brick and pantiles, with some semi-detached dwellings and bungalows in the wider street scenes. Although the older 'lanes' of the settlement are characterised by linear development, there are a number of small cul-de-sacs and some backland development which has developed over the years, with infill development clearly undertaken across the village in the past.
- 5.20 The proposed development of Gothic Farm proposes the erection of three similar designed two storey dwellings measuring approximately 5.2 metres to the eaves and rising to 9 metres at the ridge with a floor areas measuring approximately 10.2 metres wide by 8.5 metres deep (at the widest and deepest points). With the exception of Plot 2, which has an integral garage as part of the conversion, all four other plots have a dual pitched double garage (either attached to or near to each plot). The proposed external materials are set out in the submitted under chapter 3 of the Design and Access Statement undertaken by Vincent & Brown dated 24 August 2020 and constitute a mix of grey slate and clay pantile roofs, buff and dark/antique brickwork and dark grey window and door frames with timber garage doors. The proposed plans are also annotated to show the external finish on the elevation plans.
- 5.21 Having reviewed the comments received to the application, there has been no objection to the impact upon the street scene or wider setting of the area, with one comment supporting the approach of small-scale developments, which allow the settlement to grow 'organically'. There is also support for the retention of the existing farmhouse (which isn't part of the application site), which, along with its grounds, would provide screening from views of the wider site from the public realm.
- 5.22 Taking account of the layout, scale and design of the proposed development it is considered the proposal would not lead to a development which would detract from the current character and appearance of the area. The proposal therefore accords with the provisions of Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the design characteristics identified in the Village Design Statement.

Residential Amenity

- 5.23 Policy ENV1 (1) of the Selby District Local Plan sets out the approach in respect of the impact of the proposal on residential amenity. Significant weight should be afforded to Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants.
- 5.24 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing and overall impacts based on the size, scale and massing of the proposed development.
- 5.25 The application site measures approximately 0.27 hectares in size with existing residential development to the west and south of the site. The north and east of the site is bounded by open agricultural fields.
- 5.26 In terms of the south facing aspect of the development, the proposed conversion of the existing agricultural buildings around the fold yard would have elevations set against Back Lane. Plot 1 contains a ground floor window serving the living room and first floor window serving a bedroom on the south facing end elevation. These windows would face south across Back Lane and towards the properties along the southern side of Back Lane, namely 1 and 2 School View. There would be approximately 9 metres between the south facing elevation of Plot 1 and the northern curtilage to 1 School View, however, 1 School View is set perpendicular to Back Lane, with the south facing windows of the conversion facing the front garden area of 1 School View, which has a substantive mature hedge along its northern boundary. Therefore, given the existing layout of the properties to the south of Back Lane and the substantive mature boundaries, it is not considered the proposal would have a detrimental impact in terms of overlooking. In addition, the proposed conversion would utilise an existing building and given its siting to the north of Back Lane it is not considered the proposal would lead to any impacts upon the light enjoyed by neighbouring properties or lead to any issues of dominance.
- 5.27 In terms of the existing residential development to the west of the site, comments have been made from the adjacent property, The Lodge, who have raised concerns regarding the siting of the proposed properties under Plots 4 and 5 being closer than the existing buildings to be demolished and the potential for these properties to create overshadowing and overlooking issues.
- 5.28 Plots 4 and 5 would be positioned with their rear elevations facing the east facing side boundary of the property to the west (The Lodge) and would be sited approximately 10.5 metres at the nearest point from the side elevation of The Lodge. Whilst the proposed dwellings would be closer to the western boundary than the existing agricultural buildings, plot 5 would look towards the side elevation of The Lodge, which has a degree of screening by virtue of the existing hedging and mature trees along this boundary. In terms of overlooking, there are a number of windows in the east facing side elevation of The Lodge, namely two kitchen and one dining room window in the ground floor and a couple of small obscure glazed en-suite windows to the first floor. Although the proposal would introduce windows which face the east facing side elevation, the affected windows would be at ground floor level and would be screened by the existing boundary treatments. In addition, the supporting statement submitted with the application sets out under paragraph 6.2.1.5 which states that: "*In terms of landscaping, whilst an element of landscaping*

has been shown on the layout, this will be supplemented with the submission of an appropriate scheme as part of a subsequent suitably worded planning condition.” As such, it is considered suitable mitigation can be sought via a suitable condition in respect of a landscaping scheme. In addition, the occupiers of The Lodge have raised the potential for overshadowing, however, given the position of the proposed dwellings in relation to The Lodge and the path of the sun to the south it is not considered that the proposed dwellings under Plots 4 and 5 would have any significant detrimental impact upon the light at The Lodge.

- 5.29 Given the position of site against the existing built form of North Duffield it is not considered that the application would raise any impacts upon other residents beyond the issues identified above. As such, it is considered that, subject to a suitable landscaping scheme being implemented, the proposal would be acceptable in terms of its impact upon the residential amenity of neighbouring properties and therefore accords with the provisions of Policy ENV1 of the Selby District Local Plan and the advice set out within the NPPF.

Highway Safety

- 5.30 Paragraph 110(b) of the NPPF is clear that planning decisions should ensure that “...safe and suitable access to the site can be achieved for all users...” with paragraph 111 going on to set out that “*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 5.31 Policies T1, T2 and ENV1 (2) of the Selby District Local Plan aims to ensure development is well related to the highway network and would not be detrimental to highway safety.
- 5.32 The application proposes to use an existing access off Back Lane. North Yorkshire County Council Highways Authority have been consulted on the application and have noted that the application does not propose to provide a footway link within or to the site meaning that most, if not all, trips would be by car. To encourage and promote walking, plus link the site to the village via a suitable footway, the highways authority has recommended a number of conditions, as set out earlier in this report, are attached to any permission granted. The agent has been in contact with the highway’s authority following their comments in respect of the required visibility splays and the highway response has been amended in respect of the details for the condition which amends the requirement of giving clear visibility of 45 metres along both channel lines to 45 metres west and 30 metres east.
- 5.33 The agent has been contacted in respect of the inclusion of pre-commencement conditions in respect of the access and visibility and has agreed to the inclusion of the conditions at the end of this report. Overall, subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety and accord with the provision of Policies ENV1, T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Flood Risk, Drainage and Climate Change

- 5.34 Relevant policies in respect to flood risk and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy. In addition, paragraph 159 of the NPPF supports directing development away from areas of a higher probability of flooding.

Flood Risk

- 5.35 The proposal is on land that is within Flood Zone 1 (0.1% chance of flooding in any year) and therefore is considered to be at low risk from flooding. No sequential or exception test is therefore required.

Drainage

- 5.36 In respect of drainage, the application shows that surface water is to be disposed of via a soakaway and foul waste is to be disposed of via the public sewer in Back Lane. Both the Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the application.
- 5.37 In terms of the foul waste, Yorkshire Water have confirmed they have no objection to the use of separate systems of drainage on site and off site or the amount of domestic foul water to be discharged to the public foul sewer network and the proposed point of discharge of foul water as set out on submitted drawing 19084 VB XX 00 DR A (03)106 Rev 1 dated 5/11/2020 prepared by Vincent and Brown. Yorkshire Water have recommended a condition that requires the site be developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water has been completed in accordance with details to be submitted for approval.
- 5.38 In terms of the management of surface water the Ouse and Derwent Internal Drainage Board have reviewed the drainage plan (as above) and support the approach to the management of surface water via soakaways, however, to ascertain whether the soil structure is suitable for a soakaway system testing, in accordance with BRE Digest 365, will need to be carried out first and if successful then a suitable soakaway design can be sought. Should soakaway provision not be suitable then alternative arrangements will need to be sought with details set out in the Internal Drainage Boards response dated 10 November 2020. As such, the Internal Drainage Board have suggested a condition be attached to any approval given in respect of a scheme for the management of surface water.

Climate Change

- 5.39 With regards to climate change, Policy SP15(B) states that in order to ensure development contributes towards reducing carbon emissions and are resilient to the effects of climate change schemes should, where necessary or appropriate, meet the criteria set out within the policy.
- 5.40 Paragraph 6.2.2.4 of the supporting statement confirms that in respect of energy efficiency “...the dwellings will comply with current building regulations and will be efficient in terms of thermal insulation and energy consumption which assists in minimising their carbon footprint. The houses will benefit from a thermally efficient heating system and low energy lighting with the use of Low Carbon Technology intended to reduce the demand on fossil fuels. External power sources will be provided adjacent each garage to provide electricity for hybrid and electric vehicles.”
- 5.41 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15(B) is a matter of fact and degree depending largely on the nature and scale of

the proposed development. Having had regard to the nature and scale of the proposal and the supporting statement, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary or appropriate to require the proposal to meet the requirements set out under SP15(B).

Nature Conservation and Protected Species

- 5.42 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) and Policy SP18 of the Core Strategy.
- 5.43 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural; and local environment and sets out a number of requirements. In addition, paragraph 180 of the NPPF sets out the principles which should be followed when considering applications which may impact upon habitats and biodiversity.
- 5.44 The site is not identified as a site for nature conservation; however, the site contains a number of derelict agricultural buildings, which are to be demolished as part of the development. In support of the application an Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal dated May 2020 and Bat Survey dated June 2020 have been undertaken by Wold Ecology Ltd. These reports conclude that the site supports bats, barn owl and foraging/hibernating great crested newt and recommendations are made in the report to comply with current legislation and policy.
- 5.45 The County Ecologist has been consulted on the application and their initial response dated 24 May 2021, confirms that the recommendations made in the two reports can be incorporated into the development so that a favourable conservation status of these species can be maintained. However, further information was requested to detail the location and specification for the great crested newt compensatory terrestrial habitat, barn owl temporary boxes and permanent barn owl nest facility and the recommended bat boxes.
- 5.46 In response to the County Ecologist comments and recommendations a Construction Ecological Management Plan and Wildlife Enhancement Plan undertaken by Wold Ecology Ltd dated July 2021 was undertaken, which the County Ecologist has confirmed provides the necessary level of detail and is considered sufficient for the determination of this application subject to a suitable condition requiring adherence to the contents of the report.

Land Contamination

- 5.47 Policy ENV2 of the SDLP aims to restrict development which would give rise to, or would be affected by, contamination or other environmental pollution.
- 5.48 The application has been supported by a Phase 1 Desk Top Study Report (Preliminary Environmental Risk Assessment) undertaken by GEO Environmental Engineering, which shows that the occupied by Gothic Farm has been present since the earliest Ordnance Survey records, with some changes to layout of the site over time. Made ground is expected on the site and there is the potential for impact from the use and storage of agricultural machinery. Past activities at the site could

have given rise to land contamination. The report recommends that Phase 2 intrusive ground investigation works are carried out to confirm ground conditions and assess risks.

- 5.49 The Council's Contaminated Land Consultant has confirmed that the report and proposed site investigation works are acceptable, noting that if contamination is found then appropriate remedial action will be required to make the site safe and suitable for its proposed use, recommending that a number of conditions in respect of (1) investigation of land contamination, (2) submission of a remediation scheme, (3) verification of remedial works, and (4) reporting of any unexpected contamination are included on any approval given.
- 5.50 Therefore, on the basis of the details set out in the report and the comments from the Contaminated Land Consultant it is considered that, subject to suitably worded conditions, any contamination present at the site can be suitably mitigated and the proposal is therefore considered to accord with the provisions of Policy ENV2 of the Selby District Local Plan and paragraph 183 of the NPPF.

Affordable Housing

- 5.51 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. However, the NPPF is a material consideration and states at paragraph 64: "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".
- 5.52 Major development is defined in Annex 2: Glossary as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more". The application is for the erection of five dwellings and as such in the light of paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by Policy SP9 C can be sought on an application for a single dwelling.

Developer Contributions

- 5.53 As agreed at the Executive meeting on 3 December 2020 the Council's agreed the CIL/S106 Infrastructure Funding Statement which replaces the existing Regulation 123 list. As such, the Council will be seeking education and recreation open space contributions for development where consent is being issued after the 31 December 2020.
- 5.54 In line with the agreed approach contributions will be sought on schemes of more than 4 dwellings (and under 10), a commuted payment to enable the Council to provide new or upgrades to existing facilities within the locality in line with the requirements set out under Policy RT2 of the Selby District Local Plan and the details set out in the Developer Contributions Supplementary Planning Document.

Recreation Open Space

- 5.55 In meeting the recreation open space requirements set out under Policy RT2, the Parish Council have been contacted to establish whether a contribution would be required for either new provision within the Parish or enhancement of existing provision within the Parish. The Parish Council have confirmed they have resolved that they would like any available funding to be used to support the redevelopment of the village green. As such, the requirements for fees would be £991 per dwelling and as such a total contribution of £4,955 will be sought.

Waste and Recycling

- 5.56 In terms of the provision for waste and recycling a contribution will be sought at £65 per dwelling, leading to a total contribution of £325, to provide storage bins and boxes, which are to be provided prior to the occupation of any dwelling.

6 CONCLUSION

- 6.1 The proposal is a Departure from the Development Plan due to a small part of the site containing Plot 3 extending beyond the defined Development Limits of North Duffield. However, having had regard to the Development Plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the principle of the development is acceptable having regard to paragraph 121 of the NPPF, which sets out the importance in taking a proactive role in identifying and helping bring forward land that may be suitable for meeting development needs.
- 6.2 Having regard to the existing built form of the settlement and existing boundary serving Gothic Farm, it is considered the development would result in an appropriate form of development, which would not detract from the current form and character of the settlement. In addition, the proposed development would not have a detrimental impact upon the surrounding countryside and the proposal is considered acceptable in terms of its design, drainage, impact on the highway, nature conservation and protected species, residential amenity and land contamination.
- 6.3 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, ENV2, T1, T2, RT2 and CS6 of the Selby District Local Plan, Policies SP1, SP2, SP4, SP8, SP9, SP15, SP16, SP18 and SP19 of the Core Strategy Local Plan and the advice set out within the NPPF, having particular regard to paragraph 12 which makes provision for decisions to be made which depart from an up-to-date development plan where material considerations indicate that the plan should not be followed.

7 RECOMMENDATION

This application is recommended to be GRANTED Subject to the completion of a Section 106/UU Legal Agreement and the following conditions:

Heads of Terms:

1. Commuted sum of £4,955 for Recreational Open Space improvements.
2. Contribution of £325, to provide storage bins and boxes.

Conditions:

This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

| | |
|--------------------------|---|
| Dwg. No. (03)001 | - Location Plan |
| Dwg. No. (03)104 | - Demolition Site Plan |
| Dwg. No. (03)105 Rev 3 | - Proposed Site Plan |
| Dwg. No. (03)106 Rev 1 | - Proposed Drainage Plan |
| Dwg. No. (03)107.0 Rev 1 | - Proposed Perimeter Elevations |
| Dwg. No. (03)107.1 Rev 2 | - Proposed Perimeter Elevations |
| Dwg. No. (03)108.0 Rev 2 | - Proposed Site Sections |
| Dwg. No. (03)108.1 Rev 2 | - Proposed Site Sections |
| Dwg. No. (03)110.0 | - Proposed Ground Floor Plan - Plots 1 & 2 |
| Dwg. No. (03)110.1 | - Proposed First Floor Plan - Plots 1 & 2 |
| Dwg. No. (03)130.0 | - Proposed North & South Elevations - Plots 1 & 2 |
| Dwg. No. (03)130.1 | - Proposed East Elevations - Plots 1 & 2 |
| Dwg. No. (03)130.2 | - Proposed West Elevations - Plots 1 & 2 |
| Dwg. No. (03)111.0 Rev 1 | - Proposed Ground Floor Plan - Plot 3 |
| Dwg. No. (03)111.1 Rev 2 | - Proposed First Floor Plan - Plot 3 |
| Dwg. No. (03)131.0 Rev 2 | - Proposed North & East Elevations - Plot 3 |
| Dwg. No. (03)131.1 Rev 2 | - Proposed South & West Elevations - Plot 3 |
| Dwg. No. (03)112.0 Rev 1 | - Proposed Ground Floor Plan - Plot 4 |
| Dwg. No. (03)112.1 Rev 2 | - Proposed First Floor Plan - Plot 4 |
| Dwg. No. (03)132.0 Rev 2 | - Proposed North & East Elevations - Plot 4 |
| Dwg. No. (03)132.1 Rev 2 | - Proposed South & West Elevations - Plot 4 |
| Dwg. No. (03)113.0 Rev 1 | - Proposed Ground Floor Plan - Plot 5 |
| Dwg. No. (03)113.1 Rev 2 | - Proposed First Floor Plan - Plot 5 |
| Dwg. No. (03)133.0 Rev 2 | - Proposed North & East Elevations - Plot 5 |
| Dwg. No. (03)133.1 Rev 2 | - Proposed South & West Elevations - Plot 5 |
| Dwg. No. (03)115 | - Proposed Garage - Typical Floor Plan & Elevations |

Reason:

For the avoidance of doubt.

03. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the 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:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- 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 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr 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:

To ensure the development is provided with satisfactory and sustainable drainage.

05. The development must not be brought into use until the access to the site at Back Lane 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 access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 4.5 metres and Footway width of 1.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number A1 (Rev C) and the following requirements:

- 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.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason:

To accord with the provisions of Policies T1 and T2 of the Selby District Local Plan and 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.

06. The following schemes of off-site highway mitigation measures must be completed as indicated below:

07.

- Minimum 1.5 metres wide footway within the site and linking the vehicle access point on Back Lane to the existing footway of Main Street prior to first occupation of any dwelling.

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 accord with the provisions of Policies T1 and T2 of the Selby District Local Plan and to ensure that the design is appropriate in the interests of the safety and convenience of the highway users.

08. There must be no access or egress by any vehicles between the highway and the application site at Back Lane until splays are provided giving clear visibility of 45 metres West and 30m East measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To accord with the provisions of Policies T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

09. 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 plan.

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;
5. details of the measures to be taken for the protection of trees; and
6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

To accord with the provisions of Policies T1 and T2 of the Selby District Local Plan and in the interest of public safety and amenity.

10. No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.

11. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report findings must include:
 - (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

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

Reason:

To ensure that risk 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 off-site receptors.

13. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

14. 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 off-site receptors.

15. The development hereby permitted shall be carried out in strict accordance with the mitigation measures and recommendations set out in Construction Ecological Management Plan and Wildlife Enhancement Plan undertaken by Wold Ecology Ltd dated July 2021.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

16. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development of as may be otherwise agreed in writing by the Local Planning Authority. 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, unless otherwise agreed in writing by the Local planning Authority.

Reason:

In accordance with Policy ENV1 of the Selby District Local Plan and to 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.

INFORMATIVES:

Informative – 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.

Coal Authority – Low Risk Area - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Internal Drainage Board Consent to Discharge – Under the Internal Drainage Board's Byelaws the written consent of the Board is required prior to any discharge (directly or indirectly) into any watercourse within the Board's District.
www.yorkconsort.gov.uk

Yorkshire Water Adoption/Diversion agreement – 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 the Developer Services Team (Tel: 0345 120 84 82 or Email: 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.

Highways – New and altered Private Access or Verge Crossing – 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 website:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_in_d_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Highways – Delivery of off-site 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 184 or 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.

Highways – Visibility Splays – An explanation of the terms used above is available from the Local Highway Authority.

Wildlife – Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>

Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 **Financial Issues**

Financial issues are not material to the determination of this application.

10 **Background Documents**

Planning Application file reference 2020/1041/FUL and associated documents.

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Appendices: None