

Report Reference Number: 2020/0014/FULM

To: Planning Committee
Date: 9 March 2022
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0014/FULM	PARISH:	Burn Parish Council
APPLICANT:	Selby District Council	VALID DATE: EXPIRY DATE:	8th January 2020 8th April 2020
PROPOSAL:	Proposed construction of 10 affordable homes, to include a two-storey block of six two-bedroom apartments and four single storey two bedroom semi-detached properties		
LOCATION:	Land Off Barff View Burn Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

The application was deferred from the Planning Committee Meeting of 8 December 2021. The officers report to that meeting is included at Appendix A to this report. At the meeting the Officer Update Note indicated that:

Para 2.7 and 5.53 of the report refers to the objection from the LLFA. Further information was received from the applicant at the time of writing this report and the LLFA were re-consulted. Comments have now been received. In summary these still require further information and for the applicant to provide the following:

- A review of the design and calculations for the highway and surface water drainage systems for the developments to reduce the discharge rate as close as possible to greenfield run off rates, whilst acknowledging the size restriction of 75mm orifice size/control.
- Determine the requirements of Highway Authority for adopting the new section of highway.
- Confirm the impact of the ground water in terms of the cellular storage area and whether mitigation should be incorporated into the design.

The Officer response was:

It is therefore recommended that the application be deferred and authority to approve the application be delegated to the Head of Planning Services subject to receipt of the above additional information and subject to that information satisfying the requirements of the LLFA and subject to any additional relevant appropriate conditions arising from this consultee.

It was RESOLVED that:

The application be DEFERRED in order for officers to undertake further work on the application by supplying additional detail on potential flooding and the suitability of car parking provision on the site.

Update since the December meeting

Flooding

Following the committee meeting further information was provided by the applicants to address the issues raised by the LLFA. The LLFA were re-consulted again on 22 December 2021.

A response has been received which in summary states there are no objections subject to the following additional condition.

Development shall not commence until the following matters are submitted for the written approval of the Local Planning Authority in consultation with the Lead Flood Authority:

- (i) Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Confirmation that flotation issues will not affect the operation of the cellular storage should be confirmed prior to works being carried out and designs/construction amended if there is a presence of groundwater.
- (ii) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1% annual probability rainfall event including allowances for climate change. A minimum storage volume of 41m³ for the surface water from the properties hard standing area and 65m³ from unadopted highway with a maximum discharge rate of 3.5 L/S in accordance with the Drawing 'Off-site highway drainage Option 4, Adept,27/09/19.
- (iii) A maintenance and management plan and schedule should be provided and should include features e.g., a swale, infiltration trench and leaky dam within the POS. A maintenance schedule for the surface water outfall should be included together with maintenance of the ditch that serves the outfall to ensure that the surface water is accommodated. The maintenance plan should clearly define what is to be maintained by Selby DC and what is to be maintained by private

householders and that access arrangements are in place for any assets to be maintained by Selby DC.

- (iv) Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.
- (v) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels from all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Thereafter the approved details only shall be implemented in full and maintained for the lifetime of the development.

Reason

In the interests of providing satisfactory and sustainable drainage and flood prevention.

Officer Response

Subject to the addition of the above condition the scheme is considered acceptable in terms of flood risk and drainage.

Car Parking

The Highway Authority previously made no objections, nor did they raise any concerns in relation to the level of car parking provision. Following the December committee meeting, Highways have been re-consulted and specifically requested to comment on whether the level of parking provision is acceptable. The response was as follows:

“The bungalows have sufficient parking that complies with NYCC’s parking standards. Based on the 3 x 2 bed and 3 x 1 bed flats, they would require 9 car parking spaces to comply with NYCC’s parking standards. The 7 spaces provided are therefore below NYCC’s parking standards. However, the existing off street parking arrangements on Barff View is that some properties have no off-street parking, some with 1 space and a number with 2 plus spaces. Considering this and the fact that burn does have a bus service, I did not feel that the loss of the 2 car parking spaces could be defended at appeal. However, the Highway Authority would rather see 9 car parking spaces allocated to the flats. If there is an option to increase the car parking provision to an additional 2 spaces, this would appease the Highway Authority and probably members too”.

Officer Response

Regarding parking it should be noted there is an error in the report below at paragraph 1.2 which states that there will be a block of 6 x 2 bed roomed flats, In fact the block of flats comprises 3 x 2 bedroom flats and 3 x one bedroom flats. In all other respects the development is as previously described.

In terms of parking provision 7 spaces would be provided in front of the block of 6 flats. There would also be 8 parking spaces for the 4 x 2-bedroom bungalows, 2 of which would be in tandem. The layout provides a new highway to be adopted with a turning area.

The NYCC Vehicle Parking standards are set out in Appendix 4 of the Local Plan.

The advice in rural areas is that one-bedroom units should provide one car parking space and 2-bedroom units should provide 2 spaces. The advised provision should be 17 spaces in total for this development whereas 14 spaces in total are provided.

The applicants have been re-consulted and asked to consider whether any additional parking can be achieved within the site layout. The response was that it is not possible to provide the required open space and then add two extra parking spaces. Due to the cost of relocating the electricity cable through the site, it is not possible to reduce the number of units as this affects the viability of the scheme.

The first part of Barff View when entering from the A19 contains mainly semi-detached and terraced housing. There are no parking restrictions on street. Most houses in this first part of the Barff View have off driveways with off-street parking provision and some have garaging. Barff View then splits into two ways with a section heading south characterised by bungalows. These do not have off-street parking. However, there is an on-street pull-in/layby and the turning head at the southern end which leads to additional off-road hard surfaced areas used for parking. The bungalows also have a wide area of open grass to the frontage often utilised for parking. On several visits to the site, officers noted the streets to be quiet with very little on-street parking occurring during the day.

Given the characteristics of the location, the Highway Authority do not consider a shortfall of two spaces to be sufficient to warrant refusal of this scheme. Officers concur with this view. The surrounding residential development does not appear to be subject to difficulties with on-street parking. It is your officers' view that the open space provision on site is necessary to offset the loss of the designated open space to comply with Policy RT1 of the Local Plan. Moreover, the benefits of the provision of these affordable housing units are considered to outweigh this minor under-provision of parking spaces. As such it is concluded that the development is acceptable with respect to parking provision and the shortfall will not lead to an unacceptable reduction in road safety conditions.

Recommendation

That the application is be APPROVED subject to the conditions set out in the report below and the additional condition described above.

APPENDIX A



To: Planning Committee
Date: 8 December 2021
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

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LOCATION:	Land Off Barff View Burn Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due to it being an application by Selby District Council for its own development on its own land.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site comprises an area 0.25 ha of council owned undeveloped land located at the end of a cul-de-sac on Barff View, Burn. It is on the edge of the settlement within the development limits and there are agricultural fields bordering the site to the north, west and east. The northwest side is bounded by part of a belt of hedgerow and trees which extends off site to the northwest. There is play equipment in the form of dilapidated swings located centrally. Existing adjacent properties comprise mostly two storey, red brick semi-detached dwellings, bungalows and terraces.

The Proposal

- 1.2 The proposed is a rural housing scheme for the construction of 10 affordable homes. These would include a two-storey block of six two-bedroom apartments on the southwest side. There would be 3 on the ground and 3 on the first floor. On the north section there would be four single-storey two-bedroom semi-detached properties with frontage facing southwest and rear windows orientated north over the fields. 7 of the 10 units would comprise ground floor sleeping accommodation. The houses would be constructed of red brick with dark grey roof tiles. An area of approximately 328 sqm within the centre of the site would be retained as public open space. The development also includes an offsite area of undeveloped land at the southern end of Barff View cul-de-sac approximately 100m south of the proposals site. This area would be enhanced with improvements to ecology to provide a 360 sqm area of public open space to offset the loss of recreational open space within the site due to the development. This area is identified in green on the Public Open Space Plan provided.

Relevant Planning History

- 1.3 The following historical applications are considered to be relevant to the determination of this application.
- CO/1988/0797 (8/21/77/PA): Outline application for residential development with area retained for recreational purposes in accordance with Regulation 5(1) of the Town and Country Planning Act on land at, Barff View, Burn, Selby. Permitted on 21 November 1988.
 - Condition 4 of this permission states that “land shall be reserved within the application site to such an extent and in such a location as may be approved in writing by the local planning authority for the purpose of providing communal open-air recreation (including children’s play area). No specific area was defined as part of the application details. The permission was not implemented and expired with no reserved matters being submitted.
 - NB: The site area for the above included the whole of the current application site plus an additional area to the east (later the subject of a full permission 9/21/77A/PA- see below).
 - 9/21/77A/PA- Yorkshire Metropolitan Housing Association for 3 x 2 bed bungalows and 4 x 2 bed terraced houses. Permitted 2/9/1993. This permission relates to the development at the north-eastern end of Barff View adjoining the application site and has been implemented.

2. CONSULTATION AND PUBLICITY

Consultation

2.1 NYCC Highways

The principal of a development in this location is acceptable to the highway authority. No objection to the proposed stopping up order but procedures and consultations need to be followed before a final decision is made on the stopping up

order. Initially raised some issues in relation to carriage way width, turning for fire attendants and refuse vehicles, bin collection and cycle provision.

Following further information and discussions, still had some concerns regarding the existing turning head and the fact it will remain to the northeast. The north-western part of the turning head will be removed and stopped up by Selby DC to facilitate additional car parking for the proposed dwellings. The Highway Authority would have no objections to the stopping up of this land. However, whilst the north-eastern part of the existing turning head would be better removed to show continuity of the carriageway and footway, it is noted that an existing property gains access from this point and therefore no objections are raised. Other previous concerns have been addressed. Therefore, no local Highway Authority objections. Conditions are recommended.

2.2 Waste and Recycling Officer

No comments received

2.3 Environment Agency

Initial Objections

- (i) Most of the site lies within Flood Zone 3, with a high probability of flooding. The application is for the construction of 10 residential dwellings, which are classified as 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.
- (ii) The submitted FRA, fails to comply with the requirements for site-specific flood risk assessments because it doesn't consider how a range of flooding events, including climate change scenarios, will affect people and property and does not therefore adequately assess the development's flood risks.
- (iii) In particular, the FRA fails to:
 - assess the predicted depths of flooding on site for a range of flood events including the 1% annual probability fluvial and 0.5% annual probability tidal design flood events
 - provide any assessment of breach and overtopping scenarios
 - take into consideration the impacts of climate change
 - exclude ground floor sleeping accommodation.
 - demonstrate that proposed mitigation measures are sufficient to ensure the development remains dry and safe for the lifetime of the development.
- (iv) Once the site-specific flood levels have been determined using the Selby Level 1 SFRA, the applicant should raise finished floor levels to exclude the predicted flood water depths. Where it can be demonstrated that finished floor levels cannot be sufficiently raised, other passive resistance measures may be considered to exclude water up to the predicted flood depth. The FRA has not assessed or provided robust justification why finished floor levels are proposed to be raised 300mm and if the proposals are adequate to ensure the safety of

occupants. Where water exclusion is required above 600mm, we draw the applicant's attention to the document titled "Improving the Flood Performance of New Buildings – Flood Resilient Construction". Further information can be found here. The applicant should ensure the building is structurally sound to withstand the depths and hazard of flooding predicted.

- (v) With respect to residential accommodation and in accordance with Tables 1, 2, and 3 of the PPG, ground floor sleeping accommodation should not be permitted, or allocated, in Flood Zone 3. Sleeping accommodation should be restricted to the first floor or above to offer the required 'safe places'. If the applicant intends to retain ground floor sleeping accommodation, they must demonstrate that the ground floor of all residential properties remain dry during the design flood events with an allowance for climate change and as assessment of breach and overtopping scenarios in line with the Selby Level 1 SFRA.

2.4 Objections maintained on further subsequent revised submitted information due to;

- With finished floor levels raised only 300mm above ground this could result in between 300 and 500mm of internal flooding affecting the development over it's lifetime.
- For a habitable use to be applied the safe maximum internal flood depth to allow safe internal access and egress is 300mm.
- Where ground floor sleeping is proposed it must be demonstrated to be dry for it's lifetime.
- In order to make the development safe and allow a habitable use on the ground floor for the lifetime of the development, finished floor levels could be raised further, or flood proof construction techniques could be used to ensure that the ground floor flats remain safe/dry.

2.5 Following further information on levels and a revised FRA the EA withdraw their objections subject to a condition to:

- (i) secure finished floor levels no lower than 7 metres above Ordnance Datum
- (ii) Mitigation measures incorporated

Para (i) of initial comments reiterated and reminder to LPA of the need to decide it the Sequential test and Exception Test has been satisfied.

2.6 Yorkshire Water Services

Recommends conditions in relation to drainage for foul and surface water, discharge of surface water, diversion of public sewerage infrastructure. Queries and concerns were raised regarding surface water to the public combined sewer. Following receipt of further information Yorkshire Water confirmed no objection to the proposed discharge rate of 3.5 (three point five) litres per second to the public surface water sewer crossing the site. Comments and recommended conditions from previous responses still apply.

2.7 NYCC Lead Local Flood Authority

- Agree the approach to discharge to Yorkshire water surface water sewer
- Clarification of highway drainage needed.

- Flood Zone 3 therefore LPA should satisfy itself of sequential test and exception test.
- The EA should be consulted about the finished levels.

Recommends refusal because the submitted documents are limited and further information is needed on:

- a maintenance plan detailing the frequency of maintenance of the features for their lifetime has not been provided.
- Confirmation of the drainage arrangements for the highway surface water has not been provided.

(Information requested and an update will be given at committee)

2.8 Selby Area Internal Drainage Board

Comments made in relation to surface water options and conditions recommended and informatives should consent be required form the IDB

2.9 Yorkshire Wildlife Trust

No comments received

2.10 NYCC Ecologist

Most of the site is amenity grassland of low nature conservation value, but it also contains a belt of scrub along the western boundary and a narrow strip of tall-herb vegetation along the northern boundary. The scrub habitat is likely to be more significant for mammals, invertebrates and birds than is suggested in the PEA, which provides scant information on the fauna using this habitat.

Initial concerns raised

- The PEA includes non-committal advice rather than expressions of intent of what the applicant will deliver. This is too open ended to secure by condition. Some of the measures don't appear on the plan.
- Biodiversity deficit will need to be made up by creating suitable habitat on other land in the applicant's ownership. Strongly encourage the creation of a similar habitat of thicket/woodland to replace what would be lost. Recommend the applicant uses DEFRA's Biodiversity Metric system to provide a clear and objective assessment of habitat loss and how this will be offset by compensation measures.
- Trees are earmarked for removal and at least one of these has the potential for bat roosts. Surveys for protected species cannot be conditioned and must be completed within the bat activity season.

Following receipt of further bat surveys and a revised PEA concludes that:

- Confirm the tree can be felled without constraint
- Biodiversity – not resolved. Using the DEFRA Metric there would be a 24% loss. Recommend that other areas of land within the applicant's ownership should be used to provide biodiversity enhancement to offset the loss. Reiterate that the

proposals do not comply with national planning policy. Further proposals needed to deliver this biodiversity gain.

- Recommend adherence to the guidance and mitigation measures contained in the revised ecological appraisal regarding species and implementing landscape proposals.

2.11 Designing Out Crime Officer

The overall design and layout of the proposed scheme is considered acceptable.

2.12 North Yorkshire Fire & Rescue Service

No objection to the proposed development. Will make further comment at the time when a statutory Building Regulations consultation to the Fire Authority.

2.13 Public Rights of Way Officer

No comments received.

2.14 Education Directorate North Yorkshire County Council

No comments received.

2.15 NYCC Heritage Officer

Archaeological Background: The proposal is within the historic settlement of Burn. However the small scale of the development is unlikely to have a significant impact on archaeological remains.

2.16 Burn Gliding Club Ltd.

No comments received

2.17 Contaminated Land Consultant

The reports and the site investigation works are acceptable. Conditions recommended:

2.18 Environmental Health

No adverse effects on surrounding property and local amenities once operational. Potential adverse effects on residents of the existing residential properties near to the proposed development site during construction phases which are likely to create dust, noise and vibration which may cause disturbance.

Recommend a Construction and Environmental Management Plan (CEMP) condition.

2.19 Burn Parish Council

- The proposal differs significantly from the original proposal on which the parish council was consulted.
- The proposal constitutes excessive development
- The access for emergency appliances is poor.

- There is a lack of turning provision to allow vehicles to drive onto the highway
- The proposed development is in a level 3 flood risk area.
- The proposal will have an adverse effect on the amenity of adjacent properties
- Burn village has no amenities other than the pub and the Methodist Chapel.

Publicity

2.20 The application was advertised by standard site notice and by press notice and site notice (as a departure) resulting in 2 letters of representation. This raises the following concerns;

- Appear to try to fit in as many properties as they can down the street.
- The drainage is poor and floods regularly, sewage work down the street will also required upgrading as it is struggling to cope at the moment.
- Powercuts are also frequent in the village
- Only 1 access onto a busy main road which is poorly lit. The road and pathways are in a poor state of repair, the road has not been resurfaced, this is despite the rest of the village roads being repaired and fully resurfaced on at least 2 occasions within the last 4 years.
- The building work is to take place over a children's park, there is nowhere for them to play safely in the village and no provisions for them to use.
- Limited amenities in the village, no shops, bus service unreliable and non existent after 7pm daily and not on a Sunday. Question whether there are provisions in place for this to change or improve
- There is a lack of parking available at the moment for the number of cars down the street, leaving residents and any visitors having to park on the streets, further development would see this increase. The provisions for 15 spaces would not be enough to cover future residents and visitors to the street.
- In an emergency the Emergency services would struggle to get down on occasions
- Why build on the only green space in the village when there is a disused airfield in the village.
- Question how many houses are planned for Brayton Green
- Power transformer for the estate is in the middle of the site –future problems for maintenance by power companies
- Access road not wide enough.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is within a low development risk (coal) area and the Burn Airfield Consultation Zone. It is within the settlement of Burn on the northwest side and is within the development limits as defined in the Local Plan. In the Selby District Core Strategy Burn is a secondary village. The land is currently an undeveloped area of open space land part of which contains play equipment.
- 3.2 A small part of the site encompassing the northern most corner is designated Recreational Open Space within the adopted Selby District Local Plan (LP) and is protected under LP Policy RT1.

- 3.3 The majority of the site is within Flood zone 3 and within an area benefiting from flood defences.
- 3.4 An electricity step down transformer is located on the west boundary of the site with overhead cables running over the site in approximately west to east direction.

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 (CS)

- 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

SP8: Housing Mix
SP9: Affordable Housing
SP10: Rural Exception Sites
SP12: Access to services, community facilities and infrastructure
SP15: Sustainable Development and Climate Change
SP18: Protecting and Enhancing the Environment
SP19: Design Quality

Selby District Local Plan (LP)

4.7 The relevant Selby District Local Plan Policies are:

RT1: Recreation Open Space
ENV1: Control of Development
ENV2: Environmental Pollution and Contaminated Land
T1: Development in Relation to Highway
T2: Development including creation of a new access

Other Policies / Guidance

The following are considered to be relevant:

- Affordable Housing SPD (2014)
- Flood Risk Sequential Test Guidance Note (March 2019)

5 APPRAISAL

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

- 1) The principle of the development
- 2) The impacts of the proposal on;
 - Character and appearance and impact on the locality
 - Highway Safety
 - Residential Amenity
 - Flood Risk, Drainage and Climate Change
 - Nature Conservation and Protected Species
 - Affordable Housing
 - Contamination
 - Waste and recycling
 - CIL

The Principle of the Development

- 5.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 5.3 The application site is situated within the Development limits of Burn where SP2 and SP4 of the Core Strategy applies. Policy SP2A sets out the Spatial Development Strategy for the District and directs the majority of new development hierarchically first to the towns and service Centre's, then to Designated Service Villages. Burn is a Secondary Village where SP2 b) sets out that only limited

amounts of residential development may be absorbed inside Development Limits where it will enhance or maintain the vitality of rural communities, and which conforms to the provisions of Policy SP4 and SP10 of the CS. The development of this site for 10 affordable units is a small-scale development which could enhance the vitality of the rural community due to the provision of much needed small social housing units for locals. It is therefore consistent with the aims of Policy SP2.

- 5.4 Policy SP4 of the CS relates to the management of residential development in settlements and sets out at SP4 a) bullet point 2 that in secondary villages the following types of development will be acceptable in principle within development limits – “*conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversions/redevelopment of farmsteads*. In all cases proposals will be expected to protect local character, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard to taken of the principles contained in Design codes where available.
- 5.5 The whole site is within the development limits. However, it is not the filling in of a small linear gap or a conversion. In terms of previously developed land in built up areas, recreation grounds and parks are specifically excluded from the definition of previously developed land. Although the majority of the site is not formal recreation open space or parkland, it is also not land which has been previously developed. In this respect the proposed development does not fall within any of the exceptions identified in SP4 as being acceptable in secondary villages. It does not therefore comply with SP4 of the CS.
- 5.6 However, Policy SP10 ‘Rural Exception Sites’ sets out that within villages, including secondary villages, planning permission can be granted for small scale ‘rural affordable housing schemes’ as an exception to normal planning policy provided criteria are met. These are;
 - (i) The site is within or adjoining Development Limits in the case of secondary villages
 - (ii) A local need survey has been identified by a local housing needs survey, the nature of which is met by the proposed development.
 - (iii) The development is sympathetic to the form and character and landscape setting of the village and in accordance with normal development management criteria
- 5.7 In this case the development complies with Policy SP10 criteria (i) since it is within the development limits.
- 5.8 In terms of criteria (ii) a formal rural housing needs survey by the rural housing enabler has not been undertaken. However, the mix of housing has been based on the HomeChoice register and providing a housing mix which is required in Selby SC stock. The scheme mix is to meet an identified specific affordable housing need for in the Selby District. In terms of 2-bed adapted accommodation, there are 35 active applicants who have self-identified as requiring adapted properties across the district, 1 of those has registered a specific interest in Brayton/Barlow. The scheme will provide 4no. x CAT 2, 2 bed bungalows and 3no. x 2 bed wheelchair accessible apartments.
- 5.9 These properties will contribute to the Council’s stock ensuring that residents have access to fit for purpose housing. The 3no. First Floor 1-bedroom apartments will

fulfil a chronic housing need due to the lack of access to good quality 1 bedroom accommodation and also the family compositions which do not qualify potential residents for a 2-bed need. Due to the location of the site and existing makeup of the surrounding properties, it is not the ideal location to accommodate a family housing scheme. This is due to the type of amenity available locally, a consideration of the pressure on local infrastructure and the proximity of family housing schemes which have been built in the surrounding locality of Brayton, Hambleton and Selby which under s106 agreement have built this type of housing. Due to the cost and specific nature of the housing mix proposed, if the property types are not built by registered providers, then this housing need will not be met.

- 5.10 As such, this development will meet a specific housing need which cannot be met elsewhere which is met by this development. The proposal is therefore consistent with the aims of SP10 criteria (ii).
- 5.11 In terms of SP10 criteria (iii), this is discussed in more detail in the relevant sections of this report. The development is generally sympathetic to the form and character of the surrounding development.
- 5.12 In relation to the northern tip of the site this would result in the loss of an area of designated recreation open space which must be considered in the context of Policy RT1 of the Local Plan.
- 5.13 Saved policy RT1 of the LP states that: Proposals which would result in the loss of existing recreation open space and allotments will not be permitted unless:
- 1) The use has been abandoned and the site is not required to remedy an existing deficiency for recreation or allotment use elsewhere in the locality; or
 - 2) Alternative provision of at least the equivalent size, accessibility and quality is made within the locality to serve the needs of the existing community; or
 - 3) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- 5.14 The extent of the whole site is regarded as open amenity area but is not formally designated as such. The designated portion of ROS lies beyond a group of trees and high hedges and is barely accessible so is clearly underused. There is a small set of swings in the amenity area but there is no equipment within the area of the ROS itself. The play equipment which exists consists of a single set of old swings provided is on a different part of the site and appears in a dilapidated condition.
- 5.15 The proposed layout plan would include the provision of an area of open space within the centre of the site roughly equivalent to the designated northern section. It is considered that once laid out and landscaped and positioned in the centre of the new housing, it would provide a useful and accessible designated open space area which improves the existing overgrown area.
- 5.16 In addition to this a further area of land at the southern end of Barff View cul de sac comprising 360 sqm is intended to be used as public open space with improvements to the ecology to offset the loss of recreational open space due to the development. This area is identified in green on the Public Open Space Plan provided with the application.
- 5.17 It is therefore considered that the loss of the designated area of designated northern recreation open space is adequately compensated for within the development itself

and off site. Normally a legal agreement would be required to secure this provision but since it would be inappropriate for the Council to enter into a legal agreement with itself, a condition can be imposed requiring the open space areas to be secured for the long term. Subject to such a condition the development is therefore consistent with the approach advocated in RT1.

- 5.18 Overall although the development would not comply with SP4 it would comply with SP1, SP2, SP10 of the CS and with RT1 of the LP and can be supported in principle.

Character and appearance and impact on the locality

- 5.19 Policy ENV1 (1) and (4) of the Selby District Local Plan set out that proposals should consider the effect upon the character of the area as well as the standard of layout, design and materials in relation to the surrounding. Furthermore, Policy SP19 of the Core Strategy sets out key requirements developments should meet to ensure high quality design is achieved having regard to local character, identity and context of its surroundings.
- 5.20 ENV1 seeks to ensure a good quality of development taking account of, amongst other things, the effect on the character of the area and the standard of the layout, design and materials in relation to the site and the its surroundings and associate landscaping. Relevant policies within the NPPF, which relate to design, include paragraphs 126 to 136. Para 130 of the NPPF states that planning decisions should, amongst other things be visually attractive because of good architecture, layout and appropriate and effective landscaping.
- 5.21 The proposed development would result in the loss of an informal undeveloped part of the area and replacement with a housing development. However, most of the site is undesignated open space and there is no requirement to retain it as such. A designated area of public open space would be laid out and landscaped within the centre of the site and would be accessible to residents. This would be an enhancing design feature which contributes positively to the overall streetscape and the design of the scheme.
- 5.22 In terms of the existing landscaping, a tree survey has been submitted categorising the quality of the trees. Only two trees of moderate quality have been identified as worth retaining and these are identified on a tree protection plan with hand excavation required around one tree. The remaining trees and hedgerow would be removed. The loss of these is discussed in ecological terms in the section on nature conservation in this report. However, these not considered to contribute significantly to the visual quality of the area and the remaining woodland adjoining the northwest of the site outside the application site boundary would screen the development from the north.
- 5.23 In terms of design the dwelling units are simply designed bungalows and two-storey units. The design, character and form reflect similar bungalows and terraces on Barff View. Materials are indicated to be red brick and dark grey roof tiles and the specific details of these materials can be secured by conditions to ensure they are sympathetic to the surrounding development. The design takes into account the constraints and appearance of the surrounding area and complements the local vernacular. The layout blends well with the existing layout of dwellings on Barff view and reads as a natural extension to it.

- 5.24 In addition to materials the details of the boundary treatments and landscaping planting should also be conditioned to ensure the setting and enhancement of the site and to soften the appearance of the new development within this open context. The plans provided show only indicative areas of planting and fully detailed landscape plan is needed to ensure the species and planting details are sufficient to enhances the development and appropriate for the locality. Boundary details are shown on the revised layout plan, and these are generally considered acceptable and appropriate for this location.
- 5.25 Overall, the scheme is considered to take account of the character of area, in terms of its height, scale, form and type. The proposals are consistent with the aims of Policies ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

Highway Safety

- 5.26 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off-site highways works may be required. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.27 The layout plan provides for an access and turning area extending off the existing turning head at the end of Barff View. Part of the existing turning head is proposed to be stopped up and replaced with a turning head extending into the site. Seven parking spaces would be provided in front of the two-storey block to serve the six flats. The bungalows on plots 1 -4 would each have 2 parking spaces. The spaces for plot 4 would be tandem parking arrangement.
- 5.28 Initially the Highway Authority had concerns with the retention of part of the existing turning head preferring removal and replacement with the new turning head. However, they note that an existing property gains access from this point and therefore agree it can be retained. Several conditions are recommended requiring engineering plans of roads and footpaths, the construction of adoptable roads and footpaths and conditions relating to the visibility, timing, parking, cycle parking, surface water drainage and construction management plans.
- 5.29 Subject to the recommended conditions the scheme is considered acceptable in terms of road safety standards and subject to compliance with the recommended conditions, the development is considered acceptable in terms of road safety and would not conflict with Policies ENV1 (2) and T1 of the LP.

Residential Amenity

- 5.30 Policy ENV1 (1) of the Selby District Local Plan sets out the approach in respect of the impact of the proposal on residential amenity. Significant weight should be afforded to Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants. Policy ENV1 seeks to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.

- 5.31 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing/overbearing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.32 It is noted that no objections have been received in relation to impacts on residential amenity particularly in terms of the relationship to the adjacent properties. Plots 1-4 are single storey dwellings which would be positioned north of the existing bungalows on Barf View. Given their size form and position they would not result in an overbearing or overshadowing impact on other nearby dwellings. No windows are proposed on the side elevations and therefore no new overlooking would occur. Overall, although modest in size, they would provide a satisfactory level of amenity for future occupants with a small area of private amenity space for each occupant.
- 5.33 Plots 5-10 comprise a terrace with 3 ground floor and three first floor flats. Given their size form and position they would not result in an overbearing or overshadowing impact on other nearby dwellings. The principal room windows would be on the front and rear elevations facing east towards Barff View and west to the open fields. The nearest elevation to existing dwellings would be the south elevation which contains a ground floor door to the upstairs flat and a first-floor landing window. It is considered that the arrangement does not unacceptably reduce the privacy and amenity of the adjacent existing dwellings. Overall, although these are small flats there would be open space garden area to the rear of the dwellings and space and light around the building. They would provide a satisfactory level of amenity for future occupants.
- 5.34 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The 'Designing Out Crime Officer' considers the overall design and layout of the proposed scheme is considered acceptable.
- 5.35 Overall, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area or surrounding properties and that an acceptable standard of residential amenity would be achieved within the development for future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

Flood Risk and Drainage

- 5.36 Relevant policies in respect to flood risk and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy and the advice in the NPPF.
- 5.37 The site lies within Flood Zone 3, benefitting from flood defences. Flood zone 3 relates to land having a 1 in 100 or greater annual probability of river flooding or 1 in 200 or greater annual probability of sea flooding. The flood zones do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding.

- 5.38 SP15 makes clear that development in areas of flood risk should be avoided wherever possible through the application of the sequential test and exception test and ensure that, where development must be located in areas of flood risk, it can be made safe without increasing flood risk elsewhere. Detailed guidance on dealing with applications in flood risk areas is set out in the NPPG.
- 5.39 In addition, paragraph 159 of the NPPF supports directing development away from areas of a higher probability of flooding. It advises that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.40 Paragraph 161 of the NPPF makes clear that that development should not be permitted if there are reasonably available sites appropriate of the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.41 Paragraph 162 sets out that if it is not possible for the development to be located in areas with lower risk of flooding the exception test may have to be applied. The need for the exception test will depend on the flood vulnerability of the site and the development proposed in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 5.42 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Sequential Test

- 5.43 Selby District Council have published a Sequential Test Guidance Note dated March 2019. This requires an assessment of reasonably available alternative sites within and immediately adjacent to the development limits of secondary villages district wide. However, for rural housing exception sites the area of the application sequential test is limited to within or adjacent to the development limits of the particular secondary village. This proposal is entirely for affordable housing units on land which would not normally be granted permission for housing within a secondary village being contrary to SP4 of the CS. The scheme is only acceptable because it is for affordable units and is consistent with SP10 'Rural Exception Sites' and will, if granted, be subject to a condition to secure the long-term future of the affordable housing in perpetuity. As such, as set out in the Councils Sequential Test Guidance Note, the search area for is limited to Burn village only. There are no

other sites within or adjacent to the village of Burn which could accommodate 10 affordable units. The scheme therefore passes the sequential test.

Exception Test

- 5.44 The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 5.45 Both elements of the exception test should be satisfied for development to be allocated or permitted.

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk

- 5.46 Wider sustainable benefit is achieved through the provision of 10 dwellings which much needed local affordable social housing which will also add vitality to the local community. There will be economic benefits during the construction phase of the development.

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 5.47 In terms of the vulnerability of the development the classifications include: Highly Vulnerable; More vulnerable; Less Vulnerable; or Water Compatible. Buildings used for dwelling houses are classified as 'More Vulnerable' which is the second most vulnerable form of development. The development provides 10 units of living accommodation, 7 of which have ground floor sleeping accommodation.

- 5.48 A site specific flood risk assessment (FRA) has been submitted and the Environment Agency (EA) have been consulted. This also need to take account of the possible impacts of climate change. The EA have initially strongly objected to this proposal on the grounds of lack of predictive information on the site-specific flood levels, no assessment of breach and overtopping, not taking into account possible impacts of climate change, and not providing mitigation measures to ensure the development is safe. Moreover, they make clear that in accordance with the NPPG, ground floor sleeping accommodation should not be provided in Flood Zone 3.

- 5.49 The EA state that if the applicant intends to retain ground floor sleeping accommodation, they must demonstrate that the ground floor of all residential properties remain dry during the design flood events with an allowance for climate change and as assessment of breach and overtopping scenarios in line with the Selby Level 1 SFRA. The provision of accurate site-specific flood levels was necessary to determine the extent to which floor levels need to be raised.

- 5.50 Following receipt of a revised FRA, it was then established that allowing for climate change the site could flood to depths of between 200 to 800mm. The scheme only proposed raising floor levels between 300-500 above ground level. With ground floor sleeping accommodation it is necessary to demonstrate the development to be dry for its lifetime. This was not achieved, and the EA maintain their objection due to ground floor sleeping accommodation being unacceptable and reliance on early warning and evacuation.
- 5.51 In order to make the development safe and allow a habitable ground floor use, finished floor levels need to raise or the development must have flood proof construction techniques to ensure the ground floor flats stay dry.
- 5.52 Discussions took place directly with the EA about the site levels and the required floor levels as there was some ambiguity on these. Following this a revised FRA has now been received which raises the finished floor levels to the required levels and includes appropriate mitigation measures to ensure the development stays dry and is safe for its lifetime. Subject to appropriate conditions to secure finished floor levels no lower than 7 metres above Ordnance Datum and to incorporate the Mitigation measures set out in the FRA, the EA confirm they withdraw their objection. However, the LPA must satisfy itself regarding the Sequential Test and the Exception Test. This has been discussed and concluded in the section of the report.
- 5.53 A further matter raised by the EA is a requirement for surface water details to be agreed with both the LLFA and the IDB. The IDB require conditions which are set out in section 7 of this report. The LLFA require further information and clarification regarding the drainage arrangements for the highway surface water. They also refer to the drainage system being maintained by Selby DC but are concerned no maintenance plan has been provided. *This information has been requested and an update will be given at the meeting.*
- 5.54 In terms of drainage Yorkshire water recommend conditions in relation to the discharge of foul and surface water and the diversion of public sewerage infrastructure. They require further survey work to determine the potential use of the drainage ditch for discharge of surface water at a specified rate. This can also be covered by condition. It is recommended that the advised conditions be imposed.
- 5.55 The Sequential test is satisfied for the reasons given above. Overall, subject to the additional information meeting the requirements of the LLFA and appropriate conditions relating to drainage, finished floor levels and mitigation measures, the development is considered acceptable with respect to its impacts on flood risk, climate changes and drainage. The development can be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere and there are wider sustainability benefits in the provision of these affordable housing units. As such the Exception Test is satisfied and the development complies with Policies SP15, SP19 of the Core Strategy, Policy ENV1 of the Local Plan and with the advice in the NPPF.

Nature Conservation and Protected Species

- 5.56 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP15 and SP18 of the Core Strategy and advise within the NPPF.

- 5.57 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration. The presence of protected species is a material planning consideration.
- 5.58 Policy SP15 of the CS seeks to achieve sustainable development and sets a number of criteria to ensure development contribute towards reducing carbon emissions and is resilient to the effects of climate change which should be taken into consideration. SP15B criteria d) seeks to protect, enhance and create habitats to both improve biodiversity resilience and utilise biodiversity to contribute to climate change mitigation. SP18 seeks to protect and enhance the environment. Criterion SP18 c) requires development to seek a net gain in biodiversity by designing in wildlife and retaining natural interest of a site where appropriate.
- 5.59 The NPPF is a material consideration in making planning decisions. Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural; and local environment including sites of biodiversity. 174d) advises minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. In addition, paragraph 180 of the NPPF sets out the principles which should be followed when considering applications which may impact upon habitats and biodiversity. It advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.60 A Preliminary Ecological Appraisal (PEA) has been submitted. This was amended following comments from the County Ecologist together with the provision of a bat survey due to trees being identified with potential for roosting bats. The updated appraisal confirms the identified trees can be removed without constraint. No other protected species have been identified.
- 5.61 The site contains trees and unmanaged scrub on the west boundary which County Ecologist and the revised PEA consider has some conservation value as suitable habitat for breeding and roosting birds and small mammals. The majority is proposed for removal with a strip of scrub and 2 trees indicated to be retained where feasible. The PEA advises planting of native trees and shrubs within the areas of public open space, seeding with wildflower grassland, the protection of trees during development and a sympathetic lighting scheme during construction and withing the proposals which minimises illumination of trees and areas of planting. Lighting details are not provided at this stage but could be required by condition. The Ecologist initially raised concerns about the scheme not reflecting the advice within the PEA. The PEA was updated and provided the development is carried out in accordance with the mitigation measures advised and advise with respect to lighting it is now considered acceptable. Officers have suggested conditions be imposed for landscaping details, lighting details, tree protection measures and for the development to be carried out in accordance with the recommendations, advise and mitigations measures set out in the PEA.
- 5.62 In terms of the impacts on protected species the scheme is acceptable. In terms of the ecological impacts, conditions can ensure the harmful impacts on adjacent woodland and surrounding countryside is minimised.

- 5.63 In terms of Biodiversity, Net Gain calculation was undertaken to provide an indication of the potential of the scheme to provide no net loss in biodiversity value using the DEFRA Biodiversity Metric. The value of the site post development due to the loss of trees and shrubs and their conservation/wildlife value equates to a biodiversity loss of 45% (assuming suitable landscaping proposals are incorporated post development). When the off- site area to the south is incorporated the calculations including suitable landscaping is reduced to 24%. The calculation is habitat based and does not take into account specific species features such as integral bat and bird boxes.
- 5.64 The PEA advised that options which can be considered to make up the deficit, if required, include compensation provided on additional areas of land within the client's ownership or payment into a relevant biodiversity off-setting scheme. However, the applicants have indicated it is not possible to provide other areas of land within the applicant's ownership to offset the loss.
- 5.65 The scheme is compliant with Policy ENV1(5) of the Local Plan and Policies SP15 and SP18 of the Core Strategy and advise within the NPPF in respect to impacts on nature conservation interests and protected species. However, it conflicts with the advice in Policy SP15 and SP18 and with the NPPF with respect to the net loss in Biodiversity.
- 5.66 Notwithstanding the above, the scheme provides other benefits which must be weighed in the balance. Moreover, some compensation is to be provided within an area of open space which lies approximately 100m to the south of the proposals site which has wider public benefits. Conditions can be imposed relating to the application site itself and to the site and to the additional area of open space to secure mitigation and enhancement as advised in the PEA.

Affordable Housing

- 5.67 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the district.
- 5.68 This scheme is for 100% affordable housing units. Normally a Section 106 agreement would be required to ensure the dwellings are retained as affordable housing, but it would be inappropriate for the Local Authority to enter into a legal agreement with itself. Therefore, subject to condition to ensure that the units implemented and retained as 'Affordable' and remain in perpetuity as such, the proposal is considered acceptable in respect of affordable housing policy.

Land Contamination

- 5.69 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant.
- 5.70 The Council's Contaminated Land Consultant has confirmed that the report and proposed site investigation works are acceptable. The report shows the land has not previously been developed. The phase 2 investigation showed results within the limits of assessment criteria and therefore no further remediation works, or gas protection measures are required. A condition is only required in the event that unexpected contamination is found during the development.

- 5.71 Therefore, on the basis of the details set out in the report and the comments from the Contaminated Land Consultant it is considered that, subject to a suitably worded condition the development is acceptable with respect to contamination impacts.
- 5.67 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Waste and Recycling

- 5.68 In terms of the provision for waste and recycling a standard contribution will be sought requiring appropriate minimum provision of waste storage bins and recycling boxes, to be provided prior to the occupation of any dwelling.

6 CONCLUSION

- 6.1 It is noted that the scheme is intended to meet the demonstrable, objectively assessed housing needs of members of the local community. The proposed development would provide much needed small flats and single storey affordable housing within the community. The development is acceptable with respect to the impacts on the character and appearance of the area and would not be harmful to road safety, contamination, flood risk, drainage and nature conservation or protected species. On balance the benefits of the scheme outweigh the biodiversity loss due to the benefits of the housing provision and the useable areas of public open space. Subject to a condition to secure the houses are implemented and retained in perpetuity as affordable housing and subject to all the other conditions referred to in the report and listed below the proposed development is considered to be acceptable having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations.

7 RECOMMENDATION

This application is recommended to be APPROVED subject to the following conditions;

TIME PERIOD

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

Reason:

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

PLANS

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

(Plans to be inserted)

Reason:

For the avoidance of doubt.

AFFORDABLE HOUSING

03. The affordable housing hereby permitted shall be meet the definition of affordable housing in the NPPF or any future guidance that replaces it and shall thereafter be so retained for the lifetime of the development.

Reason

The development of this site would otherwise be contrary to Policies SP4 of the Core Strategy and to Flood Risk Policy and it is therefore necessary to ensure that the dwellings provide affordable housing to meet a particular need for low-cost housing in the local area in perpetuity by secure arrangements.

MATERIALS

04. No development shall start above slab level until details of the details of the external materials have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilized.

Reason:

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

FLOOD RISK

05. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by ADEPT, dated 20 October 2021 and reference 00.18286, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7 metres above Ordnance Datum (AOD)
- The mitigation measures detailed on pages 5 & 6 of the FRA are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding and the impact of flooding to the proposed development and future occupants.

WASTE AND RECYCLING

- 0.6 Before the dwellings are occupied, Waste and re-cycling bins shall be provided in accordance with the minimum requirement of 4 x 420 litre wheeled bins in total (1 x refuse, 1 x Green waste, 2 x recycling)

Reason

In the interests of providing adequate provisions for the collection and removal of waste for re-cycling

LANDSCAPING

06. Before the start of any works above slab levels on the dwellings, a detailed landscaping scheme shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be carried out no later than the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason:

In the interests of visual amenity of the locality and to ensure that the appearance of the development is satisfactory and to comply with Policy ENV1 of the Local Plan.

TREE PROTECTION

07. Before any work commences on site, the tree protection measures indicated in the Tree Protection Plan (TPP01 Rev A) and Section 7 of the Arboricultural Survey Report (Revision A – August 2021) by Smeeden and Foreman shall be erected and shall be adhered to throughout the construction phase until the development is substantially complete.

Reason

To ensure the trees indicated for retention are safeguarded during the construction phase and retained to protect the character and appearance of the area.

ECOLOGY

08. The development shall be carried out in accordance with the recommendations, mitigation and enhancement measures set out in section 5 and 6 of the Smeedon Foreman Preliminary Ecological Appraisal Revision B

Reason

IN the ecological interests of the site and the surrounding area and to comply with policies SP15 and SP18 of the Core Strategy and ENV1 of the Local Plan.

PUBLIC OPEN SPACE PROVISION

09. A scheme for the layout, landscaping, management, maintenance and timing of implementation for the public open space areas indicated on the Public Open Space Plan shall be submitted for the written approval of the Local Planning Authority. The approved details shall be implemented in full in the first planting season following the substantial completion of the development and the public open space areas shall be retained for the lifetime of the development in accordance with the approved details.

Reason

To ensure the replacement of adequate areas of open space are provided and retained in perpetuity

HIGHWAYS

10. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

11. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

12. The development must not be brought into use until the access to the site at Barff View has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E5 and the following requirements.

- a. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- b. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works must accord with the approved details.

Reason:

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

13. There must be no access or egress by any vehicles between the highway and the application site at Barff View until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

14. There must 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) at Barff View until full details of the cycle parking has been submitted to and approved in writing by the Local Planning Authority: No part of the development must be brought into use until the vehicle access, cycle parking, vehicle parking, manoeuvring and turning areas at Barff View have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

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

- (i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- (ii) the parking of contractors' site operatives and visitor's vehicles;
- (iii) areas for storage of plant and materials used in constructing the development clear of the highway;
- (iv) details of site working hours;
- (v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity.

CONTAMINATION

16. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

ENVIRONMENTAL HEALTH

17. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site during the construction phase, shall be submitted to and agreed in writing with the Local Planning Authority

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

WATER/DRAINAGE

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

Reason

In the interest of satisfactory and sustainable drainage

19. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal

20. No construction works in the relevant areas of the site shall commence until measures to divert the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. The developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network

INFORMATIVES

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at:

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

Other Permissions required from the Local Highway Authority Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Street works Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0014/FULM and associated documents.

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Appendices: None