

**Report Reference Number:** 2021/0661/FUL

**To:** Planning Committee  
**Date:** 11 May 2022  
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APPLICATION NUMBER:	2021/0661/FUL	PARISH:	Tadcaster Town Council
APPLICANT:	Jordan Coultas	VALID DATE: EXPIRY DATE:	9 <sup>th</sup> June 2021 EOT 13 <sup>th</sup> May 2022
PROPOSAL:	Erection of 1 No. dwelling on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane		
LOCATION:	14 Edgerton Drive Tadcaster North Yorkshire LS24 9QW		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received which raise material planning considerations and Officers recommendation is contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located in a predominantly residential area to the north-west of Station Road in Tadcaster. It forms a side/rear garden area of the existing detached residential property at 14 Edgerton Drive.
- 1.2 14 Edgerton Drive which lies within the ownership of the applicant is accessed from the cul-de-sac to the north and the site itself has access to Inholmes Lane to the south-west which seems to be a historic access as shown on a number of previous planning applications for the site. The site is proposed to be accessed via this access.
- 1.3 It should be noted that the original scheme was for a two-storey dwelling which was considered unacceptable due to its impacts on the character of the area and on

residential amenity of neighbouring and future occupiers of the new dwelling. However, following discussions with the Agent, the scheme has been significantly amended to reduce the built form on the site and to address concerns regarding impacts on residential amenity and this revised scheme is therefore considered further in this report.

- 1.4 There are trees protected by TPO 9/1988 on site. It is noted from the planning history search that the original protected trees (T1 - Beech and T2 - Sycamore) have been felled. The felling of a Beech tree was approved in June 2000 and felling of a Sycamore tree was approved in July 2007. Following the search of planning records, it was confirmed that those original trees have been replaced with two Hornbeam trees which are both located in the corners of the site along Inholmes Lane and are shown on the submitted plans.

### **The Proposal**

- 1.5 The application is for the erection of one detached single storey dwelling within the side/rear garden area of 14 Edgerton Drive which would be accessed from Inholmes Lane. The access would lead to a parking and turning fronting Inholmes Lane and an enclosed private garden would be provided to the north of the dwelling.

### **Relevant Planning History**

- 1.3 The following historical application is considered to be relevant to the determination of this application:
- Application Number CO/1976/29044 (8/73/100/PA) for the erection of double garage & conversion of existing garage & playroom at 14 Edgerton Drive, Tadcaster was approved in October 1976
  - Application Number CO/1999/241 (8/73/527/PA) for consent to remove overhanging and dead branches from Beech Tree T1 and Sycamore Tree T2 of TPO No. 9/1988 at 14 Edgerton Drive, Tadcaster was approved in May 1999
  - Application Number 2005/1102/FUL (8/73/527B/PA) for the erection of a dwelling on land at 14 Edgerton Drive, Tadcaster was withdrawn in November 2005
  - Application 2005/1101/FUL for the erection of a two-storey extension to the rear of 14 Edgerton Drive, Tadcaster was approved in December 2005
  - Application Number 2006/0294/TPO (8/73/527D/PA) for the consent to fell 1 Sycamore tree T2 within TPO No 9/1988 at 14 Edgerton Drive, Tadcaster was refused in April 2006
  - Application Number 2006/0283/FUL (8/73/527C/PA) – resubmission of previously withdrawn application 8/73/527B/PA for the erection of 1 No. 3 bedroomed detached dwelling on land adjacent 14 Edgerton Drive, Tadcaster was withdrawn in April 2006
  - Application Number 2007/0722/TPO (8/73/527E/PA) for consent to fell a sycamore tree under TPO9/1988 at 14 Edgerton Drive, Tadcaster was approved in July 2007

- Application Number 2007/0956/FUL (8/73/527F/PA) for the erection of a detached dwelling with integral garage on land adjacent to 14 Edgerton Drive, Tadcaster was withdrawn in October 2007

## 2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – The Local Highway Authority raised no objections to the originally submitted scheme and recommended a condition related to Construction Phase Management Plan for small sites should be attached to any permission granted. No additional comments were made following re-consultation on the amended scheme.

Further to the amended plan consultation the Highway authority original response still stands

- 2.2 **Yorkshire Water Services Ltd** – No response received during the consultation period

- 2.3 **Ainsty (2008) Internal Drainage Board** – Advised that under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district, any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

Surface Water: Even if a soakaway already exists, the Board suggests that the applicant provide confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the volume of water that will be generated by the development. It is not, usually, sufficient for the applicant to rely on anecdotal evidence of its past performance. The Board notes that if soakaways are not feasible, the applicant proposes to discharge into the "existing Surface water network to the front of Jubilee Cottage." The Board assumes that this in turn discharges into the mains combined sewer. Assuming this is correct, provided Yorkshire Water are content with the proposed arrangement and are satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the proposed arrangement.

Foul Sewage: The Board notes that the applicant is firstly proposing to use the combined mains sewer for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. If connecting the foul into the combined mains sewer fails then the applicant is proposing to use a package treatment plant for the disposal of foul sewage. In respect of any treated effluent from a package treatment plant, the Board would request the following:

1. If infiltration methods are feasible, then the Board would ask that the applicant first considers a drainage field for the disposal of the treated effluent.
2. If infiltration methods are not feasible, and the applicant wishes to discharge the treated effluent into a watercourse, then the Board's view is that it does not wish to see flow rates increase in its land drainage systems which can arise from cumulative small flows from multiple small discharges. In addition, the disposal of treated sewage effluent is not the intended function of the land drainage network. The Board does not therefore generally consent the discharge of treated effluent

into watercourses within its district as a stand-alone flow. Where infiltration methods are not feasible, then the Board may be prepared to accept the treated foul flow but only if this is combined with any surface water discharge and provided it does not exceed the calculable rate for the surface water flow (in line with the requirements and calculations shown above). So, for example, if the total agreed discharge rate for surface water is calculated as 1 litres per second, we would only allow the treated effluent to be discharged into the watercourse as well if the two discharges were combined together so that, collectively, they went through any flow control device and did not exceed the total agreed rate of 1 litres per second.

If the applicant is proposing to use a septic tank, then whilst the Board is not the "approving authority" for septic tanks, we would remind the applicant and the Local Authority that any waste water from a septic tank can no longer discharge into a watercourse following recent regulations - it must either discharge into a drainage field or a package treatment plant be installed.

The Board therefore recommends that any approval granted to the proposed development should include the condition requiring drainage works to be agreed prior to development and informative related to consent for the discharge.

2.4 **Contaminated Land Consultant** – The Screening Assessment Form shows that the site has been occupied by a dwelling since circa 1963-73, and prior to this was agricultural land. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. It is proposed to construct an additional dwelling at the site. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, it is recommended that the condition is attached to any planning approval, in case unexpected contamination is detected during the development works.

2.5 **Tadcaster Town Council** – Members felt this application was an overdevelopment of the site and should be subject to neighbours' comments.

In response to revised scheme, reiterated previous comments and also highlighted potential vehicular access problems into Inholmes Lane which is narrow.

2.6 **Public consultations** – the site notices were posted on 20<sup>th</sup> July 2021. There were 13 letters received as a result of this original consultation objecting to the proposal on the following grounds:

1. Residential amenity:

- The new property will overlook garden of 12 Edgerton Drive, would remove the privacy of its occupiers and would reduce light in its garden at certain times of day
- This is a quiet area and the noise generated by residents in an additional property in such close proximity would negatively impact this.
- The proposed dwelling looks to be extremely close to the boundary fence of 16 Edgerton Drive house and garden. Any reduction in the amount of light and sun would negatively impact many aspects of this property, as would the inevitable increased movement and noise of cars especially with regards to privacy, peace and general amenity.
- The proposed property would be close to the boundary of Inholmes Lane. The proposed building would be at an angle looking down and across the lane. There

are no other two story buildings that look down and across Inholmes Lane. This proposed build would therefore reduce the privacy of the houses and gardens on the opposite side of the lane.

- The proposed dwelling will have very little garden area and would be "squeezed in" from all sides.
- Orchard House lies directly opposite the proposed development and would lose its current outlook of trees and garden.
- The additional traffic and manoeuvring of vehicles during and after construction will create a noise disturbance for Orchard House and neighbouring properties

## 2. Highway concerns:

- Having a new driveway to the North East of Inholmes lane would have safety implications for the motorists and pedestrians that currently use the Lane and for vehicles accessing the proposed build. Furthermore, cars/delivery vans etc visiting the proposed new dwelling will also potentially end up parking along the lane causing further problems.
- The proposal for the detached garage appears to be in a position which would make it a very tight turning area, especially if the household had two vehicles. There are concerns that this could lead to parking on Inholmes Lane causing further hazard.
- Access to and from the proposed dwelling would be from and onto Inholmes Lane. It is almost directly opposite parking and access to the house opposite - Orchard House, making vehicular access extremely tight for both properties and creating hazards for pedestrians.
- The extra traffic will also have a negative impact on the junction of Inholmes Lane and Station Road.
- Concerns about construction traffic on Inholmes Lane
- There is potential for damage to the road surface which residents may be liable for.
- There is a gate to the rear of 14 Inholmes Lane although no permitted vehicular access to the property via Inholmes Lane was given when the property was originally built

## 3. Character of the area:

- The proposed dwelling is out of character with neighbouring properties. The size of the property is large in relation to the existing garden and the overdevelopment of the land/ having houses so close together is not in keeping with other properties in the area.
- Within the last few months a healthy 14 year old beech tree situated within the proposed dwelling plan was felled. Despite this, the proposed application appears to be a very large property for the available space. This would make it "not in keeping " with the area and appearing out of place and rather squashed.
- The proposed development will have a detrimental impact on the quality and character of Inholmes Lane. Specifically, the loss of trees and increase in traffic and parking will contribute to an overall reduction in the enjoyment of the area.
- 14 Edgerton Drive should have 2 TPO protected trees in the garden. At present, it is difficult to tell where these trees are - or if they are extant. Any development of this site could not be expected to improve this situation.

The scheme was amended after the above comments were received and further 4 letters objecting to the proposals were received setting out the following concerns:

1. Reiterated concerns related to difficulties with access to the proposed development and the hazards associated with increased traffic both on Inholmes Lane and accessing onto Station Rd.
2. Concerns about the proposed development being squeezed into a relatively small garden area which is out of character for Inholmes Lane and Edgerton.
3. Orchard House lies directly opposite the proposed development and would lose its current outlook of trees and garden.
4. The additional traffic and manoeuvring of vehicles during and after construction will create a noise disturbance for Orchard House and neighbouring properties.
5. The further loss of trees from 14 Edgerton Drive will be detrimental to the area and wildlife habitat.

17 letters of objections have been received in total

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located within the defined development limits of Tadcaster which is identified as a Local Service Centre in the Selby District Core Strategy 2013. There are two Hornbeam trees protected by TPO 9/1988 and there are no statutory or local landscape designations.

### **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 2013 (SDCS)**

4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development  
SP2 – Spatial Development Strategy  
SP4 - Management of Residential Development in Settlements  
SP5 - The Scale and Distribution of Housing  
SP9 - Affordable Housing  
SP15 – Sustainable Development and Climate Change  
SP18 – Protecting and Enhancing the Environment  
SP19 – Design Quality

### **Selby District Local Plan 2005 (SDLP)**

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  
T2 – Access to Roads

## **5. APPRAISAL**

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

1. The Principle of the Development
2. Design and Impact on the Character and Appearance of the Area
3. Impact on Residential Amenity
4. Highway Issues
5. Flood Risk, Drainage and Climate Change
6. Nature Conservation
7. Contamination Issues
8. Affordable Housing

### **The Principle of the Development**

5.2 Policy SP1 of the SDCS 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. Policy SP1 is therefore consistent with the NPPF.

5.3 The application site is situated within the Development Limits of Tadcaster which is the Local Service Centre as identified in the Core Strategy. Policy SP2A(a) of the Core Strategy states "Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement." and that

“Proposals for development on non-allocated sites must meet the requirements of Policy SP4.”

- 5.4 Policy SP4(a) of the SDCS states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits in different settlement types" and states that "In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages - conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."
- 5.5 The proposal is for a dwelling within the garden land of an existing residential property located within the development limits of Tadcaster and is considered to fall within one of the types of development identified within SP4(a) of the SDCS and is therefore acceptable in principle subject to other material considerations being acceptable.

### **Design and Impact on the Character and Appearance of the Area**

- 5.6 In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors can impact on the character of the area. These are governed by policies by SDCS Policies SP4 (c) and (d), SP19 and SDLP Policy ENV1. Section 12 of the NPPF also puts significant emphasis on good design.
- 5.7 Policy SP4(c) of the SDCS states that "In all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Statements), where available".
- 5.8 Policy SP19 of the SDCS requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
  - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.9 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.10 Relevant policies within the NPPF, which relate to design include paragraphs 126 to 136.
- 5.11 The application site is a plot of land situated to the side/rear of 14 Edgerton Drive along the Inholmes Lane which is bounded by the residential properties on the north-west, north-east and south-east and Inholmes Lane with further residential properties beyond it on the south-west.



- 5.12 The character of the surrounding area is predominantly residential in nature with buildings of various sizes and design, and the stretch of Inholmes Lane where the dwelling is proposed is of a varied character comprising of both bungalows and two-storey dwellings. The buildings are constructed of variety of bricks with some examples of stone with a mixture of pantile and slate roofs.
- 5.13 The proposal as amended is for a bungalow of a rectangular shape with a pitched roof and a small-scale gabled projection to the front. It would have a footprint measuring approximately 13 metres by 6.3 metres and its offshoot would extend beyond its front elevation by approximately 1.7 metres and would have a width of approximately 5.5 metres. The overall height of the proposed dwelling would be approximately 4.75 metres with a height to eaves of approximately 2.4 metres. There would be a private amenity area to the north of the dwelling with a shed/cycle store and bin storage area and a parking and turning area with a front garden to the south west of the dwelling.
- 5.14 Comments made in representation related to the impact on the character and appearance of the area and it being overdevelopment of the site are noted and discussed further in this section.
- 5.15 It should be noted that the proposed scheme has been significantly amended during the course of the application which included reductions to the size, scale, siting and footprint of the dwelling.
- 5.16 In terms of the size of the plot and its layout, it is noted that the properties located within the vicinity of the site are detached dwellings sited within predominantly spacious plots with private garden areas located mostly either to the side or to the rear and with front garden areas of various sizes. Although the plot for the proposed new dwelling might appear smaller than plots of nearby properties, it would be proportionate to the size and scale of the proposed detached bungalow with adequate private amenity space to the side and substantial area to the front which would be utilised for parking, turning and front garden area. Furthermore, the existing dwelling (No 14) would have an adequate private amenity space, similar to other properties within its vicinity. Therefore, it is considered that the proposed layout of the site would be commensurate with that of the properties located within the vicinity of it and would respect the pattern of development at this part of the area.
- 5.17 The properties along Inholmes Lane have various frontage relationship with this road, with most of the properties sited at an angle with it and others facing it directly with their eaves or gable ends. The principal elevation of the proposed dwelling would be slightly set back from the elevations of the properties to the north-west and south-east but would maintain the form of development along this part of Inholmes Lane and would satisfactorily integrate into the street scene. Therefore, it is considered that the plot size, frontage and position of the dwelling within the plot would be in accordance with the prevailing character of the locality.
- 5.18 In terms of scale and appearance, the proposed dwelling as amended would be a detached bungalow of a simple design with a pitched roof and a gabled projection to the front. The dwelling would face Inholmes Lane with its eaves and a gable end of the offshoot in the middle. The properties along Inholmes Lane are predominantly detached dwellings varying in size, scale and design and, as such, it is not considered that the proposed detached bungalow would appear out of character. Having considered all of the above, the size, scale, height and design of the proposed dwelling would respect the character of the locality.

- 5.19 In terms of materials, the submitted application form states that the external construction of the proposed dwelling would be facing brick to match the dwelling on 14 Edgerton Drive for the walls with concrete interlocking tiles for the roof and PVCU double glazed windows and doors. Given the presence of similar materials within the vicinity of the site and its location, the proposed materials are considered acceptable subject to a condition requiring submitting details of brick and roof tiles.
- 5.20 In terms of landscaping, it is noted that the existing boundary treatments to the north-west and south-east would be retained as indicated on the drawings. The new boundary with 14 Edgerton Drive to the north-east would consist of 1.8 metres high timber fence and south west boundary would consist of 1.2 metres high post and rail fence to the north west of the access and a brick wall reduced to a height of 1.2 metres to the south east of it. It is therefore noted that the majority of the boundary treatments are present on site and no significant changes are proposed to them which is considered acceptable.
- 5.21 Furthermore, there are 2 Hornbeam trees protected by TPO 9/1988 located within the corners of the plot which are proposed to be retained as shown on the submitted drawings. There is a private garden area proposed to the side of the new dwelling, and a permeable parking and turning area with areas indicated as 'front garden' on the plans to the front. Given the size and scale of the development and the location of the site, the proposed landscaping is considered acceptable and it would not be reasonable or necessary to seek for further information on this matter in this instance. However, it is considered reasonable and necessary to add a condition requiring protection of the TPO trees during construction in accordance with British Standard.
- 5.22 Having taken into account all of the above and subject to the aforementioned conditions, it is therefore considered that the proposed dwelling is acceptable in terms of its scale, siting, height and design and would not have a significant or detrimental impact on the character and form of the locality. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the SDLP, Policies SP4 and SP19 of SDCS and the advice contained within the NPPF.

### **Impact on Residential Amenity**

- 5.23 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the SDLP and Policy SP4 of the SDCS. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.24 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.

- 5.25 Objections related to impacts on residential amenities of the neighbouring properties due to the size and scale of the proposed dwelling are noted. However, the proposed scheme has been significantly amended during the course of the application which included reductions to the size, scale, siting and footprint of the dwelling. As such and given that the amended proposal is now for a single storey dwelling that would be adequately distanced from the neighbouring properties to the north-west, south-west and south-east as well as the size, scale, siting and the design of the proposed dwelling and its orientation in relation to the neighbouring properties, it is not considered that any detrimental impacts of overshadowing, overbearing or overlooking would be caused to their amenity.
- 5.26 The objections raised following the amendment of the scheme in relation to impact on the outlook of trees and garden from Orchard House which lies directly opposite the proposed development are noted. However, given the minimum distance between the principal elevations of the Orchard House and the proposed dwelling at the most south-east point is approximately 15 metres increasing to approximately 19 metres towards north-west and the trees along the south-west boundary of the proposed new dwelling would be retained. As such and given the similar relationship between the properties along Inholmes Lane, it is considered that any detrimental impacts would not be caused on the outlook of the Orchard House. Furthermore, the loss of a private view is not a material planning consideration.
- 5.27 In terms of objections related to impacts of noise, it should be noted that the noise generated by the construction of the dwelling would be temporary and would cease once the development is complete. Also, the noise associated with the occupation of one additional dwelling in the existing residential is considered not to detrimentally affect the amenities of any of the occupiers of neighbouring residential properties.
- 5.28 The proposed new dwelling would be located in the private garden area of 14 Edgerton Drive and impacts on this property have to be considered. No 14 would retain an adequate amount of useable external amenity space for the occupiers of that dwelling as a result of the proposal. Also, it would be single storey and as such it is not considered that any detrimental impacts of overlooking of No 14 would be caused as a result of the proposal subject to a condition removing permitted development rights to create extensions or new openings in the roof slopes of the proposed dwelling. It is noted that the built form would be introduced along the new south-west boundary of No 14 which could potentially cause impacts of overshadowing and overbearing. However, this boundary would consist of a 1.8 metre high fence and the proposed building would be single storey with a height to eaves of approximately 2.4 metres and its roof would be sloping away from this common boundary. Furthermore, given the orientation of the proposed dwelling to the south-west of No 14 and its single storey nature combined with its size, scale and design, the impacts of overshadowing are considered to be periodical, mostly towards the end of the day and would be less apparent in warmer months of the year. As such, it is therefore considered that impacts of overshadowing or overbearing on No 14 would not be so detrimental as to warrant refusal on this basis.
- 5.29 In terms of the provision of impacts on the amenities of the proposed new dwelling, it is considered that the proposal would enable the provision of an adequate amount of useable external amenity space for the occupiers of the proposed dwelling. Furthermore, given its relationship with the neighbouring properties, adequate separation distance and orientation in relation to them, it is not considered that the new dwelling would be significantly impacted upon by the existing dwellings in terms of overshadowing or overbearing. In terms of overlooking, it is noted that the rear

elevation of the proposed dwelling would be located close to a common boundary of No 14 with only windows in this elevation proposed would be serving bathroom and en-suite which can be conditioned to be obscure glazed. Also, there are no windows in the south-west elevation of No 14 but there is one window at a first floor level of the south-east elevation of No 16. However, this window is angled away from the side elevation and a private garden area of the proposed new dwelling due to its position in the elevation and due to the siting of No 16 in relation to the site. As such and given that a similar relationship already exists between No 16 and No 14, it is not considered that the degree of overlooking caused to the proposed new dwelling would be so detrimental as to warrant refusal on this basis.

- 5.30 Having regard to the above, it is considered that the proposals are acceptable in terms of impacts on residential amenities and would therefore would not conflict with Policy ENV1 (1) of the SDLP, Policy SP4 of the SDCS and the advice contained within the NPPF.

### **Highway Issues**

- 5.31 Policies ENV1 (2), T1 and T2 of the SDLP require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the SDLP should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.32 The access to the new dwelling is proposed from Inholmes Lane which is a private road whilst No 14 would retain its access from a cul-de-sac on Edgerton Drive and there would be one parking space with a turning head serving the new dwelling.
- 5.33 The objections related to impact on highway safety are noted and highway safety issues are considered further in this section.
- 5.34 NYCC Highways Officer has been consulted and raised no objections subject to a condition requiring submitting a Construction Phase Management Plan for small sites. The recommended condition is considered reasonable and necessary to ensure safety of the drivers and pedestrians using Inholmes Lane given the location of the site and its size and was agreed with the applicant via an email received on 19 March 2022.
- 5.35 In addition to the above, the proposal is for a two-bedroom dwelling with a parking and turning area and it is not considered that the level of use of this private road associated with one additional dwelling would intensify so significantly as to warrant refusal on this basis.
- 5.36 Furthermore, it is noted that minimum parking requirements are met and that a reasonable turning space would be provided within the site ensuring that the vehicles could leave it in a forward gear. As such and given the location of the site and the nature of the Inholmes Lane, it is considered reasonable and necessary to add a condition requiring parking and turning spaces to be retained.
- 5.37 Having considered all of the above, notwithstanding objections raised and due to the nature and scale of the proposal and location of the site, the development is not considered to cause detrimental harm to highway safety and the proposed scheme is therefore in accordance with policies ENV1(2), T1 and T2 of the SDLP and the NPPF with respect to the impact on the highway network subject to conditions.

## **Flood Risk, Drainage and Climate Change**

- 5.38 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the SDLP and Policies SP15 and SP19 of the SDCS and the NPPF. Significant weight should be attached to SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.39 Policy SP15 (B) of the SDCS states that to ensure development contributes towards reducing carbon emissions and is resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.40 The proposed dwelling would be located within Flood Zone 1 which is at a low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 50 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.41 The application states that surface water would be disposed of via soakaway and sustainable drainage system and that foul water would be disposed of via mains sewer.
- 5.42 Yorkshire Water and Ainsty IDB have been consulted. Yorkshire Water have not supplied any comments. Ainsty IDB advised in terms of disposal of foul water, that if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.
- 5.43 In terms of disposal of surface water, the Ainsty IDB raised no objections subject to a condition related to approval of a scheme for the disposal of surface and foul water prior to commencement of development. Such condition is considered reasonable and appropriate and was agreed with the applicant via an email received on 19 March 2022.
- 5.44 Having considered all of the above, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the SDPL, Policies SP15 and SP19 or the SDCS and the advice contained within the NPPF subject to aforementioned condition.

## **Nature Conservation**

- 5.45 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the SDLP and Policy SP18 of the SDCS.
- 5.46 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.

- 5.47 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the NPPF.

### **Contamination Issues**

- 5.48 Policies ENV2 of the SDLP and SP19 of the SDCS relate to contamination and should be given significant weight as they are broadly consistent with the aims of the NPPF in relation to contamination matters.
- 5.49 The application is supported by a planning application form and a contaminated land screening assessment form. The proposed use would be vulnerable to the presence of contamination, as the site would be for residential purposes.
- 5.50 The Screening Assessment Form sets out that that the site is currently used as residential garden and that it was in residential and agricultural use prior to this. It also outlines that no fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present.
- 5.51 The application has been reviewed by a Contaminated Land Consultant who concluded that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, the Contaminated Land Consultant recommended that a planning condition related to reporting of unexpected contamination is attached to any planning approval in case unexpected contamination is detected during the development works
- 5.52 Given all of the above and subject to above condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the SDLP, Policy SP19 of the SDCS and the advice contained within the NPPF.

### **Affordable Housing**

- 5.53 SDCS Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 64 –“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.
- 5.54 Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of one dwelling and as such in the light of the West Berkshire Decision and paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by Policy SP9 C can be sought on an application for one dwelling.

## 6 CONCLUSION

- 6.1 The application seeks planning permission for the erection of one detached bungalow on land to the rear/side of 14 Edgerton Drive with access from Inholmes Lane.
- 6.2 The proposal is considered acceptable in principle due to the site's location in Tadcaster which is the Local Service Centre as identified in the SDCS where housing growth is generally supported subject to other material considerations.
- 6.3 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not cause a detrimental impact on the character and appearance of the area, residential amenity, highway safety, flood risk, drainage, nature conservation or land contamination. The application is therefore considered to be in compliance with Policies ENV1, ENV2, T1 and T2 of the SDLP, Policies SP1, SP2, SP4, SP5, SP9, SP15, SP18 and SP19 of the SDCS and the advice contained within the NPPF.

## 7. RECOMMENDATION

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

1. 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.

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

- Drawing No LOC01 – Site Location Plan
- Drawing No 14/EDGE/001 A – Existing Arrangement
- Drawing No 14/EDGE/002 B – Proposed single storey dwelling in rear garden of 14 Edgerton Drive, Tadcaster, LS24 9QW (Proposed Site layout, Proposed Ground Floor Plan, Proposed Elevations and Proposed Roof Plan)
- Drawing No 14/EDGE/003 A – Site Plan

Reason:

For the avoidance of doubt.

3. Prior to commencement of the development above slab level, the details of brick and roof tiles proposed to be used for the construction of the external surfaces of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan 2005 and Policy SP4 of the Selby District Core Strategy 2013.

4. Two Hornbeam trees protected by TPO 9/1988 as shown on the drawing No 14/EDGE/002 B shall be retained, and no works shall be carried out to these retained trees. A formal application for consent to the works on any tree protected by the Order shall be submitted to the Local Planning Authority.

Reason:

In order to comply with the provisions of Section 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in the interests of visual amenity having had regard to Policy ENV1 of the Selby District Local Plan 2005 and Policy SP4 of the Selby District Core Strategy 2013.

5. Before any machinery or equipment is brought onto site and before any ground works or excavation works commence, the two retained Hornbeam trees indicated on the drawing No 14/EDGE/002 B located in the corners of the site adjacent to Inholmes Lane shall be enclosed by protective fencing in accordance with British Standard BS 5837:(2012) and once installed, the protective fencing shall be maintained for the duration of the works and no vehicle, plant temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected areas.

Reason:

To ensure the protection of the protected trees on site during construction in the interests of visual amenity in accordance with Policy ENV1 of the Selby District Local Plan 2005 and SP4 of the Selby District Core Strategy 2013.

6. Notwithstanding the provisions of Class AA, Class B and Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no windows, dormer windows and/or new openings or additions shall be placed in the north east roof slope of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential properties and occupiers of the dwelling hereby approved, having had regard to Policy ENV1 of the Selby District Local Plan 2005.

7. No development shall 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:
  - a) details of any temporary construction access to the site including measures for removal following completion of construction works;
  - b) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - c) the parking of contractors' site operatives and visitor's vehicles;
  - d) areas for storage of plant and materials used in constructing the development clear of the highway;
  - e) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.



Reason:

In the interest of public safety and amenity having had regard to Policy ENV1 of the Selby District Local Plan 2005.

8. No part of the development must be brought into use until the access, parking and turning areas for all users have been constructed in accordance with the drawing number 14/EDGE/002 B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development having had regard to Policy ENV1 of the Selby District Local Plan 2005.

9. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ainsty (2008) Internal Drainage Board, has approved a scheme for the disposal of surface water and foul sewage. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- a) The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- b) If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- c) For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse.
- d) Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- e) Discharge from "greenfield sites" taken as 1.4 litres per second per hectare (1:1 year storm).
- f) Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP15 of the Selby District Core Strategy Local Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 in accordance with Policy SP18 of the Selby District Core Strategy.

## **8. Legal Issues**

### **8.1 Planning Acts**

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

### **8.2 Human Rights Act 1998**

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

### **8.3 Equality Act 2010**

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

## **9. Financial Issues**

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

## **10 Background Documents**

Planning Application file reference 2021/0661/FUL and associated documents.

**Contact Officer:** Irma Sinkeviciene (Senior Planning Officer)

**Appendices:** None