



Report Reference Number: 2022/0341/FUL

To: Planning Committee
Date: 1 June 2022
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0341/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr & Mrs A Eccles	VALID DATE: EXPIRY DATE:	30th March 2022 25th May 2022
PROPOSAL:	Erection of new detached dwelling and garage to the south of		
LOCATION:	Lace House Hull Road Cliffe Selby North Yorkshire YO8 6PF		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the Ward Councillor for the area where the proposal lies requested it to be heard by the Committee in writing within 21 days of the publication of the application in the weekly list stating the following reasons which are considered to be valid material planning reasons:

- a) The proposal is sustainable development as it is for one dwelling within walking distance of the nearest convenience store, public house and other local facilities; and
- b) The proposal does not conflict with policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 contrary to that stated by the Planning Officer concerned

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located on the western edge of the Cliffe village, to the northwest of the junction of Hull Road and York Road and is adjacent to Hull Road

on its southwest. There are residential properties adjacent to the site on the east and southeast and open fields to the north and west.

- 1.2 The site contains a detached two-storey dwelling with a detached garage both located within the northeast part of the site set back from Hull Road and sitting adjacent to the northeast site boundary. There is a private rear garden space within the north-western corner of the site and a substantial front garden area to the southwest of the dwelling. The access to the site is within its southern corner and the driveway extends up to the garage along southeast boundary of the site.

The Proposal

- 1.3 The application is for the erection of new detached dwelling and garage within the front garden area to the south of property known as 'Lace House'. The existing access to Lace House is proposed to be utilised and would be shared by the existing and the proposed new dwelling.

Relevant Planning History

- 1.3 The following historical applications are considered to be relevant to the determination of this application:

Application CO/1993/0366 (8/17/230/PA) for the proposed erection of a two-storey extension to the rear of Lace House, Hull Road, Cliffe was approved in September 1993

Application 2021/1332/FUL for the erection of detached dwelling and garage to the south of Lace House, Hull Road, Cliffe was refused in March 2022 for the following reason:

01. The proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the private car. Additionally, it does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.

2. CONSULTATION AND PUBLICITY

2.1 Cliffe Parish Council

No comments have been received during the statutory consultation period

2.2 NYCC Highways

There are no local highway authority objections to the proposed development. However, conditions are recommended relating to the construction requirements for the new and altered private access or verge crossing and provision of approved access, turning and parking areas.

2.3 **Yorkshire Water Services Ltd**

No comments have been received during the statutory consultation period

2.4 **Ouse & Derwent Internal Drainage Board**

The Board noted that the site sits within the Drainage Board's district, advising that the Board has assets in the wider area in the form of Oldmill Field Drain. This watercourse is known to be subject to high flows during storm events. The 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:

- a) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e., via a third-party asset such as a mains sewer).
- c) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

Also advised that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any landowner or other authority to carry out the relevant works.

The Board also notes that the applicant intends to use a soakaway for the disposal of surface water and the 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. Accordingly, the Board recommends that any approval granted to the proposed development should include the condition requiring drainage works to be agreed.

2.5 **Contaminated Land Consultant**

The Screening Assessment Form states that the site (garden south of Lace House) is currently a holiday let caravan park. 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. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended that the planning condition related to unexpected contamination is attached to any planning approval, in case unexpected contamination is detected during the development works.

2.6 **Publicity**

A site notice was erected on 20 April 2022. No representations were received as a result of this advertisement.

3 SITE CONSTRAINTS

- 3.1 The site is located within the defined development limits of Cliffe which is identified as a Secondary Village in the Selby District Core Strategy 2013. The site is located within the Flood Zone 1.

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 Network
- T2 – Access to Roads

National Planning Policy Framework

4.8 Relevant sections include:

- 2 – Achieving sustainable development
- 4 – Decision-making
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

5 APPRAISAL

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

- 1) The Principle of the Development
- 2) Access to Facilities and Locational Sustainability
- 3) Design and Impact on the Character and Appearance of the Area
- 4) Impact on Residential Amenity
- 5) Impact on Highway Safety
- 6) Flood Risk and Drainage
- 7) Nature Conservation and Protected Species
- 8) Land Contamination
- 9) Affordable Housing

The Principle of the Development

5.2 The application site is located within the defined development limits of Cliffe, which is a Secondary Village as identified in the SDCS. Therefore, policies SP1, SP2 and SP4 of the SDCS are relevant in this instance.

5.3 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 guidance in Paragraph 11 of the NPPF.

- 5.4 SDCS policy SP2 is a broad spatial strategy policy which sets out the Council's main cascade of appropriate settlements for new development. Secondary villages sit somewhat down this hierarchy, below Selby, the Local Service Centres and Designated Service Villages. SP2(b) describes that "limited" development will be allowed within the settlement limits of secondary villages such as Cliffe and then only where it will "enhance or maintain the vitality of rural communities" and "conform to the provisions of policy SP4 and policy SP10".
- 5.5 SDCS describes Secondary villages as "less sustainable" or are otherwise constrained in terms of the development they can sustainably support. Planned growth is said not to be appropriate although "some housing" in defined circumstances is said to be permitted "where it will enhance or maintain the vitality of rural communities". No further guidance is given in relation to what will "enhance or maintain the vitality of rural communities". This is therefore a matter left to judgement; however, this is similar to the wording of paragraph 79 of the NPPF which states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."*
- 5.6 An example is given later within NPPF [79] that "where there are groups of smaller settlements, development in one village may support services in a village nearby." Accordingly, there is no requirement for a village to have its own services and a decision-maker can look at whether the day to day needs of future residents can be met by a group of settlements within a reasonable travel distance.
- 5.7 This proposed redevelopment of the site for one dwelling would therefore be capable of at least maintaining the current vitality of Cliffe and might assist with some small additional spend within Selby. The policy does not require enhancement and therefore maintenance of the status quo is sufficient. Therefore, it is not considered that potential conflict in relation to this issue exists with SP2 as the wording of the policy is clear that maintenance of the vitality of rural communities is sufficient. However, Policy SP2 of the SDCS also requires proposals to conform to the provisions of policies SP4 and SP10. Although policy SP10 is not considered relevant in this instance due to the proposal not being for rural housing exception sites, it must conform with policy SP4 of the SDCS.
- 5.8 Policy SP4 '*Management of Residential Development in Settlements*' of the SDCS allows for development in principle in secondary villages through the following:
- 1) Conversions;
 - 2) Replacement dwellings;
 - 3) Redevelopment of previously developed land;
 - 4) Filling of small linear gaps in otherwise built up residential frontages; and
 - 5) Conversion/redevelopment of farmsteads.
- 5.9 The key assessment is therefore whether the proposal falls within any of the categories identified above. The Development is described as erection of one dwelling and garage and would be sited within the front garden area of Lace House, Hull Road, Cliffe. Plainly, this is not a conversion or a farmstead development and is not a 'replacement dwelling'. Nor it is considered that it falls within any of the other categories as discussed further in this section.
- 5.10 The site is not a previously developed land. NPPF definition explains that it is the space occupied by the current buildings on the site and goes on to clarify that

residential gardens in built up areas are not considered to be PDL. The Development is therefore not the 'redevelopment of previously developed land'.

- 5.11 It is also not considered that the Development can be described as the 'filling of a small linear gap in an otherwise built-up residential frontage'. The proposal includes the erection of one dwelling and garage within the front garden area of the existing residential property. The existing property is significantly set back from the Hull Road thus having a substantial front garden area where the development is proposed. However, its driveway and a garage are adjacent to the common boundary with the neighbouring residential property to the southeast, and the north west boundary borders with open countryside and there are therefore no frontage gaps which can be infilled. The development is therefore not within an existing gap within the frontage facing Hull Road and thus falls outside this category.
- 5.12 This is emphasised by the supporting text to policy SP4 of the SDCS. Paragraph 4.55 states that policy SP4 is intended to "avoid...the worst excesses of garden grabbing particularly in smaller settlements". Further, paragraph 4.58 contrasts the position in larger settlements where greenfield and garden development is permissible with the situation envisaged for secondary villages where residential development will be "more restricted so that development on garden land will be resisted..." It is therefore considered that the plan seeks to prevent greenfield, garden development in secondary villages.
- 5.13 The policy is aimed at infilling pre-existing gaps in frontages where development would 'make sense' in the context of the existing densities. The stated purpose of the spatial strategy in relation to secondary villages is set out within paragraph 4.53 of the SDCS as being to "recognise...some scope for continued growth in villages to help maintain their viability and vitality. However, this must be balanced with concerns about the impact of continued residential infilling on the form and character of our villages, particularly through the practice of developing on garden land...and redeveloping existing properties at higher densities.". In this context, it is considered that the Core Strategy and SP4 seek to prevent developments such as this current proposal where the development will be wholly on front garden land and will increase the density of the site.
- 5.14 The Applicant's Agent provided an example of a dwelling approved under application 2017/1068/OUT in Camblesforth which is also identified as a Secondary village in the Core Strategy. However, this case is not comparable to current application in Cliffe due to the approved outline application for a dwelling in Camblesforth being considered at the time as small linear infilling at the cul-de-sac location due to the lane leading to this site with two plots already completed being considered a built-up frontage. Furthermore, each application has to be assessed on its own merits and as such the provided example is therefore not afforded any weight.
- 5.15 SDCS Policy SP4 criteria c) then states that in all cases proposals will be expected to protect local amenity, preserve and enhance the character of the local area and comply with normal planning considerations, with full regard taken of the principles contained within Design Codes (e.g., village design statements). Also, SP4 criteria (d) states that appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy. This is assessed further in the character section of the report.

- 5.16 Having taken into account all of the above, it is therefore considered that the proposal is in conflict with Policy SP4 of the SDCS and is therefore in conflict with the overall special strategy for the district.

Access to Facilities and Locational Sustainability

- 5.17 The Design & Access Statement submitted with the application outlines that Cliffe is a fairly sustainable settlement, with many services and facilities such as preschool and primary school, village store, butchers, pub, a few small businesses, play area, sports field and tennis club. It also states that there is access to a main road network and with a local public transport connection and close links to Osgodby and Hemingbrough which provide further services, and some limited growth would benefit and support local services. The D&A Statement further outlines that the site is within a 3-minute walk to the local shop, 4-minute walk to the pub and a 10-minute walk to the local primary school and concludes that the creation of one additional dwelling within such close proximity of existing services would enhance the viability of the settlement.
- 5.18 Although the information within the D&A Statement is noted, Cliffe is identified in the Core Strategy as Secondary Village and villages identified as such are less sustainable with very limited services and facilities and there is also nothing to suggest that Cliffe would be capable of meeting the everyday needs of the new occupants. Also, given the location and size of the village it is highly likely that the public transport services are very limited and the level of service provision within a reasonable walking distance of the site is also limited. As such, the presence of a small convenience shop, a pub and a primary school within the walking distance in itself is not considered sufficient in order for the Cliffe village and the site itself to be considered as sustainable location for the erection of a dwelling. Having taken into account all of the above, it is highly likely that travel outside the village would be necessary. As such, it is highly likely that the future occupants would be reliant on the car for travelling to more sustainable settlements given the separation distance between the site and more sustainable settlements such as Hemingbrough, Osgodby and Selby and given limited public transport services. As such, it is considered that the development would not provide a suitable site for housing in terms of its access to everyday facilities and a reliance on the private car.
- 5.19 On the basis of the above, it is considered that conflict exists with the wider sustainability objectives within the NPPF and policy SP1 of the SDCS.

Design and Impact on the Character and Appearance of the Area

- 5.20 In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors that can impact on the character of the area. These are governed by policies by SDCS policies SP4 c) and d) SP19 and policy ENV1 of the SDLP. Section 12 of the NPPF also puts significant emphasis on good design.
- 5.21 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.

- 5.22 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. SDLP policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.23 Policy SP4 (d) of the SDCS states that “appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy” and policy SP4 (c) 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”.
- 5.24 The proposal is for the construction of one dwelling within the front garden area of Lace House. The application site is located within the defined development limits of Cliffe, which is a Secondary Village as identified in the SDCS. The proposal is for a construction of one dwelling within the front garden area of Lace House. The application site comprises a two-storey dwelling with a detached garage both located within the northeast part of the site, a driveway running up to the garage along the southeast boundary of the site and a substantial front garden area to the front of the dwelling.
- 5.25 The boundary treatments currently consist of a low (approx. 1.2) close boarded timber fence along the southeast boundary of the site increasing to a height of approximately 1.8 metres towards north, a brick boundary wall of approximately 1.2 metres increasing to 1.5 metres towards north along its northwest boundary and a mature hedge of similar height along the southwest boundary adjacent to Hull Road.
- 5.26 To the east and southeast of the application site are residential properties, while there are open fields to the north and northwest of it and across Hull Road to the south. There are further residential properties further northeast of the site. The application site is located on the edge of predominantly residential area, with residential properties within the immediate vicinity of the application site comprising of a mixture of bungalows and two storey dwellings, predominantly detached of varying size and design. Furthermore, external materials used on residential properties within the vicinity of the application site are predominantly red and brown brick with some examples of rendered buildings.
- 5.27 The proposed dwelling would be a detached two-storey building with two wall dormer features in the front elevation and would have a single storey link detached garage to the rear. The proposed building would have lower ridge and eaves height than that of a two-storey dwelling sited within the far end of the plot and a higher ridge height than that of the neighbouring bungalow to the southeast. The proposed dwelling would be sited very close to the southwest boundary of the site which is adjacent to a public pathway and Hull Road beyond it and would utilise the existing vehicular access in the southern corner of the site.
- 5.28 In terms of the size of the plot and the layout of the proposed dwelling, it is noted that the surrounding properties within the street scene mostly occupy smaller plots and are sited closer to the highway. As such, it is considered that the proposed layout of

the plot itself is commensurate with the properties located within the vicinity of it. The relationship of the proposed dwelling with a highway would be similar to that of the existing properties along this stretch of Hull Road. Therefore, the plot size, frontage and position of the dwelling within the plot would be in accordance with the prevailing character of the locality.

- 5.29 In terms of scale and appearance, the proposed dwelling would be a detached two-storey building with a double pitched roof and a single garage to the rear attached to the main building via a link. The property would face a highway with its eaves and there are two wall dormer features and an open porch proposed in the front elevation of the dwelling. Although there are no examples of wall dormers within the vicinity of the site, those features would be of a small size and scale, would respect the proportions, symmetry and fenestration details on the front elevation of the house and would therefore not appear out of character. As such, the overall design and appearance of the building is considered to respect the character of the locality.
- 5.30 It is also noted that the height of the proposed dwelling would be lower than that of a two-storey dwelling to the northeast but slightly higher than that of a bungalow to the south east and as such, the proposed dwelling would satisfactorily integrate into the street scene.
- 5.31 The submitted application form states that the external construction of the proposed dwelling would be brick and tiles for the walls and the roof and UPVC for windows of a colour as agreed with the Local Planning Authority. As such and given that very limited details were provided, it considered that this matter can be reasonably dealt with via a condition.
- 5.32 In terms of landscaping and boundary treatments, the submitted proposed layout plan on the drawing No 0011-3 B seems to replicate the existing boundaries of the site which is considered acceptable and can be secured via a condition. It also shows a 1.8-metre-high close boarded fence to the north east of the proposed dwelling which would provide the internal boundaries between the plots. Such type of fencing is not considered inappropriate when viewed within the context of residential areas and as such is considered acceptable.
- 5.33 There was no landscaping plan submitted with the application, but this issue can be adequately dealt with via a condition.
- 5.34 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 (d) and SP19 of SDCS and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.35 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include policy ENV1 (1) of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.36 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.

- 5.37 In terms of the provision of amenity space for the proposed new dwelling, it is considered that the proposal would enable the provision of an adequate amount of usable external amenity space for the occupiers of the proposed dwelling. Furthermore, the existing dwelling known as Lace House, would retain an adequate amount of usable external amenity space for the occupiers of that dwelling.
- 5.38 There is an existing dwelling within the site to the northeast of the proposed new dwelling and another dwelling to the southeast of the site which could potentially be affected by the proposed development and the impacts on those are assessed in turns further in this section of the report. Although it is noted that the rear boundary of the property to the east is adjacent to the site, this is significantly distanced from the proposed development and as such it is not considered that this or any other properties not mentioned above would be affected by the scheme.

Assessment of impacts on Lace House to the Northeast

- 5.39 The distance between the single storey garage forming the rear elevation of the proposed dwelling and the front of the existing dwelling known as 'Lace House' is approximately 13.7 metres. The distance between the two-storey part of the proposed dwelling and the front of the existing dwelling is approximately 19.5 metres. The separation distance is considered to be reasonable to not create adverse effects on the outlook of the existing property within the site.
- 5.40 There are no first-floor windows in the northern elevation of the proposed dwelling which can be controlled via a condition. The natural light to the first-floor rooms would be gained via roof lights and windows in other elevations. As such, it is therefore not considered that any adverse effects of overlooking would be created as a result of the proposal.
- 5.41 The proposed new dwelling would be sited to the southwest of the existing and such has potential to overshadow the front garden of the existing dwelling during certain times of day in certain month. However, given the size, scale and design of the proposed dwelling and its distance from the existing, this effect would be periodic and less apparent during warmer months of the year and as such it is not considered that potential impacts of overshadowing would be detrimental.
- 5.42 As such, it is therefore not considered that any adverse impacts of overlooking, overshadowing or overbearing would be caused to the existing dwelling to the northeast known as 'Lace House'.

Assessment of impacts on bungalow to the Southeast

- 5.43 The distance between the southeast gable end (side elevation) of the proposed dwelling and the side elevation of the existing bungalow to the south east of it is

approximately 19 metres which is considered to be an acceptable distance between the side elevations and reasonable to not create adverse effects on the outlook of the existing bungalow.

- 5.44 There are two windows serving bedrooms proposed in the first-floor level and two smaller lounge windows at the ground floor level of the southeast gable end facing the bungalow. The boundaries between the bungalow and the proposed dwelling consist of a low timber fence and as such it is therefore considered that some impacts of overlooking of the ground floor windows of the existing bungalow could be caused as a result of the proposal. However, given the position of the proposed new dwelling in relation to the bungalow, the separation distance between them, and having taken into account the presence of the garage and driveway area running along this elevation of the bungalow, it is not considered that impacts of overlooking would be detrimental.
- 5.45 The proposed new dwelling would be sited to the northwest of the existing bungalow and would be reasonably distanced from it. As such and given the separation distance between them as well as size, scale and design of the proposed new dwelling, it is not considered that any adverse impacts of overshadowing or loss of light would be caused to the occupiers of the bungalow to the southeast.
- 5.46 As such, it is therefore not considered that any adverse impacts of overlooking, overshadowing or overbearing would be caused to the bungalow to the southeast.

Summary

- 5.47 Having regard to the above, it is considered that the proposals are on balance acceptable in terms of impacts on residential amenities and would not conflict with policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 5.48 Relevant policies in respect of highway safety include Policies ENV1 (2) and T1 of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF.
- 5.49 The application proposes to utilise the existing vehicular access onto Hull Road to serve the proposed dwelling. In terms of car parking, the house would have 4 bedrooms and the minimum requirement for such dwellings is 3 car parking spaces. There would be a link detached single garage and an area of hardstanding to the front of it providing further two parking spaces with a small area of hardstanding for an additional parking space for visitors within the southeast corner of the plot.
- 5.50 North Yorkshire County Council Highways raise no objections to the proposal, subject to conditions and informative relating to the construction requirements for the new and altered private access or verge crossing and condition related to the provision of approved access, turning and parking areas. Given the location, scale and nature of the proposal, it is considered reasonable and necessary to impose conditions recommended by the NYCC Highways Officer.
- 5.51 Having regard to the above and subject to above conditions, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in

accordance with policies ENV1 (2), T1 and T2 of the SDLP and the advice contained within the NPPF.

Flood Risk and Drainage

- 5.52 The application site is located within Flood Zone 1. Flood Zone 1 is assessed as having a less than 1 in 1,000 annual probability of flooding. Given the application site is located within Flood Zone 1, an area at the lowest risk of flooding and the area of the site is less than 1 ha, no Flood Risk Assessment would be required, and no sequential test or exception test is necessary.
- 5.53 In terms of drainage, the submitted application form sets out that surface water would be disposed of via soakaway and that foul drainage would be disposed of via mains sewer. The Ouse & Derwent IDB and Yorkshire Water have been consulted on the proposal.
- 5.54 Whilst Yorkshire Water have not provided any comments, Ouse & Derwent IDB raised no objections to the proposals in principle and recommending a condition requiring agreeing drainage work prior to commencement of the development.
- 5.55 As such, subject to aforementioned condition, the proposal would be acceptable in terms of flooding, drainage and climate change in accordance with policy ENV1 (3) of the SDLP, policies SP15 and SP19 or the SDCS and the advice contained within the NPPF.

Nature Conservation and Protected Species

- 5.56 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.
- 5.57 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.
- 5.58 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.

Land Contamination

- 5.59 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.
- 5.60 The Screening Assessment Form sets out that that the site is currently occupied by a static caravan park and prior to this it was used as agricultural land. 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.

- 5.61 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
- 5.62 Given all of the above and subject to a condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with policy ENV2 of the SDLP, policy SP19 of the SDCS and the advice contained within the NPPF.

Affordable Housing

- 5.63 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:
- 5.64 *“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”.*
- 5.65 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 approval for the erection of new detached dwelling and garage within the front garden area to the south of property known as ‘Lace House’.
- 6.2 The proposal for a dwelling within the front garden area of existing dwelling does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Additionally, the proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and reliance on the private car. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.
- 6.3 It is considered that the proposed scheme would cause no significant harm to the surrounding area or living conditions of neighbouring occupiers and the proposals are considered to be acceptable in respect of highway safety, flood risk, drainage, nature conservation and contamination.

7. RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

01. The proposal for a dwelling within the front garden area of existing dwelling does not fall within any of the listed 'acceptable in principle' forms of development in secondary villages, which are identified in Policies SP2 (b) and SP4 (a) and would therefore conflict with the Spatial Development Strategy for the District and the overall aim of the development plan to achieve sustainable patterns of growth. Additionally, the proposal for one dwelling in Cliffe does not provide a sustainable site for further housing in terms of its access to everyday facilities and reliance on the private car. The proposed development therefore conflicts with Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 and with Paragraphs 11 and 105 of the NPPF.

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 2022/0341/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)
isinkeviciene@selby.gov.uk

Appendices: None