

Report Reference Number: 2021/1295/REM

To: Planning Committee
Date: 12th January 2022
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/1295/RE M	PARISH:	Kelfield Parish Council
APPLICANT:	Mr Richard Atkinson	VALID DATE: EXPIRY DATE:	18th October 2021 13th December 2021
PROPOSAL:	Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings		
LOCATION:	Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as 12 letters of representation have been received, which raise material planning considerations in objection to the scheme and officers would otherwise determine the application contrary to these representations. The item was also deferred from the 8 December 2021 committee to seek amendments for the following:

- A design that better reflects the conservation officers' comments,
- Addresses issues of over development,
- Minimum privacy distances,
- Reduction in the number of accesses,
- Differing and smaller house types.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The proposal is a reserved matters submission, for 6 dwellings following approval in outline under application 2017/0701/OUT.
- 1.2 The outline included an indicative site plan and allowed for the demolition of the garage, farm buildings and glass house, however all matters were reserved. This submission therefore provides the outstanding detail in respect of the access, appearance, landscaping, layout and scale of the 6 dwellings proposed.
- 1.3 A similar reserved matters application was submitted under reference 2021/0842/REM, however during the consideration of this application, it was found that the application site (depicted by the red line) was larger than that approved under the outline, as it extended further north. The application was therefore invalidated. The application was resubmitted with the red line application site now matching that of the outline and the dwellings (plots 4-6) having to be shunted further south.
- 1.4 The outline was originally recommended for refusal by Officers (10 January 2017); however, Members gave the applicants the opportunity to submit a revised plan to the site boundaries that better reflected the development limits and address the other matters. The scheme then was reported to the 5 December 2018 Committee where Officers again recommended refusal, but Members of the Committee were minded to approve the application. It was then brought back to the 16 January 2019 Committee, with a list of appropriate conditions and approved (Decision issued 17.1.2019). This established the principle of developing the site.
- 1.5 The application site comprises part of Yew Tree Farm, including the existing farmhouse (Yew Tree House), and the adjoining farmyard area, including four buildings: a glass and timber framed greenhouse; a single storey shed; an agricultural building; and a single storey garage.
- 1.6 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. Beyond this is the Scheduled Ancient Monument of Kelfield moated site and fishpond. To the east and west of the application site is residential development to the north side of Main Street, while to the south of the application site is Main Street, with residential development to the south side of Main Street beyond.

The Proposal

- 1.7 This is a reserved matters application seeking approval for the access, appearance, landscaping, layout and scale of 6 dwellings. These are all detached 4-bed properties with garages, except for plots 2 & 3 having no garages. The existing farmhouse (Yew Tree House) would be retained as part of the proposals. The existing driveway would serve Yew Tree House and Plot 1. A new private drive would be created to serve the rear plots 2,3,4,5 & 6.
- 1.8 The main changes following deferment from the 8 December committee include:
 - Plot 2 access from Main Street omitted, reducing the accesses to 2 in number.
 - Relocation of bin collection points to the front of the site.

- Relocation of plot 1 and the garage for the existing house to provide greater separation from neighbouring gardens. The windows of plot 1 facing west have also been moved higher up in the roof.
- Agent confirmed that a full application for COU of a strip of land to the rear of the site to garden land to enable the gardens to plots 4-6 to be extended.

- 1.9 The agent explains that “the amendments do not address the Conservation Officer's comments, which we do not agree to be justified. The site is not within a conservation area and does not affect the setting of a designated heritage asset or even a non-designated asset that is formally recognised in any local list, SPD, or policy. As previously pointed out it can be demolished without permission in order to overcome the objection if necessary.”
- 1.10 The agent also explains that the indicative layout was based upon a larger site area, and it cannot work with this reduced site area. The agent explains the indicative plan only 13 parking spaces max, for 7 dwellings, less than what is currently proposed so would have caused more parking problems. With the reduced red line site area, it would have equally small, if not smaller, gardens.
- 1.11 The agent also points out that there is no evidence of there ever being any historic farm buildings or layout on this site, only modern farm buildings, there is no justification for what is being sought by the Conservation Officer/Members and there is nothing else like this in the village. The dwellings proposed on the other hand do reflect the type of houses that are found in the village and in neighbouring villages and in Riccall Conservation Area.
- 1.12 In terms of members request for a greater housing mix, the agent points out that there is no policy requirement or up to date housing needs survey for Kelfield to justify smaller houses on a scheme of this size and there was no requirement in the outline permission for a specific type or mix of houses.
- 1.13 Finally the agent explains that “there is an extant planning permission across the road from the site for 9 large modern detached houses to the rear of a far more attractive and better condition historic farmhouse with far more attractive and older brick outbuildings, which are to be demolished and replaced ref.2010/0036/FUL and discharge of condition ref. 2012/1138/DOC. This consent will be available for members to view on the presentation. The agent states that all conditions have been discharged and a new access crossing constructed lawfully implementing this permission, which can therefore be completed at any time once the business on site ceases trading. This site was not required to incorporate smaller houses or a traditional farm layout.”

Relevant Planning History

- 1.14 The following historical application is considered to be relevant to the determination of this application.
- 2021/0842/REM - Reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings. Invalid.
 - 2017/0701/OUT - Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved), Decision: PER, Decision Date: 17-JAN-19

- 2016/0597/OUT - Outline application with all matters reserved for the demolition of existing dwelling, garage, farm buildings and glasshouse and erection of residential development, Decision: REF, Decision Date: 30-AUG-16. Dismissed at appeal.
- CO/1987/0339 – Outline application for residential development on 0.05ha of land. Permitted 09-MAR-87.

2. CONSULTATION AND PUBLICITY

- 2.1 NYCC Highways – No objections subject to conditions covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays, pedestrian visibility, access and turning, conversion of garage spaces, on-site parking, storage are also included.
- 2.2 Yorkshire Water - No objection to the reserved matters. 'Proposed site Layout 031 (dated 14/10/2021) shows required stand-off distance for onsite public sewer.
- 2.3 The Ouse & Derwent Internal Drainage Board – No objection subject to a condition covering the need for full drainage details:
- 2.4 Landscape Consultant – No response received.
- 2.5 Waste and Recycling Officer – No Objection: Collection vehicles will not access private drives or use them for turning and it is noted that a bin presentation point has been identified although preference would be to move this closer to the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day.

The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 4 will also present at the main road and so a presentation point will only be required for plots 3 to 6. In terms of distance from the highway as close as possible is always the preference because it's much more efficient in terms of collection times.

External bin storage at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal.

- 2.6 Parish Council – Kelfield District Council supported the original application to demolish Yew Tree House and erect 6 new dwellings on the site. However, it does not support the 'new' retention of Yew Tree House on this revised application.
- 2.7 National Grid - This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.
- 2.8 Natural England - Natural England has no comments to make on this application.
- 2.9 Yorkshire Wildlife Trust – No response received.

- 2.10 County Ecologist - The only comment made is that the biodiversity value of the new hedge planting would be improved:
- (a) If additional native species such as holly, field maple or hazel were included in addition to hawthorn and blackthorn.
 - (b) If British-provenance plants are used (imported hedging plants often flower out of synch with local insect populations).
- 2.11 National Grid - Asset Protection – Response awaited, and Members will be updated at Committee.
- 2.12 Northern Powergrid - Response awaited and Members will be updated at Committee.
- 2.13 Conservation officer – (1.12.21) Objection.

This application is a reserved matters application, the outline application was approved in 2017 which showed the retention of the farmhouse, a row of single storey garages to the left (north-west), semi-detached house to the right (east) and a long range to the rear (north). The scheme was supported from a conservation perspective due to the layout having an agricultural influence. The current scheme differs dramatically from the approved outline illustrative layout, it now shows a domestic arrangement with three large detached properties surrounding the existing farmhouse and three detached plots to the rear (north). This is disappointing to see as it shows little consideration to the historic development or local distinctiveness of the village.

Kelfield is an historic settlement and is mentioned in the Domesday Survey of 1086 as Chelchefelt. Its current layout is thought to have existed since this period with a main street and long plots to either side. To the north of the application site is Kelfield Moated site and fishpond which dates from the 13th Century. The architecture within the village is influenced by agriculture and this theme should be retained in any future developments.

The application site contained the 19th Century farmhouse and farm buildings which date to the 20th Century to the rear. Yew Tree House has been identified as a non-designated heritage asset. A non-designated heritage asset can be a building, monument, site, place, area or landscape identified as having a degree of significance. It is considered that this building has architectural value in terms of its aesthetic value, it has a positive external appearance which contributes to the street scene and adds to the character of Kelfield. A Heritage Statement should have been submitted with this application as a requirement within the NPPF paragraph 203:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The retention of the farmhouse in this scheme is completely supported as it will retain the local distinctiveness of Kelfield. However, this new layout and the design, bulk and positioning of the proposed new dwelling is not supported and will have a harmful impact upon the local distinctiveness of Kelfield as well as upon the non-designated heritage asset of Yew Tree Farmhouse.

The development fails to meet the requirements of the NPPF paragraph 203 relating to non-designated heritage assets. It fails to meet the requirements of paragraphs 199 and 194 as the significance of the site has not been assessed. The proposed scheme does not comply with Core Strategy policy SP18 or SP19. These policies specifically relate to design and context.

SP19 states that: Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside...Both residential and non-residential development should meet the following key requirements:

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.
- b) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

This scheme does not positively contribute to the local distinctiveness of Kelfield and would erode the historic character of this agricultural site. Substantial amendments are required for this proposal to improve the layout, building types and their design.

2.14 Neighbour Summary – The application has been publicised by site notice and an advert placed in the local press. 12 letters of objection have been received and 5 letters of support as a result of this advertisement.

2.15 The concerns raised were as follows:

- Concerns over the number of new accesses. This could be limited to 2. Access to Plot 2 isn't necessary and could be made off the private drive. This will reduce the ability for existing residents to park on the street and increase traffic in the village. Specifically impacting on Remount cottages opposite, which have no driveways.
- This section of the street is referred to as a "choke point". There are already cars regularly parked on the carriageway from properties without parking space. There are many vehicles using Kelfield as a short cut. There are many wide items of farm equipment passing through which often struggle to negotiate this part of the street. Heavy lorries collecting farm produce face similar issues. Any possibility of more vehicles parking on the carriageway would have a very negative effect on the flow of traffic and road safety.
- Kelfield is a 'Smaller Village': a 'Secondary Village' (Selby District Council Core Strategy Local Plan, 2013) and inappropriate for this scale of development. The development will encroach into the open countryside.

- Kelfield is not a sustainable location as it has no shop and no school. It has a public house (open three nights a week), a village hall, a cricket ground and a bus shelter. The bus service is very limited. Future residents of the proposed development would likely be dependent upon the private car.
- The plans for 6 No four-bedroomed, three-storey detached dwellings would not follow the existing linear pattern of building to the north side of Main Street. They would also dwarf the row of 4 No two-storey terraced cottages alongside them and opposite. Smaller sized 'affordable' homes using the existing drive would be a preferable plan. Plot 1 should be single storey and not a 3-storey town house.
- The new drive for access to Plots 3, 4, 5 and 6 and the drive for access to Plot 2 are at the narrowest point of Main Street, approaching a right-angled bend, and would have highway safety implications.
- All the dwellings on the south side of Main Street are in a higher risk flood zone than those on the north side and some, including ours, are built below the current level of the road, so there are concerns about drainage on the proposed site. The agricultural land around Yew Tree House, as it is now, soaks up any surplus surface water.
- Plots 4, 5 and 6 of the proposed development are part of the wider setting of the former Manor House, a Moated Site and Fishpond which is a Scheduled Ancient Monument of archaeological interest and potentially a habitat for great crested newts.
- The development will have a harmful impact on the character and appearance of the area and inappropriate relationship to the existing village and street scene.
- The development will have a harmful impact on privacy, loss of light and overshadowing to neighbouring properties.
- Light pollution by vehicles exiting the site.
- Impact on electricity cables in and around the site serving Kelfield. Concerns over the capacity of the sewerage system.
- Construction noise and disturbance.
- The plans are no resemblance to the plans approved in 2017. The 2017 indicative layout was much more considered.
- The plans should include details of a playground for children.

2.16 5 letters of support, from 3 addresses as detailed below:

- The proposed dwellings will be beneficial to our village, boosting population and helping to attract a better bus service.
- It will attract young families to the village and join the village community.
- The site is an ideal location for new housing, higher and away from the river, and on a much larger plot so not to intrude on nearby housing.

- The scheme will enhance this part of the village and remove the farm. Sites opposite have been developed for similar developments on lower land.

2.17 Following deferral from 8 December committee, the plans were amended and reconsultation took place by means of a 21-day site notice: 1 further letter was received raising the following issues: Any further representations will be reported to members via the update note as the publicity expires on the 14.1.22.

- Support (to a limited degree) the development of this plot of land, but the proposed dwellings and layout is totally out of keeping and character with the village of Kelfield. It seems to me that because the initial development area has been reduced in size that the conclusion has been reached to build 'upwards' instead of 'outwards', contrary to the outline.
- The proposed size (height) of Plot 2 will cause overshadowing and a loss of light (particularly in the evenings) and loss of privacy to the 4 terraced cottages adjacent and to the east of the site. This objection could be mitigated by reducing the height of the dwellings.
- Plot 4,5 & 6 will cause a loss of visual amenity as residents of the cottages enjoy looking beyond the proposed development site to the wooded area and fields.
- Whilst encouraged to note that the entrances to the proposed site have been reduced from 3 to 2 this does not negate the adequacy of parking/loading or turning. The narrowness of the area also encourages parking on the footpath (2 wheels up). I see nothing in the amended plan that would reduce this issue, in fact with the site entrance it would mean that on street parking would be moved towards the blind left-hand bend to the east of the site or mean that cars would park between the 2 entrances and thus cause blind spots themselves to oncoming traffic as you tried to pull out of the site.
- Concerns over subsidence to the 4 adjacent cottages from mains water supply. This hasn't been taken into consideration with such a large excavation and ground works required.

3 SITE CONSTRAINTS

Constraints

3.1 The site lies partly within the countryside and partly within the development limits of Kelfield. The site lies within Flood Zone 1. Scheduled Ancient Monument of Kelfield moated site lies to the north.

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 22 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
SP5 – The Scale and Distribution of Housing
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

ENV27 – Scheduled Monuments and Important Archaeological Sites
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT2 – Open Space Requirements for New Residential Development
CS6 – Developer Contributions to Infrastructure and Community Facilities

5 APPRAISAL

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

- The Principle of the Development
- Impact on Heritage Assets
- Design, layout and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing and Public Open Space
- Waste and Recycling
- Other

The Principle of the Development

5.2 The principle of developing the site for residential purposes has already been set via the outline consent 2017/0701/OUT. This was for the demolition of garage, farm buildings and glasshouse and erection of residential development granted on the 17th of January 2019. This was a blanket outline permission and reserved full details of the access, appearance, landscaping, layout and scale of the residential development. The approval was subject to a number of planning conditions, which the developer will be required to address in implementing any reserved matters consent.

5.3 The principle of proposed residential development has therefore been established through the granting of outline planning permission. This dealt with issues concerning the secondary nature of the village in the settlement hierarchy, backland development and issues surrounding part of the site being beyond settlement limits and within the countryside. The outline also showed an indicative layout plan, which showed a pair of semi-detached dwellings on the frontage then a linked courtyard of smaller dwellings to the rear with garaging. This is specially commented on in the objections, however, was only indicative and wasn't tied to the outline, as all matters were reserved.

5.4 Therefore whilst being acceptable in principle, the reserved matters proposal will be assessed in terms of the considerations below.

Impact on Heritage Assets

5.5 The application site is located within the historic village of Kelfield and within the setting of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north.

5.6 It is noted that the original outline permission was supported by a Design and Access Statement, which incorporated a Heritage Statement. This was reviewed by the Conservation Officer who raised no objections to the scheme. It is noted that comments were made at the time in relation to the proposals and the potential impacts on the non-designated heritage asset of the existing farmhouse (Yew Tree House) and the designated heritage asset of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north. Following discussions with the Conservation Officer and Planning Agent amendments were sought and agreed in order to make the proposals acceptable. This involved retaining the farmhouse and showing an indicative plan for the development of the remainder of the plot.

5.7 The previous Officers report for the outline states:

“Furthermore, the Council’s Conservation Officer notes that the revised indicative layout is more reflective of the agricultural and rural character of Kelfield and would blend in with the existing townscape. Going forward, the Council’s Conservation Officer advises that any proposed new properties at the site should be constructed using materials to match those found in the local area and the scale, form and proportions of any new properties should reflect traditional buildings.”

Therefore, concluding that the proposals were acceptable.

5.8 The proposed scheme moves away from the linked courtyard type arrangement to the rear of the site in favour of larger detached dwellings. The position of the dwellings does however still somewhat align with the form previously indicated and the dwellings are a good distance from the ancient monument. Also, whilst Yew Tree House is regarded as a non-designated asset, the site is not within a Conservation Area and Officers consider it would be difficult to sustain a reason for refusal based on the form of the current scheme.

5.9 The Conservation Officer was consulted late on in the process and the objection was presented to the 8 December committee as an update. This is detailed in full within the consultation section above, and details how the development fails to meet the requirements of the NPPF paragraph 203 relating to non-designated heritage assets. The Conservation Officer wished for a more traditional layout that replicated a historical agricultural range and therefore preserved the setting of the non-designated heritage asset.

5.10 These views are noted, and members did defer the application in order that a scheme which better reflected the conservation officers’ comments could come forward. However, the planning agent pointed out that the site was not within a Conservation Area and no buildings were listed. The agent considers non designated heritage assets have very little protection and the main farmhouse could in fact be demolished without consent under a 28-day demolition notice. The only way to prevent this would be for the dwelling to be emergency listed. The agent also pointed out that a similar backland modern housing development was permitted opposite without such historical consideration. On this basis the agent did not wish to amend the scheme as they considered it unjustified.

5.11 Therefore in order to progress the proposal, given the previous recommendation of approval combined with the issues raised by the agent, officers are still minded to support the proposal. Whilst a scheme which better reflects the indicative layout plan would be more traditional, refusing the submission on heritage grounds would be difficult to substantiate. The proposal therefore would not result in any

substantial harm to any designated or non-designated heritage assets in accordance with Policy ENV27 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

Design, layout, landscaping and Impact on the Character and Appearance of the Area

- 5.12 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy.
- 5.13 As described in the introduction, the development limit boundary runs through the application site, such that the application site is located part within the defined development limits of Kelfield (southern part) and part within the countryside (the northern part).
- 5.14 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. The area's character is mainly frontage development within Kelfield, particularly on the northern side of Main Street. This is interrupted by farmsteads and commercial uses that stretch further north from Main Street. To the south of Main Street, the character differs slightly with more in-depth type development. This is typified by application 2010/0036/FUL which was for the redevelopment of a farmstead opposite the site for 9 dwellings. The architectural styles and material used on residential properties within the vicinity of the application site vary, but predominantly consist of a mixture of red brick and rendered properties with pantile roof tiles of varying colours.
- 5.15 This submission shows 6 detached 2 storey dwellings, with the existing Yew Tree House being retained. The amended plans show these are served from two access, 1 of which is new. This arrangement is broadly similar to the indicative layout, which showed frontage development then a linked mews/agricultural type development within the rear of the plot. This will undoubtedly have some impact on the character of the area, as the amount of development over and above the existing buildings on the site will increase. Plots 4-6 will also extend beyond the location of the current agricultural buildings. With the inclusion of the farmhouse, the density is 26 dwellings per hectare.
- 5.16 In terms of the layout, plot 2 is the frontage property, and the amended plans show it now accessed from the private drive, having previously been shown with its own frontage access onto Main Street. This is set back from road on a similar position to Prospect House to the west. The siting of plot 2 does project forward of the cottages to the east, however, is not considered to cause harm to the streetscene. Plot 1 is accessed from the current driveway that serves Yew Tree House with a garage and turning provided. The remaining plots i.e., 3-6 are all accessed from a private drive. The wall on the frontage of Main Street is to be reconstructed at a height of 0.9m as parts have since fallen away.
- 5.17 In terms of the scale of the dwellings, Plots 1-3 would measure approximately 8.6 metres in width, 8.41 metres in depth, 5.3 metres to the eaves and 8 metres to the ridge. Their design would be traditional, with a simple frontage and sash windows either side of the central doorway. To rear is less traditional, with a 'lean to' design and rooflights. The attic space is also utilised to provide a bedroom within the roof space and a chimney is added for additional form. The materials are shown on the

elevation plans; however, they lack detail and are therefore conditioned for samples to be submitted. These are shown as follows:

- Walls: red blended multi facing brickwork
- Roofing: red concrete or clay pantiles (probably need to be clay pantiles only)
- Windows: timber or PVCU
- Doors: timber or composite or aluminium
- Stone faced concrete cills

5.18 In respect of Plot 4-6, these would measure approximately 10 metres in width, 6.8 metres in depth, 5.57 metres to the eaves and 8 metres to the ridge. These would all be accessed from a new access to the eastern side of Yew Tree House and partially visible from Main Street. Again, the design is simple and reflects that of plots 1-3. These would be set back from the highway and would only be partially visible from the public highway. Materials to be used for Plots 4-6 are:

- Walls: unknown
- Roofing: Sandtoft or similar concrete or clay terracotta pantile
- Windows: timber or PVCU
- Doors: timber or composite or aluminium
- Stone faced concrete cills

5.19 Whilst concrete tiles were mentioned in the submission, natural clay tiles are more characteristic and therefore a condition is added covering the need to agree the specific materials.

5.20 In respect of landscaping, these details are shown on the submitted amended landscape drawing 042. A number of new hedgerows and tree planting are proposed with a number of existing trees on the site boundary to be retained. The new hedging is to be a mixture of hawthorn and blackthorn and essentially lines the private drive and forms the northern boundary to differentiate the gardens of plots 4-6. The hedge row specie mix was varied in line with the ecologists' comments. 6 new trees are shown and are a mix of Rowan, Acer, Crab apple and Amelanchier (service berry). A condition is added in respect of the need to implement the landscaping scheme and covers replacement planting.

5.21 In terms of boundary treatments, there are a mixture of treatments proposed. These include 0.9 metres brick walls to the front of the site, 1.5 metre and 0.6 metre brick walls internal to the site along the private driveway, 1.2 metre metal railings on the frontages of plots 4-6 and 1.2 metre post and rail fence to the rear of the site. Gates have been inserted into the northern boundary (rear of plots 4, 5, & 6) to allow access to the land beyond which could be used for agricultural use.

5.22 In terms of the design and overall layout, careful attention has been given to the design and siting of the dwellings. The span of the dwellings and their overall form are relatively large in size and scale. However, given the size of the plots there would still be appropriate separation distances and prevent the site from feeling over developed. Plots 1-3 have good sized private amenity areas, with plots 4-6 less so, on account of the dwellings needing to shift south to stay within the original application site.

5.23 Overall, although this is a in depth development and dwellings are relatively large in size and scale, the careful design, siting, boundary treatments, use of materials and

landscaping will ensure the scheme will not have a significant or detrimental impact on the character and appearance of the area. Therefore, having had regard to Policies ENV1 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and NPPF.

Impact on Residential Amenity

- 5.24 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.25 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.26 The application has received several objections in respect of privacy, overshadowing and general amenity from the dwellings to the west, where plot 1 is close to the shared boundaries. The position of plot 1 has been amended since the 8th December 2021 committee shifting the dwelling to the east.
- 5.27 To the north of the application site are open fields, to the east is 4 Main Street and its rear garden, to the south is the highway, Main Street and to the west is Prospect House and Glen House. Plot 1 is closest to the western boundary with the main dwelling located 8.46 metres from the common boundary with Glen House and between 9.7 and 10.25 metres from the common boundary with Prospect House. Plot 3 is closest to the eastern boundary of the site with the main dwelling located 8.6 m from the common boundary with 4 Main Street.
- 5.28 In considering the proposed development, in particular plots 1 and 3, these face the rear gardens of current neighbouring dwellings. From the elevations members will see that the design has taken account of this, with first floor windows being replaced with rooflights to limit overlooking. The only first floor window in the main elevation will be an ensuite window, so obscure glazed. Likewise, the room in the roof space will have rear facing rooflights, which are positioned high up within the roof plane and therefore remove the opportunity for overlooking.
- 5.29 Plot 2 faces Main Street and is set sufficiently back so as not to overlook the dwellings opposite. This too has the rear elevation rooflight arrangement to ensure privacy is maintained between the plots in particular plot 3. Plots 4-6 represent less of a concern, as these face fields to the north and all front facing windows face the internal private drive.
- 5.30 Plot 1 sits directly to the rear of Prospect House, which has a very small and irregular shaped rear garden. This means the rear windows of Prospect House will face the side gable of Plot 1. The amended plans now show plot 1 being handed, meaning the narrowest part of the gable faces south, which will marginally improve the outlook from Prospect House. This distance is 11.95m away, which is just above the recommended distances to safeguard outlook (11m). The amended plans now show the Plot 1 has shifted to the east and away from the boundary of Glen House. This distance is now 8.46m at ground floor and 10.52m to the first set of rooflights (which have been shown higher in the roof), which improves the relationship between the properties. Plot 1 replaces a much smaller agricultural

building in this location and with its 8m ridge will undoubtedly have more of an impact than currently exists. The dwelling however is north so will cause no loss of sunlight, however, will be visible from the rear windows of Prospect House. This cannot really be repositioned any further north as it would impact on plot 6. Also, a double garage is proposed to the southern boundary of Plot 1. This was contemplated being moved to the opposite side of the plot; however, officers considered the benefit of this to be very little given the shallowness of the garage roof.

5.31 An issue has also been raised within the objections over the proximity of an electricity pole with equipment on it in the northwestern corner of the site near plots 1 and 6. The objector believes in sufficient separation exists between the plots. Northern Power Grid were consulted however didn't provide a response. If the development is later found to be too close, then the scheme will have to be amended or the infrastructure moved at the developers cost.

5.32 Finally in respect of any noise and nuisance generated from the development, this is expected whilst construction occurs and condition 5 of the outline seeks to control this and states:

"No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays."

5.33 Therefore, given the orientation of the plots and the separation distances involved, it is not considered that the proposals would cause sufficient harm in respect of overshadowing, overlooking, oppression or loss of light justify refusal of the submission. It is therefore concluded that the proposal would be acceptable in respect to its impacts on residential amenity and would therefore be in accordance with Policy ENV1(1) of the Local Plan and policies contained within the NPPF.

Impact on Highway Safety

5.34 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy.

5.35 The application site currently has one existing access that serves the farm. This would be utilised by Plot 1 and the existing Farmhouse. Further to this, the scheme has been amended to reduce the number of new accesses now down to 1. The new private drive will now serve plots 2,3,4,5 & 6. Each plot would have on-site parking and access to garages. The application has received considerable objection in respect of highways and parking, as this section of the Main Street is narrow and used for on street parking. Residents were concerned that the additional flows will harm highway safety and remove the ability of residents opposite to park on street. Residents were also concerned that the 2 previous additional accesses were not all necessary, (in particular the access to plot 2) despite the indicative plan on the outline showing 2 additional accesses. This has been somewhat alleviated by the amended plans.

5.36 NYCC Highways have assessed the application in respect of the parking levels, visibility and the number of proposed access points and raise no objection. Conditions have been suggested covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays,

pedestrian visibility, access and turning, conversion of garage spaces are also included. Condition 6 of the outline already covers the need for onsite parking and storage.

- 5.37 It is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy with respect to the impacts on the highway network subject to conditions.

Impact on Archaeology

- 5.38 NYCC Heritage Services were consulted on the original outline permission. In summary, the Principal Archaeologist raised no objections to the proposals in terms of their impact on archaeology, subject to a condition (No.4) requiring a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the proposal. This condition will need full discharge prior to development commencing and therefore safeguards the archaeological potential of this historic village.

Flood Risk and Drainage

- 5.39 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.
- 5.40 The site is confirmed to lie within Flood Zone 1, which has a low probability of flooding. Therefore, the Sequential Test and Exceptions Tests do not need to be applied and would have been necessary at the outline stage. Nor does any flood resilience need incorporating into the scheme.
- 5.41 In terms of drainage, the submission was accompanied by an amended drainage layout plan, which showed the surface water would be disposed of via a soakaway on the owner's adjacent land and foul water would be disposed of via Yorkshire Water Mains. Whilst the plan shows the routing of the drainage, the plan lacks detail in terms of flow rates.
- 5.42 Yorkshire Water and the Ouse and Derwent Internal Drainage Board have been consulted on the proposals. Yorkshire Water have raised no objections to the proposal as the 6m easement is maintained on the eastern side of the site for the 400m surface water sewer that runs through the site. This is also protected by condition 7 on the outline. The Ouse and Derwent Drainage Board have raised no objections to the proposals subject to a condition requiring a detailed scheme of drainage to be agreed. This however is already a condition of the outline (No.8) and therefore does not need repeating. The proposal is therefore acceptable in respect of drainage and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

Nature Conservation and Protected Species

- 5.43 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 179 to 182 of the NPPF. The presence of a protected species is a material planning consideration.

- 5.44 The application site is not within an area designated for nature conservation. However, the application site is located within proximity to a pond known to have great crested newts. Whilst it is noted that no information regarding ecology has been provided with this application, Nature Conservation and Protected Species ecology was considered under the outline application. It is noted that an Extended Phase 1 Habitat Survey dated, January 2017 was submitted along with a great crested newts presence/ absence survey was undertaken dated June 2018. NYCC Ecology reviewed the application at the time and overall raised no objections to the proposed development. Subject to conditions requiring (1) the development to be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey undertaken by Wold Ecology Ltd, dated January 2017 and the Great Crested Newt Presence/Absence Survey undertaken by Astute Ecology ecological Consultants, dated June 2018 and (2) the proposed future management of the proposed receptor area and wildlife corridor. These were conditioned as part of the outline consent under conditions 09 and 10. Also the landscape plan was amended to increase the hedgerow species as per the ecologist's comments.
- 5.45 Overall, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 5.46 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. This matter was again considered within the outline where a contamination statement was submitted which addressed the site former agricultural use. This was reviewed by the Council's consultants and deemed acceptable subject to more thorough assessment being undertaken i.e., a Phase 1 Desk Based Assessment. Several conditions were recommended in respect of land contamination within the outline (No.11-14) and therefore do not need to be reattached to any permission granted by this application.
- 5.47 As such, having had regard to all relevant information, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan.

Affordable Housing and Public open space contributions

- 5.48 Core Strategy Policy SP9 and the accompanying Affordable Housing 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.49 Given this is a reserved matters application, Affordable Housing is not a matter for consideration as this would have been controlled at the outline stage.
- 5.50 Similarly in respect of public open space contributions, whilst the Council agreed in 2020 the CIL/S106 Infrastructure Funding Statement which gives the ability of schemes with more than 4 dwellings to be liable for contributions in line with Policy

RT2 of the Selby District Local Plan, in this instance no contributions are necessary, as this is a reserved matters submission and wasn't requested at the outline stage.

Waste and Recycling

- 5.51 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.
- 5.52 The amended layout shows provision for a bin collection point on the site frontage with space for 8 bins. This collection point is now on the main highway and overcomes the concerns previously raised in respect of the previous plans, which showed the collection point 21m set back from the highway. The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 2 will also present at the main road and so a presentation point will only be required for plots 3 to 6. Condition 15 of the outline permission secures the provision of bins etc at developer's expense so there is no need to repeat that condition.

6 CONCLUSION

- 6.1 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 this reserved matters aligns with the principle of the proposed development agreed at the outline stage. The proposed 6 dwellings are appropriately landscaped and are of an appropriate scale, appearance that will ensure no adverse impact on the character and appearance of the area and living conditions of neighbouring occupiers.
- 6.2 Furthermore, the proposals are considered to be acceptable in respect of highway safety, flood risk, drainage, nature conservation and protected species, land contamination, affordable housing and waste and recycling. The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP4, SP18 and SP19 of the Core Strategy, Policies ENV1, ENV 2, T1 and T2 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the expiry of the publicity on the 14.1.2022 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manager be authorised to issue the Reserved matters permission subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
- Atkinson 01 - Location Plan
 - 032 – Proposed Site Layout
 - 092 – Proposed Site Layout (Whole site)
 - 042 – Landscaping Layout
 - 052 – Proposed Drainage Layout
 - 061 – Plot 4, 5 & 6 floor plans and elevations
 - 092 – Plot 1 Floor plans and elevations

- 072 – Plots 2 & 3 Floor plans and elevations
- 082 – Garage layout and elevations

Reason:

For the avoidance of doubt.

02. Notwithstanding the submitted plans and drawings, the materials to be used in the construction of the exterior walls, roof(s) and boundary walls of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before above ground construction of the dwellings commences. The development shall then be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 and ENV25 of the Selby District Local Plan.

03. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, or alternatively details of a management company for the site have been submitted for consideration:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with policies T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

04. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with policies T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

05. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

REASON

In accordance with policies T1 and T2 of the Local Plan and in the interests of highway safety.

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number A1.

e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

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

Reason:

In accordance with policies T1 and T2 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

07. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Main Street from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy number and in the interests of road safety.

08. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9:

- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 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 policies T1 & T2 of the Local Plan 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.

12. All tree planting, hedgerow planting and turfing shown on Landscaping Layout 041a shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason:

To ensure the landscaping is carried out in accordance with Local Plan Policy ENV1 and Core Strategy Policy SP18.

13. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and Core Strategy Policy SP18.

14. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

15. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings 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 prior to occupation of each dwelling.

Reason:

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

Informatives:

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

HI-01 INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

HI-14 INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

HI-17 INFORMATIVE- Mud on the Highway

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of

offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

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 2021/1295/REM and associated documents.

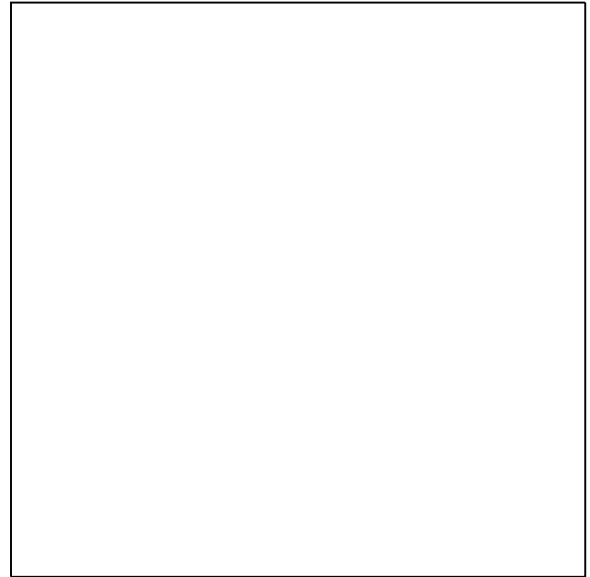
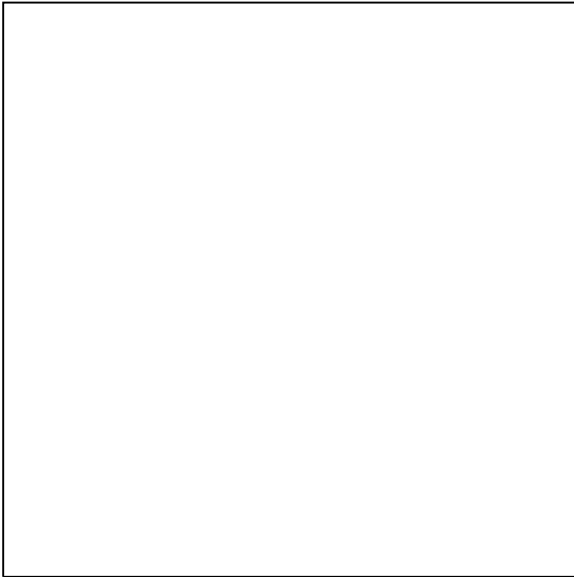
Contact Officer: Gareth Stent (Principal Planning Officer)

Appendices:

Appendix 1 – Committee report 8 December 2021

Appendix 2 – Officer Update Note 8 December 2021

Appendix 1 – Original Report 8 December 2021



Report Reference Number 2021/1295/REM
Agenda Item No:

To: Planning Committee
Date: 8th December 2020
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/1295/REM	PARISH:	Kelfield Parish Council
APPLICANT:	Mr Richard Atkinson	VALID DATE: EXPIRY DATE:	18th October 2021 13th December 2021
PROPOSAL:	Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings		
LOCATION:	Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as 11 letters of representation have been received, which raise material planning considerations in objection to the scheme and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The proposal is a reserved matters submission, for 6 dwellings following approval in outline under application 2017/0701/OUT.
- 1.2 The outline included an indicative site plan and allowed for the demolition of the garage, farm buildings and glass house, however all matters were reserved. This submission therefore provides the outstanding detail in respect of the access, appearance, landscaping, layout and scale of the 6 dwellings proposed.
- 1.3 A similar reserved matters application was recently submitted under reference 2021/0842/REM, however during the consideration of this application, it was found that the application site (depicted by the red line) was larger than that approved under the outline, as it extended further north. The application was therefore invalidated. The application was resubmitted with the red line application site now matching that of the outline and the dwellings (plots 4-6) having to be shunted further south.
- 1.4 The outline was originally recommended for refusal by Officers (10th Jan 2017), however Members gave the applicants the opportunity to submit a revised plan to the site boundaries that better reflected the development limits and address the other matters. The scheme then was reported to the 5th December 2018 Committee where Officers again recommended refusal, but Members of the Committee were minded to approve the application. It was then brought back to the 16th January 2019 Committee, with a list of appropriate conditions and approved (Decision issued 17.1.2019). This established the principle of developing the site.
- 1.5 The application site comprises part of Yew Tree Farm, including the existing farm house (Yew Tree House), and the adjoining farm yard area, including four buildings: a glass and timber framed greenhouse; a single storey shed; an agricultural building; and a single storey garage.
- 1.6 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. Beyond this is the Scheduled Ancient Monument of Kelfield moated site and fishpond. To the east and west of the application site is residential development to the north side of Main Street, while to the south of the application site is Main Street, with residential development to the south side of Main Street beyond.

The Proposal

- 1.7 This is a reserved matters application seeking approval for the access, appearance, landscaping, layout and scale of 6 dwellings. These are all detached 4-bed properties with garages, with the exception of plot 3 having no garage. The existing farmhouse (Yew Tree House) would be retained as part of the proposals. The existing driveway would serve Yew Tree House and Plot 1. A new private drive would be created to serve the rear plots 3,4,5 & 6, and a new driveway created off Main Street to serve the frontage plot No.2.

Relevant Planning History

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

- 2021/0842/REM - Reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings. Invalid.
- 2017/0701/OUT - Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved), Decision: PER, Decision Date: 17-JAN-19
- 2016/0597/OUT - Outline application with all matters reserved for the demolition of existing dwelling, garage, farm buildings and glasshouse and erection of residential development, Decision: REF, Decision Date: 30-AUG-16. Dismissed at appeal.
- CO/1987/0339 – Outline application for residential development on 0.05ha of land. Permitted 09-MAR-87.

2. CONSULTATION AND PUBLICITY

- 2.1 NYCC Highways – No objections subject to conditions covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays, pedestrian visibility, access and turning, conversion of garage spaces, on-site parking, storage are also included.
- 2.2 Yorkshire Water - No objection to the reserved matters. 'Proposed site Layout 031 (dated 14/10/2021) shows required stand-off distance for on site public sewer.
- 2.3 The Ouse & Derwent Internal Drainage Board – No objection subject to a condition covering the need for full drainage details:
- 2.4 Landscape Consultant – No response received.
- 2.5 Waste and Recycling Officer – No Objection: Collection vehicles will not access private drives or use them for turning and it is noted that a bin presentation point has been identified although preference would be to move this closer to the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day.

The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 4 will also present at the main road and so a presentation point will only be required for plots 3 to 6. In terms of distance from the highway as close as possible is always the preference because it's much more efficient in terms of collection times.

External bin storage at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal.

- 2.6 Parish Council – No response received.
- 2.7 National Grid - This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.
- 2.8 Natural England - Natural England has no comments to make on this application.
- 2.9 Yorkshire Wildlife Trust – No response received.
- 2.10 County Ecologist - The only comment made is that the biodiversity value of the new hedge planting would be improved:
- (a) If additional native species such as holly, field maple or hazel were included in addition to hawthorn and blackthorn.
- (b) If British-provenance plants are used (imported hedging plants often flower out of synch with local insect populations).
- 2.11 National Grid - Asset Protection – Response awaited, and Members will be updated at Committee.
- 2.12 Northern Powergrid - Response awaited and Members will be updated at Committee.
- 2.13 Conservation officer - Response awaited and Members will be updated at Committee.
- 2.14 Neighbour Summary – The application has been publicised by site notice and an advert placed in the local press. 11 letters of objection have been received as a result of this advertisement. The concerns raised were as follows:
- Concerns over the number of new accesses. This could be limited to 2. Access to Plot 2 isn't necessary and could be made off the private drive. This will reduce the ability for existing residents to park on the street and increase traffic in the village. Specifically impacting on Remount cottages opposite, which have no driveways.
 - This section of the street is referred to as a "choke point". There are already cars regularly parked on the carriageway from properties without parking space. There are many vehicles using Kelfield as a short cut. There are many wide items of farm equipment passing through which often struggle to negotiate this part of the street. Heavy lorries collecting farm produce face similar issues. Any possibility of more vehicles parking on the carriageway would have a very negative effect on the flow of traffic and road safety.
 - Kelfield is a 'Smaller Village': a 'Secondary Village' (Selby District Council Core Strategy Local Plan, 2013) and inappropriate for this scale of development. The development will encroach into the open countryside.
 - Kelfield is not a sustainable location as it has no shop and no school. It has a public house (open three nights a week), a village hall, a cricket ground and a bus shelter. The bus service is very limited. Future residents of the proposed development would likely be dependent upon the private car.

- The plans for 6 No four-bedroomed, three-storey detached dwellings would not follow the existing linear pattern of building to the north side of Main Street. They would also dwarf the row of 4 No two-storey terraced cottages alongside them and opposite. Smaller sized 'affordable' homes using the existing drive would be a preferable plan. Plot 1 should be single storey and not a 3-storey town house.
- The new drive for access to Plots 3, 4, 5 and 6 and the drive for access to Plot 2 are at the narrowest point of Main Street, approaching a right-angled bend, and would have highway safety implications.
- All the dwellings on the south side of Main Street are in a higher risk flood zone than those on the north side and some, including ours, are built below the current level of the road, so there are concerns about drainage on the proposed site. The agricultural land around Yew Tree House, as it is now, soaks up any surplus surface water.
- Plots 4, 5 and 6 of the proposed development are part of the wider setting of the former Manor House, a Moated Site and Fishpond which is a Scheduled Ancient Monument of archaeological interest and potentially a habitat for great crested newts.
- The development will have a harmful impact on the character and appearance of the area and inappropriate relationship to the existing village and street scene.
- The development will have a harmful impact on privacy, loss of light and overshadowing to neighbouring properties.
- Light pollution by vehicles exiting the site.
- Impact on electricity cables in and around the site serving Kelfield. Concerns over the capacity of the sewerage system.
- Construction noise and disturbance.
- The plans are no resemblance to the plans approved in 2017. The 2017 indicative layout was much more considered.
- The plans should include details of a playground for children.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies partly within the countryside and partly within the development limits of Kelfield. The site lies within Flood Zone 1. Scheduled Ancient Monument of Kelfield moated site lies to the north.

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
SP5 – The Scale and Distribution of Housing
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
ENV27 – Scheduled Monuments and Important Archaeological Sites
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT2 – Open Space Requirements for New Residential Development
CS6 – Developer Contributions to Infrastructure and Community Facilities

5 APPRAISAL

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

- The Principle of the Development
- Impact on Heritage Assets
- Design, layout and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing and Public Open Space
- Waste and Recycling
- Other

The Principle of the Development

5.2 The principle of developing the site for residential purposes has already been set via the outline consent 2017/0701/OUT. This was for the demolition of garage, farm buildings and glasshouse and erection of residential development granted on the 17th of January 2019. This was a blanket outline permission and reserved full details of the access, appearance, landscaping, layout and scale of the residential development. The approval was subject to a number of planning conditions, which the developer will be required to address in implementing any reserved matters consent.

5.3 The principle of proposed residential development has therefore been established through the granting of outline planning permission. This dealt with issues concerning the secondary nature of the village in the settlement hierarchy, backland development and issues surrounding part of the site being beyond settlement limits and within the countryside. The outline also showed an indicative layout plan, which showed a pair of semi-detached dwellings on the frontage then a linked courtyard of smaller dwellings to the rear with garaging. This is specially commented on in the objections, however, was only indicative and wasn't tied to the outline, as all matters were reserved.

5.4 Therefore whilst being acceptable in principle, the reserved matters proposal will be assessed in terms of the considerations below.

Impact on Heritage Assets

- 5.5 The application site is located within the historic village of Kelfield and within the setting of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north.
- 5.6 It is noted that the original outline permission was supported by a Design and Access Statement, which incorporated a Heritage Statement. This was reviewed by the Conservation Officer who raised no objections to the scheme. It is noted that comments were made at the time in relation to the proposals and the potential impacts on the non-designated heritage asset of the existing farmhouse (Yew Tree House) and the designated heritage asset of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north. Following discussions with the Conservation Officer and Planning Agent amendments were sought and agreed in order to make the proposals acceptable.
- 5.7 The previous Officers report for the outline states, *“Furthermore, the Council’s Conservation Officer notes that the revised indicative layout is more reflective of the agricultural and rural character of Kelfield and would blend in with the existing townscape. Going forward, the Council’s Conservation Officer advises that any proposed new properties at the site should be constructed using materials to match those found in the local area and the scale, form and proportions of any new properties should reflect traditional buildings.”* Therefore, concluding that the proposals were acceptable.
- 5.8 The proposed scheme moves away from the linked courtyard type arrangement to the rear of the site in favour of larger detached dwellings. The position of the dwellings does however align with the form previously indicated and the dwellings are a good distance from the ancient monument. Also, whilst Yew Tree House is regarded as a non-designated asset, the site is not within a Conservation Area and Officers consider it would be difficult to sustain a reason for refusal based on the form of the current scheme.
- 5.9 The Conservation Officer was consulted late on in the process and these views will be provided via an officer update to committee.
- 5.10 Notwithstanding any forthcoming Conservation Officer’s views, Officers consider that whilst a scheme that aligns with the indicative plan shown at outline would better reflect the character of the village, the scheme as proposed would not result in any substantial harm to any designated or non-designated heritage assets in accordance with Policy ENV27 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

Design, layout, landscaping and Impact on the Character and Appearance of the Area

- 5.11 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy.
- 5.12 As described in the introduction, the development limit boundary runs through the application site, such that the application site is located part within the defined development limits of Kelfield (southern part) and part within the countryside (the northern part).

- 5.13 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. The area's character is mainly frontage development within Kelfield, particularly on the northern side of Main Street. This is interrupted by farmsteads and commercial uses that stretch further north from Main Street. To the south of Main Street, the character differs slightly with more in-depth type development. The architectural styles and material used on residential properties within the vicinity of the application site vary, but predominantly consist of a mixture of red brick and rendered properties with pantile roof tiles of varying colours.
- 5.14 This submission shows 6 detached 2 storey dwellings, with the existing Yew Tree House being retained. These are served from three access, 2 of which are new. This arrangement is broadly similar to the indicative layout, which showed frontage development then a linked mews/agricultural type development within the rear of the plot. This will undoubtedly have some impact on the character of the area, as the amount of development over and above the existing buildings on the site will increase. Plots 4-6 will also extend beyond the location of the current agricultural buildings. With the inclusion of the farmhouse, the density is 26 dwellings per hectare.
- 5.15 In terms of the layout, plot 2 is the frontage property which has its own new access from Main Street. This is set back from road on a similar position to Prospect House to the west. The siting of plot 2 does project forward of the cottages to the east, however is not considered to cause harm to the streetscene. Plot 1 is accessed from the current driveway that serves Yew Tree House with a garage and turning provided. The remaining plots i.e. 3-6 are all accessed from a private drive. The wall on the frontage of Main Street is to be reconstructed at a height of 0.9m as parts have since fallen away.
- 5.16 In terms of the scale of the dwellings, Plots 1-3 would measure approximately 8.6 metres in width, 8.41 metres in depth, 5.3 metres to the eaves and 8 metres to the ridge. Their design would be traditional, with a simple frontage and sash windows either side of the central doorway. To rear is less traditional, with a 'lean to' design and rooflights. The attic space is also utilised to provide a bedroom within the roofspace and a chimney is added for additional form. The materials are shown on the elevation plans; however they lack detail and are therefore conditioned for samples to be submitted. These are shown as follows:
- Walls: red blended multi facing brickwork
 - Roofing: red concrete or clay pantiles (probably need to be clay pantiles only)
 - Windows: timber or PVCU
 - Doors: timber or composite or aluminium
 - Stone faced concrete cills
- 5.17 In respect of Plot 4-6, these would measure approximately 10 metres in width, 6.8 metres in depth, 5.57 metres to the eaves and 8 metres to the ridge. These would all be accessed from a new access to the eastern side of Yew Tree House and partially visible from Main Street. Again, the design is simple and reflects that of plots 1-3. These would be set back from the highway and would only be partially visible from the public highway. Materials to be used for Plots 4-6 are:
- Walls: unknown
 - Roofing: Sandtoft or similar concrete or clay terracotta pantile

- Windows: timber or PVCU
- Doors: timber or composite or aluminium
- Stone faced concrete cills

- 5.18 Whilst concrete tiles were mentioned in the submission, natural clay tiles are more characteristic and therefore a condition is added covering the need to agree the specific materials.
- 5.19 In respect of landscaping, these details are shown on the submitted landscape drawing 041. A number of new hedgerows and tree planting are proposed with a number of existing trees on the site boundary to be retained. The new hedging is to be a mixture of hawthorn and blackthorn and essentially lines the private drive and forms the northern boundary to differentiate the gardens of plots 4-6. The hedge row specie mix will be varied inline with the ecologists comments and amended plans are expected prior to committee. 6 new trees are shown and are a mix of Rowan, Acer, Crab apple and Amelanchler (service berry). A condition is added in respect of the need to implement the landscaping scheme and covers replacement planting.
- 5.20 In terms of boundary treatments, there are a mixture of treatments proposed. These include 0.9 metres brick walls to the front of the site, 1.5 metre and 0.6 metre brick walls internal to the site along the private driveway, 1.2 metre metal railings on the frontages of plots 4-6 and 1.2 metre post and rail fence to the rear of the site.
- 5.21 In terms of the design and overall layout, careful attention has been given to the design and siting of the dwellings. The span of the dwellings and their overall form are relatively large in size and scale. However, given the size of the plots there would still be appropriate separation distances and prevent the site from feeling over developed. Plots 1-3 have good sized private amenity areas, with plots 4-6 less so on account of the dwellings needing to shift south to stay within the original application site.
- 5.22 Overall, although this is a in depth development and dwellings are relatively large in size and scale, the careful design, siting, boundary treatments, use of materials and landscaping will ensure the scheme will not have a significant or detrimental impact on the character and appearance of the area. Therefore, having had regard to Policies ENV1 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and NPPF.

Impact on Residential Amenity

- 5.23 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.24 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.25 The application has received several objections in respect of privacy, overshadowing and general amenity from the dwellings to the west, where plot 1 is close to the shared boundaries.

- 5.26 To the north of the application site are open fields, to the east is 4 Main Street and its rear garden, to the south is the highway, Main Street and to the west is Prospect House and Glen House. Plot 1 is closest to the western boundary with the main dwelling located 5.5 metres from the common boundary with Glen House and between 7.3 and 10.5 metres from the common boundary with Prospect House. Plot 3 is closest to the eastern boundary of the site with the main dwelling located 8.6 m from the common boundary with 4 Main Street.
- 5.27 In considering the proposed development, in particular plots 1 and 3, these face the rear gardens of current neighbouring dwellings. From the elevations members will see that the design has taken account of this, with first floor windows being replaced with rooflights to limit overlooking. The only first floor window in the main elevation will be an ensuite window, so obscure glazed. Likewise, the room in the roofspace will have rear facing rooflights, which are positioned high up within the roof plane and therefore remove the opportunity for overlooking.
- 5.28 Plot 2 faces Main Street and is set sufficiently back so as not to overlook the dwellings opposite. This too has the rear elevation rooflight arrangement to ensure privacy is maintained between the plots in particular plot 3. Plots 4-6 represent less of a concern, as these face fields to the north and all front facing windows face the internal private drive.
- 5.29 Plot 1 sits directly to the rear of Prospect House, which has a very small and irregular shaped rear garden. This means the rear windows of Prospect House will face the side gable of Plot 1. This distance is 11.8m away, which is just above the recommended distances to safeguard outlook. Plot 1 replaces a much smaller agricultural building in this location and with its 8m ridge will undoubtedly have more of an impact than currently exists. The dwelling however is north so will cause no loss of sunlight however will be visible from the rear windows of Prospect House. This cannot really be repositioned any further north as it would impact on plot 6. Also, a single garage is proposed to the southern boundary of Plot 1. This was contemplated being moved to the opposite side of the plot, however officers considered the benefit of this to be very little given the shallowness of the garage roof.
- 5.30 An issue has also been raised within the objections over the proximity of an electricity pole with equipment on it in the north western corner of the site near plot 1 and 6. The objector believes in sufficient separation exists between the plots. A response from asset protection is awaited. If it is too close, then the scheme will have to be amended or the infrastructure moved at the developers cost.
- 5.31 Finally in respect of any noise and nuisance generated from the development, this is expected whilst construction occurs and condition 5 of the outline seeks to control this and states "No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays."
- 5.32 Therefore, given the orientation of the plots and the separation distances involved, it is not considered that the proposals would cause sufficient harm in respect of overshadowing, overlooking, oppression or loss of light justify refusal of the submission. It is therefore concluded that the proposal would be acceptable in respect to its impacts on residential amenity and would therefore be in accordance with Policy ENV1(1) of the Local Plan and policies contained within the NPPF.

Impact on Highway Safety

- 5.33 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy.
- 5.34 The application site currently has one existing access that serves the farm. This would be utilised by Plot 1 and the existing Farmhouse. Further to this, two new accesses would be created, one separate access for plot 2 and one in the form of a private drive for Plots 3-6. Each plot would have on-site parking and access to garages. The application has received considerable objection in respect of highways and parking, as this section of the Main Street is narrow and used for onstreet parking. Residents were concerned that the additional flows will harm highway safety and remove the ability of residents opposite to park on street. Residents were also concerned that the 2 additional accesses were not all necessary, (in particular the access to plot 2) despite the indicative plan on the outline showing 2 additional accesses.
- 5.35 NYCC Highways have assessed the application in respect of the parking levels, visibility and the number of proposed access points and raise no objection. Conditions have been suggested covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays, pedestrian visibility, access and turning, conversion of garage spaces are also included. Condition 6 of the outline already covers the need for onsite parking and storage.
- 5.36 It is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy with respect to the impacts on the highway network subject to conditions.

Impact on Archaeology

- 5.37 NYCC Heritage Services were consulted on the original outline permission. In summary, the Principal Archaeologist raised no objections to the proposals in terms of their impact on archaeology, subject to a condition (No.4) requiring a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the proposal. This condition will need full discharge prior to development commencing and therefore safeguards the archaeological potential of this historic village.

Flood Risk and Drainage

- 5.38 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.
- 5.39 The site is confirmed to lie within Flood Zone 1, which has a low probability of flooding. Therefore, the Sequential Test and Exceptions Tests do not need to be applied and would have been necessary at the outline stage. Nor does any flood resilience need incorporating into the scheme.

- 5.40 In terms of drainage, the submission was accompanied by a drainage layout plan, which showed the surface water would be disposed of via a soakaway on the owner's adjacent land and foul water would be disposed of via Yorkshire Water Mains. Whilst the plan shows the routing of the drainage, the plan lacks detail in terms of flow rates.
- 5.41 Yorkshire Water and the Ouse and Derwent Internal Drainage Board and have been consulted on the proposals. Yorkshire Water have raised no objections to the proposal as the 6m easement is maintained on the eastern side of the site for the 400m surface water sewer that runs through the site. This is also protected by condition 7 on the outline. The Ouse and Derwent Drainage Board have raised no objections to the proposals subject to a condition requiring a detailed scheme of drainage to be agreed. This however is already a condition of the outline (No.8) and therefore does not need repeating. The proposal is therefore acceptable in respect of drainage and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

Nature Conservation and Protected Species

- 5.42 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 179 to 182 of the NPPF. The presence of a protected species is a material planning consideration.
- 5.43 The application site is not within an area designated for nature conservation. However, the application site is located within proximity to a pond known to have great crested newts. Whilst it is noted that no information regarding ecology has been provided with this application, Nature Conservation and Protected Species ecology was considered under the outline application. It is noted that an Extended Phase 1 Habitat Survey dated, January 2017 was submitted along with a great crested newts presence/ absence survey was undertaken dated June 2018. NYCC Ecology reviewed the application at the time and overall raised no objections to the proposed development. Subject to conditions requiring (1) the development to be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey undertaken by Wold Ecology Ltd, dated January 2017 and the Great Crested Newt Presence/Absence Survey undertaken by Astute Ecology ecological Consultants, dated June 2018 and (2) the proposed future management of the proposed receptor area and wildlife corridor. These were conditioned as part of the outline consent under conditions 09 and 10. Also the landscape plan was amended to increase the hedgerow species as per the ecologists comments.
- 5.44 Overall, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 5.45 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. This matter was again considered within the outline where a contamination statement was submitted which addressed the site former agricultural use. This was reviewed by the Council's consultants and deemed acceptable subject to more thorough assessment being undertaken i.e. a Phase 1 Desk Based Assessment. Several

conditions were recommended in respect of land contamination within the outline (No.11-14) and therefore do not need to be reattached to any permission granted by this application.

- 5.46 As such, having had regard to all relevant information, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan.

Affordable Housing and Public open space contributions

- 5.47 Core Strategy Policy SP9 and the accompanying Affordable Housing 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.48 Given this is a reserved matters application, Affordable Housing is not a matter for consideration as this would have been controlled at the outline stage.
- 5.49 Similarly in respect of public open space contributions, whilst the Council agreed in 2020 the CIL/S106 Infrastructure Funding Statement which gives the ability of schemes with more than 4 dwellings to be liable for contributions in line with Policy RT2 of the Selby District Local Plan, in this instance no contributions are necessary, as this is a reserved matters submission and wasn't requested at the outline stage.

Waste and Recycling

- 5.50 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.
- 5.51 The layout shows provision for a bin collection point at the rear of the garage to plot 2. This shows space for 6 bins. Comments were sought from the Waste and Recycling Officer, who stated that collection vehicles will not access private drives or use them for turning. The bin collection point was noted; however, the preference was to have this closer to the road and should be large enough to accommodate two bins per property each collection day. The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 2 will also present at the main road and so a presentation point will only be required for plots 3 to 6. The collection point initially shown only showed space for 6 bins and therefore this was amended to 8.
- 5.52 In terms of distance from the highway the agent was asked to address this, however declined as they consider the current 21m distance is within the 25m recommended distance within the SPD (March 2007) and is acceptable. In this instance whilst it makes the collection service less efficient, the position was agreed. Condition 15 of the outline permission secures the provision of bins etc at developer's expense so there is no need to repeat that condition.

6 CONCLUSION

- 6.1 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 this reserved matters aligns with the principle of the proposed development agreed at the outline stage. The proposed 6 dwellings are appropriately landscaped and are of an appropriate scale, appearance that will ensure no adverse impact on the character and appearance of the area and living conditions of neighbouring occupiers.
- 6.2 Furthermore, the proposals are considered to be acceptable in respect of highway safety, flood risk, drainage, nature conservation and protected species, land contamination, affordable housing and waste and recycling. The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP4, SP18 and SP19 of the Core Strategy, Policies ENV1, ENV 2, T1 and T2 of the Core Strategy and the advice contained within the NPPF.

8 RECOMMENDATION

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

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
- Atkinson 01 - Location Plan
 - 031a – Proposed Site Layout
 - 041a – Landscaping Layout
 - 051 – Proposed Drainage Layout
 - 061 – Plot 4, 5 & 6 floor plans and elevations
 - 071 – Plot 1,2 & 3 Floor plans and elevations
 - 081 – Garage layout and elevations

Reason:

For the avoidance of doubt.

02. Notwithstanding the submitted plans and drawings, the materials to be used in the construction of the exterior walls, roof(s) and boundary walls of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before above ground construction of the dwellings commences. The development shall then be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 and ENV25 of the Selby District Local Plan.

03. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, or alternatively details of a management company for the site have been submitted for consideration:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with policies T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

04. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with policies T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

05. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

REASON

In accordance with policies T1 and T2 of the Local Plan and in the interests of highway safety.

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- c. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number A1.
 - e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

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

Reason:

In accordance with policies T1 and T2 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

07. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Main Street from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height

shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy number and in the interests of road safety.

08. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9:

- d. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 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 policies T1 & T2 of the Local Plan 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.

12. All tree planting, hedgerow planting and turfing shown on Landscaping Layout dated 14/10/21 shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason:

To ensure the landscaping is carried out in accordance with Local Plan Policy ENV1 and Core Strategy Policy SP18.

13. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and Core Strategy Policy SP18.

Informatives:

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

HI-01 INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

HI-14 INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

HI-17 INFORMATIVE- Mud on the Highway

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

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 2021/1295/REM and associated documents.

Contact Officer:

Gareth Stent (Principal Planning Officer)
gstent@selby.gov.uk

Appendices: None

Appendix 2 – Officer Update Note 8 December 2021

Item 5.6

APPLICATION NUMBER:	2021/1295/REM	PARISH:	Kelfield Parish Council
APPLICANT:	Mr Richard Atkinson	VALID DATE: EXPIRY DATE:	18th October 2021 13th December 2021
PROPOSAL:	Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings		
LOCATION:	Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG		
RECOMMENDATION	GRANT		

Consultation response from the Parish Council

Kelfield District Council supported the original application to demolish Yew Tree House and erect 6 new dwellings on the site. However, it does not support the 'new' retention of Yew Tree House on this revised application.

Consultation response from the Conservation officer – Objection

This application is a reserved matters application, the outline application was approved in 2017 which showed the retention of the farmhouse, a row of single storey garages to the left (north-west), semi detached house to the right (east) and a long range to the rear (north). The scheme was supported from a conservation perspective due to the layout having an agricultural influence. The current scheme differs dramatically from the approved outline illustrative layout, it now shows a domestic arrangement with three large detached properties surrounding the existing farmhouse and three detached plots to the rear (north). This is disappointing to see as it shows little consideration to the historic development or local distinctiveness of the village.

Kelfield is an historic settlement and is mentioned in the Domesday Survey of 1086 as Chelchefelt. Its current layout is thought to have existed since this period with a main street and long plots to either side. To the north of the application site is Kelfield Moated site and fishpond which dates from the 13th Century. The architecture within the village is influenced by agriculture and this theme should be retained in any future developments.

The application site contained the 19th Century farmhouse and farm buildings which date to the 20th Century to the rear. Yew Tree House has been identified as a non-designated heritage asset. A non-designated heritage asset can be a building, monument, site, place, area or landscape identified as having a degree of significance. It is considered that this building has architectural value in terms of its aesthetic value, it has a positive external appearance which contributes to the street scene and adds to the character of Kelfield. A

Heritage Statement should have been submitted with this application as a requirement within the NPPF paragraph 203:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The retention of the farmhouse in this scheme is completely supported as it will retain the local distinctiveness of Kelfield. However, this new layout and the design, bulk and positioning of the proposed new dwelling is not supported and will have a harmful impact upon the local distinctiveness of Kelfield as well as upon the non-designated heritage asset of Yew Tree Farmhouse.

The development fails to meet the requirements of the NPPF paragraph 203 relating to non-designated heritage assets. It fails to meet the requirements of paragraphs 199 and 194 as the significance of the site has not been assessed. The proposed scheme does not comply with Core Strategy policy SP18 or SP19. These policies specifically relate to design and context.

SP19 states that: Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside...Both residential and non-residential development should meet the following key requirements:

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.
- b) Positively contribute to an area's identity and heritage in terms of scale, density and layout.

This scheme does not positively contribute to the local distinctiveness of Kelfield and would erode the historic character of this agricultural site. Substantial amendments are required for this proposal to improve the layout, building types and their design.

The planning agent has responded to the concerns in a separate email to members dated: 4.12.21.

5 letters of support, from 3 addresses:

- The proposed dwellings will be beneficial to our village, boosting population and helping to attract a better bus service.
- It will attract young families to the village and join the village community.
- The site is an ideal location for new housing, higher and away from the river, and on a much larger plot so not to intrude on nearby housing.

- The scheme will enhance this part of the village and remove the farm. Sites opposite have been developed for similar developments on lower land.

Additional Letter of objection:

The design has too many accesses will create parking and blockages for the Main Street in Kelfield as the increase in home working has resulted in more on street parking at a pinch point before a sharp bend in the road. It would be much better for a small residential development to have one driveway to serve all the properties.

Additional Conditions:

14. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

15. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings 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 prior to occupation of each dwelling.

Reason:

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.