

Report Reference Number: 2019/1328/REMM

To: Planning Committee
Date: 9 February 2022
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APPLICATION NUMBER:	2019/1328/REMM	PARISH:	Kellington Parish Council
APPLICANT:	Jones Homes (Yorkshire) Limited & Glade Developments Ltd	VALID DATE: EXPIRY DATE: EXTENSION OF TIME:	18th December 2019 18th March 2020 11 th February 2022
PROPOSAL:	Reserved matters application (appearance, landscaping, layout, and scale) for the erection of 30 residential dwellings, pursuant to outline permission reference 2016/0124/OUT		
LOCATION:	Land Adjacent Aspen Grove Weeland Road Eggborough Goole East Yorkshire		
RECOMMENDATION:	GRANT, subject to completion of Deed of Variation		

This application has been brought before Planning Committee as the proposals reduce the amount of recreational open space to be provided on site from the 2,900 square metres agreed by the Planning Inspectorate in December 2016 to 1,800 square metres. Furthermore, notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals, which requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary. This is subject of planning application reference 2020/1369/FUL, which has also been brought before Planning Committee for consideration, and is the next item on the agenda, given its link to this application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises an undeveloped agricultural field to the west side of Eggborough village on the northern side of Weeland Road. There is an undeveloped agricultural field between the application site and the built development within Eggborough village on the northern side of Weeland Road, however, the application site only extends slightly beyond the existing development limit bounded by Kellington Lane on the southern side of Weeland Road. The application site does not extend as far back from Weeland Road as the recent development off Sycamore Avenue, with the site's northern boundary in line with the northern boundary of The Bungalow, to the south of Teasel Hall.
- 1.2 The area to the east and south of the application site is predominantly made up of built development forming part of Eggborough Village (with the exception of the undeveloped agricultural field to the immediate east of the application site, which has a limited frontage along the road). To the north of the application site is Teasel Hall, set within and surrounded by undeveloped agricultural fields. To the west of the application site are undeveloped agricultural fields.

The Proposal

- 1.3 The application proposes the erection of 30 residential dwellings pursuant to outline planning permission reference 2016/0124/OUT.
- 1.4 The proposed dwellings would be accessed from a new vehicular access from Weeland Road, towards the centre of the site frontage with Weeland Road, which was agreed as part of the outline planning permission.
- 1.5 This would lead to a T-shaped internal road layout to be adopted by the Highway Authority, with three private drives leading off to the north, east and west, around which the residential dwellings would be sited. The residential dwellings would be predominantly four and five bedroomed two-storey detached properties, although four three bedroomed two storey semi-detached dwellings would also be provided, three of which would make up the affordable housing provision on the site.
- 1.6 To the east end of the application site would be an area of recreational open space, totalling approximately 1,800 square metres, along with a pumping station.
- 1.7 Existing green boundaries would be retained to the north and east of the application site. A 0.5-1.5-metre-high wall with hedge planted to the front, to be maintained at a minimum target height of 1.5 metres, would be introduced to the western boundary of the application site. The southern boundary of the application site would comprise a mixture of existing and proposed hedgerow maintained at a minimum target height of 1.8 metres. A 2-metre-wide footway would be provided along the site frontage with Weeland Road as per condition 6 of outline planning permission reference 2016/0124/OUT.
- 1.8 Notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals, which requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary. This is subject of planning application reference 2020/1369/FUL,

although the proposed layout of the off-site SuDS basin to the north of the application site has been shown on the submitted plans for information purposes.

Relevant Planning History

- 1.9 The following historical applications are considered to be relevant to the determination of this application.
- 2016/0124/OUT - Outline planning application for up to 34 residential dwellings with all matters reserved except for access – Refused - Decision Date 09-MAY-16. Subsequent appeal allowed 28-DEC-2016.
 - 2018/1074/DOV - Request for a Deed of Variation to Section 106 agreement seeking a reduction in the proportion of affordable housing to be provided within scheme approved under reference 2016/0124/OUT for up to 34 residential dwellings with all matters reserved except for access – Granted – Decision Date 09-MAR-2020.
 - 2020/1369/FUL - Installation of a Sustainable Drainage System (SUDS) basin in respect of the adjacent residential development for 30 dwellings – Pending Consideration.

2. CONSULTATION AND PUBLICITY

The proposals have been amended and re-consulted on a number of times throughout the application process. The most recent responses from consultees are summarised below.

- 2.1 **Kellington Parish Council** – In respect of foul drainage, the applicant simply states they will be connecting into the public sewer. This will be the Eggborough sewer that has, once again this year, been shown to be not fit for purpose - heavy rain has seen raw sewerage in gardens, toilets full and sewerage coming out of a shower. Comment that dwellings cannot keep being added to a system that is inadequate.
- 2.2 **Eggborough Parish Council** – No response.
- 2.3 **Landscape Architect** – Latest written comments dated 04.03.2021, prior to the submission of the most recent amended plans.
- Overall, the proposed scheme does not provide a suitably designed layout and landscaping scheme incorporating public open space and is likely to impact on local amenity, landscape character and setting of the existing settlement.
 - Western and southern boundaries – substandard amount of standoff space to allow for retention of existing hedgerows and new landscape and hedgerow boundary treatment to protect local character and setting.
 - Recreational open space – should be well laid out and exclude pumping stations and other conflicting infrastructure. A central location would be more meaningful to the development as a whole. If attenuation basins are to be considered part of recreational open space, then they should be sympathetically designed and contribute as attractive meaningful landscape areas, not steep-sided engineered structures.

Verbal comments to most recent amended plans provided in December 2021. No objections, subject to conditions relating to: (1) implementation of landscaping

scheme; (2) tree/hedge protection measures and arboricultural method statement; (3) maintenance and management plan for existing and proposed trees and hedgerows.

2.4 **Urban Designer** – Latest comments dated 16.03.2021, prior to the submission of the most recent amended plans.

- Western boundary – Substandard amount of space available for perimeter planting. Consideration should be given to allowing more space between the site boundary and the residential properties with a mix of wall and planted boundary.
- Boundary materials throughout the development – boundaries facing the public realm should be brick to match the properties which they serve rather than close boarded timber fences. Boundaries to the fronts of properties should also adopt similar principles although combinations of brick and rail or other types of appropriate fencing/hedging might be appropriate.
- Building materials - recommend a consistent use of materials for properties bounding the edge of the development (but not buff brick), rather than the current pick and mix approach. Greater variety within the site might however be an acceptable feature. Materials should be conditioned subject to approval of samples.
- Pedestrian/cycle gates to the western and southern boundaries should be explored.
- Recreational open space has been pushed to the edge of the development and includes the pumping station as a central feature. The potential to locate the recreational open space more centrally within the site should be explored.

2.5 **Designing Out Crime Officer** – No objections - previous concerns raised appear to have been addressed through the submission of amended plans.

2.6 **NYCC Highways** – No objections, subject to conditions.

2.7 **The Environment Agency (Liaison Officer)** – No response.

2.8 **SuDS and Development Control Officer** –The reserved matters application seeks approval for the site layout. However, no drainage details have been submitted in support. In accordance with paragraph 165 of the NPPF, all major development must provide a sustainable drainage system, which must have minimum operational standards. The condition applied to the outline appeal decision requires the drainage system to be design in accordance with Defra's Non-Statutory Technical Standards for SuDS. The condition is sufficient to secure the drainage design, however, the applicants and the Local Planning Authority should satisfy themselves that the site's storage requirement can be provided within the proposed site layout.

2.9 **Danvm Drainage Commissioners Shire Group of IDBs** – No response.

2.10 **Yorkshire & Humber Drainage Boards** – No objections.

2.11 **Yorkshire Water Services Ltd** – No comment.

2.12 **Contaminated Land Consultant** – Further works to carry out iterative refinement of the CSM, including testing for pesticides and sampling of the made ground, will be required.

- 2.13 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.14 **Education Directorate North Yorkshire County Council** – No contribution sought.
- 2.15 **Stephanie Porter Vale of York CCG** – No response.
- 2.16 **Public Rights of Way Officer** – No response.
- 2.17 **Waste and Recycling Officer** – Each property will require an external storage area for 4 x 240 litre wheeled bins - 1x refuse, 1x green waste, 2 x recycling. As there are more than four properties in the development, the developer would be required to pay for and provide the bins. Refuse collection vehicles will not access private drives or use them for turning, therefore refuse collection points will be required where there are private drives. These should be located within 10 metres of the junction with the main road and be large enough to accommodate 2 x 240 litre wheeled bins per property. Swept path drawings have been provided to show the turning areas for refuse collection vehicles, however, there is potential for on-street parking to cause an obstruction to refuse collection vehicles in the area around the recreational open space.
- 2.18 **Neighbour Summary** – The application was advertised by neighbour notification letter, site notice and press notice. No letters of representation have been received as a result of the advertisement of this application.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside for planning policy purposes.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding. A watercourse runs along the eastern boundary of the application site.

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
SP5 – The Scale and Distribution of Housing
SP8 – Housing Mix
SP9 – Affordable Housing
SP15 – Sustainable Development and Climate Change
SP16 – Improving Resource Efficiency
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
ENV2 – Environmental Pollution and Contaminated Land
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT2 – Open Space Requirements for New Residential Developments
CS6 - Developer Contributions to Infrastructure and Community Facilities

National Planning Policy Framework^[JT1]

4.8 The relevant National Planning Policy Framework chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

5 APPRAISAL

5.1 Since the principle of development and the access have been established under the outline planning permission (reference 2016/0124/OUT), the main issues to be taken into account when assessing this reserved matters application for layout, scale, appearance and landscaping are:

- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Waste and Recycling
- Flood Risk and Drainage
- Affordable Housing
- Recreational Open Space
- Other Issues

Design and Impact on the Character and Appearance of the Area

5.2 Saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area.

5.3 In terms of layout, the submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) demonstrates that the application site would accommodate 30 residential dwellings, which would be four less than the maximum amount allowed under the outline planning permission. The proposed dwellings would be accessed from a new vehicular access from Weeland Road, towards the centre of the site frontage with Weeland Road, which was agreed as part of the outline planning permission. This would lead to a T-shaped internal road layout to be adopted by the Highway Authority, with three private drives leading off to the north, east and west, around which the residential dwellings would be sited. Properties would be sited side onto the frontage with Weeland Road and side onto the access track to Teasel Hall to the west, with a linear row of dwellings to the rear of the site, aside from where the access to the proposed off-site SuDS basin (subject of a separate planning application, reference 2020/1369/FUL) is located where four properties are turned 90 degrees to front onto the private drive which would be used to as a maintenance access for the SuDS basin. To the east end of the application site would be an area of recreational open space, totaling approximately 1,800 square metres, along with a pumping station. The proposed layout is considered to be acceptable and would not be harmful to the form and layout of the village and would not harm its intrinsic character. It is noted that proposed layout reduces the amount of recreational open space to be provided within the site to that agreed by the Planning Inspectorate in December 2016, and that the SuDS basin is now proposed to be provided off-site as opposed to on-site. These matters will be addressed in later sections of this report.

- 5.4 In terms of housing mix, residential dwellings would be predominantly four and five bedroomed, although four three bedroomed dwellings would also be provided, three of which would make up the affordable housing provision on the site. This would not be in accordance with the demand and profile of households evidenced from the most recent strategic housing market assessment, as required by Policy SP8 of the Core Strategy. However, following discussions with the applicant and legal advice being sought from the Council's Solicitor, it has been confirmed that in the absence of a condition at the outline stage relating to housing mix, this is not something which can be considered at the reserved matters stage as it does not relate to one of the reserved matters for consideration at the reserved matters stage, those being layout, scale, appearance and landscaping. Therefore, on the basis that there is no condition attached to the outline planning permission relating to housing mix, it is considered that the proposed housing mix is acceptable in this instance.
- 5.5 In terms of scale and appearance, the design and materials of surrounding properties are a mixture. The submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) demonstrates the site would comprise of two storey properties formed from size dwelling types, mostly detached but one of which would be semi-detached and would feature in a couple of areas around the site. The proposed elevations for each of the house types demonstrate each of the dwellings would have a simple traditional appearance with pitched or hipped roof forms, with gable or pitched projections at either two storey or single storey level to either the front, side or rear. Garages would either be integral to properties or provided as single or double detached garages. A materials layout plan was originally submitted with the application but has subsequently been removed as a result of concerns raised by the Council's Urban Designer regarding the materials being proposed. The Council's Urban Designer recommends a consistent use of materials for properties bounding the edge of the development (but not buff brick), rather than the pick and mix approach proposed on the materials layout plan originally submitted with the application. Greater variety of materials within the site may be considered to be an acceptable feature. An amended materials plans has not been submitted for consideration at this stage, and it is considered that materials could be conditioned as part of any permission granted under this application. Having regard to the location of the proposed development and the context of the site, it is considered that the scale and appearance of the proposed development would be acceptable and would not have any significant adverse impact on the character and appearance of the area.
- 5.6 In terms of landscaping, the submitted Soft Landscaping Plan (drawing no. 4126-210-K) demonstrates that existing green boundaries would be retained to the north and east of the application site. A 0.5-1.5-metre-high wall with hedge planted to the front to be maintained at a minimum target height of 1.5 metres, would be introduced to the western boundary of the application site. The southern boundary of the application site would comprise a mixture of existing and proposed hedgerow maintained at a minimum target height of 1.8 metres. A 2-metre-wide footway would be provided along the site frontage with Weeland Road as per condition 6 of outline planning permission reference 2016/0124/OUT, which would require the part of the existing hedgerow to the site frontage with Weeland Road to be removed and replaced with a new hedgerow set slightly further back into the site. Pockets of landscaping would be provided to the front of and surrounding residential properties. Furthermore, the recreational open space would comprise a grassed area for informal recreation with a native buffer mix and trees planted to the north and part of the eastern side, and native and formal hedgerows planted to the western, southern and part of the eastern sides, with a scattering of trees being

planted. The Council's Landscape Architect raises no objections to the proposed landscaping, subject to conditions relating to: (1) implementation of landscaping scheme; (2) tree/hedge protection measures and an arboricultural method statement; and (3) a maintenance and management plan for existing and proposed trees and hedgerows. Officers consider it would also be prudent to attach a condition to any permission granted under this reserved matters application requiring further landscaping to be provided around the pumping station, such as a hedge, to provide screening and reduce its prominence when viewed from within the application site. Subject to these conditions being attached to any permission granted under this permission, it is considered that the landscaping of the proposed development would be acceptable and would not have any significant adverse impact on the character and appearance of the area.

- 5.7 In terms of boundary treatments within the application site, these are proposed as shown on the submitted Boundary Treatment Plan (drawing no. 3052-0-018-I) and are considered to be acceptable and would not have any significant adverse impact on the character and appearance of the area. A condition could be attached to any permission granted under this reserved matters application to ensure that the brick walls facing onto the public realm are constructed from the same materials as the dwellings to which they relate.
- 5.8 Subject to the aforementioned conditions, it is considered the proposals are acceptable in accordance with saved Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.9 Saved Policies ENV1 and ENV2(A) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.
- 5.10 Given the size, siting and design of the proposed dwellings and their relationship to neighbouring residential properties outside the application site, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any neighbouring residential properties outside the application site. While the proposals would have an effect on views from existing neighbouring properties, with dwellings being seen in place of open undeveloped land, this is not a material consideration which can be taken into account in the determination of this application. The outline planning permission, reference 2016/0124/OUT, has already agreed to the principle of development at the site which would see a change from open undeveloped land to residential development.
- 5.11 Given the layout, scale, appearance and landscaping of the proposed dwellings, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any residential properties within the application site. Furthermore, it is considered that the proposed dwellings would each benefit from an adequate amount of useable external amenity space for the occupiers of the proposed dwellings.

- 5.12 Having regard to the above, it is considered the proposals are acceptable in accordance with saved Policies ENV1 and ENV2(A) of the Selby District Local Plan and national planning policy contained within the NPPF.

Impact on Highway Safety

- 5.13 Saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and paragraphs 110 and 111 of the NPPF set out the considerations with regards to the impact on highway safety.
- 5.14 The access has been established under the outline planning permission (reference 2016/0124/OUT), however, it is necessary to assess whether the layout, scale, appearance and landscaping of the development, proposed under this reserved matters application would have any adverse impact on highway safety.
- 5.15 North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the layout, scale, appearance, and landscaping of the development in so far as they relate to highway safety. A number of conditions have been proposed to be attached to any permission granted, however a number of these relate to the access to the site which was considered and conditioned under the outline planning permission and is not for consideration under the current reserved matter application. However, it would be considered reasonable and necessary to attach to any permission granted under this reserved matters application relating to: (1) detailed plans of road and footway layout; (2) construction of roads and footways prior to occupation of dwellings; (3) discharge of surface water; (4) verge crossings; (5) provision of approved access, turning and parking areas; and (6) conversion of garages to habitable accommodation.
- 5.16 Subject to the aforementioned conditions, it is considered the proposals are acceptable in accordance with saved policies ENV1(2), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Waste and Recycling

- 5.17 The Developer Contribution Supplementary Planning Document sets out considerations with regards to waste and recycling.
- 5.18 Each property is considered to have sufficient external storage space within its curtilage to accommodate 4 x 240 litre wheeled bins - 1x refuse, 1x green waste, 2x recycling.
- 5.19 As there are more than four properties in the development, the developer would be required to pay for and provide the bins. The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) requires a "Waste and Recycling Contribution" to be paid to the District Council to be used by the District Council towards the provision of waste and recycling facilities in the Site.
- 5.20 As refuse collection vehicles will not access private drives or use them for turning, refuse collection points are required where there are private drives. These should be located within approximately 10 metres of the junction with the main road and be large enough to accommodate 2 x 240 litre wheeled bins per property. There are three private drives within the proposed layout and a refuse collection point has been provided within approximately 10 metres of the junction with the main road of

each of these and is considered to be large enough to accommodate 2 x 240 litre wheeled bins per property.

- 5.21 Swept path drawings have been provided to show the turning areas for refuse collection vehicles. The Water and Recycling Officer raised concerns regarding the potential for on-street parking to cause an obstruction to refuse collection vehicles in the area around the recreational open space. As a result, a dedicated visitor car parking space has been allocated adjacent to the recreational open space. Each dwelling would benefit from off-street parking provision to NYCC Parking Standards.
- 5.22 On this basis, it is considered that the proposed layout is acceptable in respect of waste and recycling.

Flood Risk and Drainage

- 5.23 Flood risk and drainage were considered as part of outline planning permission (reference 2016/0124/OUT) and condition 7, relating to surface water drainage, was attached to the decision notice to ensure that the site is properly drained. No conditions were attached to the decision notice regarding foul drainage.

- 5.24 Condition 7 of outline planning permission reference 2016/0124/OUT reads:

“No dwelling shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.”

- 5.25 As part of this reserved matters application, a SuDS basin was initially proposed within the site in the area of the recreational open space. However, Officers raised concerns that the SuDS basin took up a significant proportion of the proposed recreational open space area reducing its functionality; and it also became apparent that since the granting of the outline planning permission there had been a change in guidance around surface water run-off rates which meant that the SuDS basin needed a greater storage capacity.

- 5.26 As a result of the above, notwithstanding the condition attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site SuDS basin as part of the surface water drainage proposals, which requires planning permission in its own

right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary, but within the same ownership as the application site. This is subject of planning application reference 2020/1369/FUL, although the proposed layout of the off-site SuDS basin to the north of the application site has been shown on the submitted plans for information purposes.

- 5.27 Officers consider the off-site SuDS basin to the north of the application site to provide an acceptable drainage solution for the site and are recommending approval of this application, which has also been brought before Planning Committee and is the next item on the agenda.
- 5.28 On this basis, Officers consider the layout of the proposed development is acceptable in terms of flood risk and drainage.

Affordable Housing

- 5.29 The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) sets out a requirement for 3 Discount Market Sale dwellings to be provided at the site.
- 5.30 The S106 Agreement, as amended by way of the Deed of Variation, requires the location and layout of the affordable housing units to be in accordance with an “Affordable Housing Plan” to be submitted to and approved in writing by the District Council as part of the Reserved Matters application. “Affordable Housing Plan” is defined in the Agreement as follows:

“...detailed scheme to be provided for the District Council’s approval identifying the number, types, size, location and tenures of the Affordable Housing Units and the timetable for the construction and Practical Completion thereof...”

- 5.31 The submitted Proposed Site Layout plan (drawing no. 3052-0-001 KK) can act as an “Affordable Housing Plan” and demonstrates that three affordable housing units would be provided at the site and that these would all be Discount Market Sale Dwellings as defined in the Agreement. These would all be three bedroomed semi-detached properties with sufficient internal and external space located next to each other towards the eastern end of the application site adjacent to the pumping station and recreational open space. Construction and practical completion would be subject to planning approval and prior to the occupation of 50% of the market dwellings in accordance with the Agreement.
- 5.32 The “Affordable Housing Plan” is considered to be acceptable and can be conditioned as part of an approved plans condition.

Recreational Open Space

- 5.33 The Section 106 Agreement attached to the outline planning permission (reference 2016/0124/OUT), which has been subject to a Deed of Variation (reference 2018/1074/DOV) contains a requirement to provide “Recreational Open Space” at the site. “Recreational Open Space is defined in the Agreement as follows:

“...an area of open space to be provided within the Site equating to 2,900 square metres to be used as public open space and laid out in accordance with the Recreational Open Space Works Specification...”

- 5.34 *“Recreational Open Space Works Specification”* is defined in the agreement as follows:
- “... a scheme to be agreed with the Council, including plans, drawings and specifications showing but not limited to the layout and design of the Recreational Open Space including details of any proposed play areas and equipment, landscaping paths and access arrangements, street furniture and fencing.”*
- 5.35 The submitted plans demonstrate that approximately 1,800 square metres of recreational open space would be provided within the site. This is less than the 2,900 square meters required by the Agreement. However, it is unclear where the figure of 2,900 square metres came from.
- 5.36 Policy RT2 of the Selby District Local Plan requires proposals for new residential development comprising 5 or more dwellings to provide recreational open space at a rate of 60 square metres per dwelling. The outline proposal was for the erection of up to 34 residential dwellings, which in order to be policy compliant would require a maximum provision of 2,040 square metres of recreational open space to be provide within the site. Therefore, a higher figure was inserted into the agreement and there is no commentary in the outline planning permission to justify why this higher figure was used.
- 5.37 The current reserved matters application proposes the erection of 30 residential dwellings which in order to be policy compliant would require the provision of 1,800 square metres of recreational open space within the site. The applicants have submitted a draft Deed of Variation with the application to reduce the amount of recreational open space to be provided at the site to the policy compliant 1,800 square metres based on the number of dwellings being proposed. Officers consider the provision of 1,800 square metres of recreational open space on the site would be acceptable, subject to a Deed of Variation.
- 5.38 The submitted Soft Landscape Plan (drawing no. 4126-210-K) can act as a *“Recreational Open Space Works Specification”* and demonstrates that the recreational open space would comprise a grassed area for informal recreation with a native buffer mix and trees planted to the north and part of the eastern side, and native and formal hedgerows planted to the western, southern and part of the eastern sides, with a scattering of trees being planted. The recreational open space area is accessed from the road within the site. No play areas or equipment are proposed, nor is any street furniture or fencing. It is noted however, that there is an equipped play area within close proximity to the site within the adjacent residential development.
- 5.39 The *“Recreational Open Space Works Specification”* is considered to be acceptable and can be conditioned as part of an approved plans condition.

Other Issues

Contaminated Land

- 5.40 Three conditions were attached to the outline planning permission (reference 2016/0124/OUT) relating to contaminated land. These were conditions 9, 10 and 11, requiring an assessment of the risk posed by any contamination, followed by the

the submission of a remediation scheme where unacceptable risk posed by contamination was found, and the reporting of any unexpected contamination.

- 5.41 A "Phase 2 Environmental Assessment Site Investigation, dated July 2017 (reference 6168/R2) has been submitted as part of the reserved matters application and this has been assessed by the Council's Contaminated Land Consultants.
- 5.42 Although the Phase 2 report refers to the Phase 1 Hydrock report, it does not refer to the preliminary conceptual site model (CSM) presented therein, nor present any CSM of its own. The CSM presented within the Phase 1 report presented two potential contamination sources; *"possible elevated levels of metals and metalloids in any made ground that may be present, as well as the natural soils"*, and *"persistent biocides from historical agricultural use"*, stating *"the potential presence of pesticides from agricultural use is unknown and, whilst considered a low risk, will need to be confirmed by ground investigation and chemical testing."* The Phase 2 investigation does not include any testing for pesticides, nor any testing of the one area of made ground identified during the works. No justification is provided for either omission. Therefore, it is considered that further works to carry out iterative refinement of the CSM, including testing for pesticides and sampling of the made ground, is required.
- 5.43 Conditions 9, 10 and 11 of outline planning permission (reference 2016/0124/OUT) remain undischarged and when the further works have been undertaken a discharge of condition application can be submitted under condition 9 of outline planning permission 2016/0124/OUT. If land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme would be required to be submitted under condition 10 of outline planning permission 2016/0124/OUT.

6 CONCLUSION

- 6.1 The application proposes the erection of 30 residential dwellings pursuant to outline planning permission reference 2016/0124/OUT, which was for the erection of up to 34 residential dwellings with all matters reserved for future consideration except for access. Therefore, the principle of the development and the access have been established through the outline planning permission and only the reserved matters (layout, scale, appearance and landscaping) can be considered at this reserved matters stage.
- 6.2 The reserved matters details for the layout, scale, appearance and landscaping are considered to be acceptable, subject to various conditions and a Deed of Variation to reduce the amount of recreational open space to be provided at the site from the 2,900 square metres agreed by the Planning Inspectorate in December 2016 to 1,800 square metres. The details ensure that the proposal would not result in detrimental impacts on the character and appearance of the area, residential amenity, highway safety or any other issues.
- 6.3 Notwithstanding conditions attached to the outline planning permission requiring surface water drainage details to be submitted to and agreed by the Local Planning Authority by way of a discharge of condition application, the applicant now proposes to provide an off-site attenuation basin as part of the surface water drainage proposals. This requires planning permission in its own right as opposed to a discharge of condition application, as the works are on land outside of the red line boundary, and is subject of planning application reference 2020/1369/FUL, which

has been assessed by Officers and is considered to be acceptable. This application has also been brought before Planning Committee and is the next item on the agenda.

- 6.4 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, ENV2, T1, T2, RT2 and CS6 of the Selby District Local Plan, Policies SP1 SP2, SP5, SP8, SP9, SP15, SP16, SP18 and SP19 of the Core Strategy and the national planning policy contained with the NPPF.

7 RECOMMENDATION

This application is recommended to be GRANTED subject to completion of Deed of Variation and the following conditions:

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

3052-0-014 - Site Location Plan
3052-0-001 KK – Proposed Site Layout
3052-0-001-FF – Proposed Site Layout
3052-0-002 – I – Illustrative Street Scenes
3052-0-018-I – Boundary Treatment Plan
4126-210-K – Soft Landscape Plan
4126-2102-C – Boundary Landscape Plan
1094-006-B – Swept Path analysis Sheet 1
1094-007-B - Swept Path analysis Sheet 2
3052-0-003-A – Proposed Single Garage Plans and Elevations
3052-0-017 – Proposed Joined Single Garage Plans and Elevations
3052-0-016 – Proposed Double Garage Plans and Elevations
3052-0-010 – Latchford Floor Plans and Elevations
3052-0-008 – Barbridge Floor Plans and Elevations
3052-0-007 - Bentley Floor Plans and Elevations
3052-0-006 - Bayswater Floor Plans and Elevations
3052-0-004-B - Baycliffe Floor plans and Elevations
3052-0-009 - Stratton Floor plans and Elevations

Reason:

For the avoidance of doubt.

02. Notwithstanding the details shown on the submitted plans/drawings, prior to the commencement of development above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby granted, along with external elevational detailing and details of the window and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

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

03. The landscaping scheme as shown on drawing no's. 4126-210-K (Soft Landscape Plan) and 4126-2102-C (Boundary Landscape Plan) shall be carried out in its entirety within the first planting and seeding season following

the occupation of the dwellings. All trees, shrubs and hedges and plants shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any trees, shrubs, hedges, or plants which die, are removed, or become seriously damaged or diseased shall be replaced within the next available planting and seeding seasons with ones of similar size and species.

Reason:

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

04. Prior to the installation of the pumping station, a detailed landscaping scheme to demonstrate how the pumping station will be adequately screened from the north and east when viewed from within the recreational open space shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in its entirety within the first planting and seeding season following the occupation of the dwellings. All trees, shrubs and hedges and plants shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and any trees, shrubs, hedges, or plants which die, are removed, or become seriously damaged or diseased shall be replaced within the next available planting and seeding seasons with ones of similar size and species.

Reason:

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

05. Prior to the occupation of the dwellings, a detailed management plan relating to the existing and proposed hedgerows, including a requirement for the proposed hedgerows to the western and southern boundaries to be maintained at a target height of 1.5 metres and 1.8 metres respectively (notwithstanding details shown on the submitted plans/drawings listed in Condition 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved management plan.

Reason:

In the interests of visual amenity and in order to comply with saved Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

06. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in the interests of visual amenity and having had regard to saved Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

07. Prior to the occupation of the dwellings, hard boundary treatments within the application site shall be implemented in accordance with the details shown on drawing no. 3052-0-018-I (Boundary Treatment Plan). The materials to be used for the brick walls shall match the materials to be used in the external construction of the dwellings to which they each relate. The hard boundary treatments shall thereafter be retained as such.

Reason:

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

08. 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:

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

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

(2) 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:

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

(3) Full highway construction details including:

- (a) 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
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

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

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

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details.

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

Reason:

In accordance with saved Policies ENV1, T1 and T2 of the Selby District 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.

09. 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 saved Policies ENV1, T1 and T2 of the Selby District 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.

10. 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 saved Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety.

11. No part of the development shall be brought into use until the approved, parking, manoeuvring and turning areas shown on the submitted plans/drawings listed in Condition 1 are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In accordance with saved Policies ENV1, T2 and T2 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), the garage(s) shall not be converted into

domestic accommodation without the granting of an appropriate planning permission.

Reason

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, having had regard to saved Policies ENV1 and T1 of the Selby District Local Plan.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/1328/REMM and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None