



Report Reference Number 2020/0183/FUL
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
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Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2020/0183/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mrs Jennifer Hubbard	VALID DATE: EXPIRY DATE:	21st February 2020 17th April 2020
PROPOSAL:	Proposed erection of dwelling with integral garage and construction of access road on land to the west of		
LOCATION:	Land At The Paddocks York Road North Duffield Selby North Yorkshire		
RECOMMENDATION:	Planning Permission be GRANTED subject to conditions.		

This application has been brought before Planning Committee as its determination falls outside the Agreed Scheme of Delegation contained in the Council's Constitution. The proposal is a 'minor' application which is recommended for approval contrary to the requirements of the Development Plan. The site is situated outside of the development limit of North Duffield and as such defined as open countryside. The principle of the development is assessed later in the report.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is located at The Paddocks off York Road to the north of North Duffield. The site is known described as Plot B and is proposed to take access from The Paddocks, a housing development on land to the north which is nearing completion. The access road has a base course but not completed at the time of the officer's visit. Plot B is sited at the rear of the existing dwellings on York Road – Allonby House and Braidley House, with plot A to the west (plot A is under application 2020/0181/FUL). To the east of the site is a self-build property currently under construction, on land to the rear of Allonby House. The land is generally flat but drains naturally towards Moses Drain which forms its western boundary across which is open agricultural land. To the north,

the site boundary is marked by a number of trees beyond which was a similarly disused paddock and land to the south and east of the application site consisted of more paddock/grassland. Other than the mature trees to the northern boundary, there are no physical features of note within the main body of the site.

- 1.2 The application determination has been delayed for a variety of reasons including awaiting further information and changes in officer. Upon recently re-visiting the site officers noted that the dwelling proposed has been constructed but is awaiting internal completion and there are no boundaries or completed vehicle access to the dwelling, the application is therefore part retrospective. It is understood that the construction has been suspended until the outcome of this application is known. The construction of the dwelling constitutes unauthorised development, for the purposes of the consideration of this planning application no weight will be attached to the fact that the development is under construction, and it will be considered on the merits of the proposal. The land to the rear of properties on York Road has a complex history which is set out below.
- 1.3 Planning permission was granted in outline for the wider development of land at the rear of properties on York Road, at the time officers were of the view that material considerations existed that would support the recommendation for approval contrary to the development plan. The outline approval 2018/1347/OUT for the erection of up to 2 single storey custom-build dwellings and construction of access from York Road, this application was one of four related applications that were submitted in relation to the residential development of land behind properties fronting York Road and commonly referred to as The Paddocks. All four applications appeared at Planning Committee on the 24 April 2019. The outline application expired on the 29.04.2022.
- 1.4 A separate application has been submitted under reference 2020/0181/FUL for plot A which is to the east of the application site. This application has been refused under delegated powers due to the proximity to the mature trees on the boundary with the countryside.

The Proposal

- 1.5 The application seeks planning permission for the erection of a dwelling with detached garage and construction of access road on land to the west of the Paddocks. A covering letter supports the application and explains that it was not possible to deliver an earlier outline planning permission, covering the whole of the land referred to as The Paddocks, and that the proposals for a phased and disaggregated approach were considered to be a solution to enable the development to proceed in a timely manner and provide an opportunity for custom built development and the involvement of small and medium sized local house builders. The outline application was described as providing an opportunity for custom-build bungalow development. The access road from York Road to the building plot is included in this application as at the time there were delays associated with the Section 106 agreement for application 2018/1346/FULM for the 14 dwellings to the north (Daniel Gath site).
- 1.6 The dwelling proposed is two storeys, with the first floor being located within the roof space. The dwelling layout is a rectangular shape with a front projection providing an entrance porch and staircase. The ground floor consists of a kitchen lounge hall and w.c. along with a master bedroom and ensuite. The first floor consists of two bedrooms and a guest bedroom all with ensuite. A detached garage is proposed to

the east of the dwelling adjacent the end elevation. The dwelling is constructed in brick with a slate effect roof.

- 1.7 On visiting the site, officers noted that there were some anomalies between the dwelling constructed and the submitted plans. As such this has been rectified by the submission of amended plans. These amendments relate to the number and position of the rooflights in both slopes.

Relevant Planning History

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

2015/0517/OUT - Outline application including access and layout for residential And associated development (35 dwellings). Approved on 3 December 2015.

2018/1344/OUTM - Outline application including access (all other matters reserved) for erection of dwellings and construction of access, approved on the 15.02.2021.

2018/1345/FUL - Full application for the proposed erection of self-build dwelling and construction of access road. Approved on the 29.04.2019. (Land to the East at the rear of Allonby House – Development Commenced)

2018/1346/FULM - Full application for the proposed erection of 14 dwellings and Creation of new access. Approved on the 24.11.2020. (Development to the north – commenced almost complete.)

2021/1353/FUL Erection of 5 dwellings and associated infrastructure, Land to the south of the application site – Pending Decision

2018/1347/OUT Erection of 2 single storey custom-build dwellings and Construction of access. Granted 29.04.2019. The application site.

2. CONSULTATION AND PUBLICITY

- 2.1 **Tree Consultant** - The Arboricultural Officer as visited the site and taken account of the Tree works Plan Rev G and advises that there are no objections with regards to this plot.
- 2.2 **NYCC Highways** - The Local Highways Authority (LHA) has raised no objections. The LHA Noted that drawing title was incorrect. This has since been amended. Conditions recommended.
- 2.3 **Yorkshire Water** - No comments have been received from Yorkshire Water
- 2.4 **Ouse and Derwent Internal Drainage Board** - advise the LPA that they have assets in the wider area in the form of Moses Drain. This watercourse is known to be subject to high flows during storm events. Conditions have been recommended.
- 2.5 **NY Bat Group** - No comments received.
- 2.6 **Yorkshire Wildlife Trust** - No comments received.

- 2.7 **Ecology** - NYCC Ecologist has advised that the application is supported by an ecological assessment which covers the site and the wider area. Protected species will not be impacted upon and the report makes recommendations to avoid impacts on protected species. Conditions have been recommended with regards to vegetation clearance and provision of bat and bird boxes.
- 2.8 **North Duffield Parish Council** - Write in support of the application.
- 2.9 **Contaminated Land** - The Council's Contaminated Land Consultant advises that the submitted Phase 1 Contaminated Land Assessment covers a wider area than is the subject of this application. The assessment shows that the site has previously been used as agricultural fields. The assessment provides a good overview of the site's history. A Condition is recommended for reporting of unexpected contamination found during construction.
- 2.10 **Publicity** - The application has been publicised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement by posting a site notice close to the site and notifying neighbours close to the site directly by letter. One letter of support has been received from the Parish Council, as mentioned above. No further representations have been received.

3. **SITE CONSTRAINTS**

- 3.1 The site is outside Development Limits of North Duffield, in a Low Risk Coal Authority Area and there are protected trees on the site.

4. **POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 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)."*
- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans (none of which relate to the site).

- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan (SDLP) 2013

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
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 (SDLP) 2005

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads
CS6 - Development Contributions-Infrastructure

Minerals and Waste Joint Plan (2022)

- 4.9 The relevant policies are:

S01 - Safeguarding mineral resources
S02 - Developments proposed within Minerals Safeguarding Areas
S07 – Consideration of applications in Consultation Areas
D13 - Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF) 2021

- 4.10 The relevant chapters of the NPPF are:

- 2 Achieving sustainable development
- 4 Decision making
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 17 Facilitating the sustainable use of minerals

Other Material Considerations/Guidance

- 4.11 National Planning Practice Guidance
North Duffield Village Design Statement Feb 2012
Developer Contributions Supplementary Planning Document March 2007

5. APPRAISAL

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

- The Principle of Development and Land Use
- Highways and Transport Impacts
- Design
- Residential Amenity
- Nature Conservation
- Flooding and Drainage
- Ground Conditions
- Minerals and Waste
- Planning Obligations

Principle of Development and Land Use

- 5.2 The proposal is for the erection of a detached dwelling on land outside the development limit at North Duffield. The Selby District Council Core Strategy sets out the spatial development strategy for the district. The settlement hierarchy is used to guide future development. North Duffield is defined as a Designated Service Village, limited growth is considered appropriate within those villages which have a good range of local services.
- 5.3 The site is located outside of the defined Development Limit of North Duffield and as such classed as countryside.
- 5.4 The Core Strategy supporting text states that, development in the countryside (outside development limits) will generally be resisted unless it falls within the exceptions stated within SP2 Criterion (c) which are limited to: replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities or meet rural affordable housing need, or other special circumstances. Policy SP4 relates to the management of Residential Development in Settlements and as the site not is not within the settlement, policy SP4 is not relevant.
- 5.5 The fact remains that the site is outside of the development limit, and the original outline application, which secured the principle of the development on this part of the

site, has expired earlier in the year whilst this application remained under consideration.

- 5.6 Paragraph 78 of the NPPF states that planning policies and decisions should be responsive to local circumstances and policy SP2 allows for 'other special circumstances' to be taken into account in the planning balance. Taking into account the near completion of the housing site to the north and the self-build dwelling to the east of the site at the rear of Allonby House, officers are of the view that there are visual and spatial considerations that support the approval of this application.
- 5.7 The existing development that has been approved and implemented extend beyond the development limit, the site is situated on a small parcel of land to the south and west of these development and as obscure views of the application site from the countryside. Mature trees exist along the western boundary which form a defensible boundary with the countryside, these trees are subject to a protection order and as such the boundary will be secured for some time. The dwelling is two storey, however, the first floor is situated within the roof space meaning the dwelling is lower in height than the existing dwellings on site, this also reduces its impact on the open countryside.
- 5.8 Taking into account the above material considerations, officers are of the view that the existing development around the site forms the basis for justification of the proposal. Had the application been determined earlier, the principal would still have been in place in the form of the outline permission.
- 5.9 The proposal is therefore considered to be responsive to the local circumstances and the other special circumstances mentioned above justify the proposal accords with the spatial strategy used to guide to development across the district.

Highways and Transport Impacts

- 5.10 Saved policies T1 (Development in Relation to the Highway Network) and T2 (Access to Roads) of the Selby District Local Plan, policy SP15 (Sustainable Development and Climate Change) and Chapter 9 (Promoting sustainable transport) of the NPPF provide the key policy considerations with regards to decisions in relation to highway safety and sustainable transport.
- 5.11 The site is located within a Designated Service Village which is defined as such due to the provision and access to local facilities including public transport.
- 5.12 The proposal takes access from the newly constructed private road that serves the development to the north, which connects with York Road. The intention is for the road to remain unadopted. Highways have been consulted and raise no objections to the proposal in respect of highway safety or impact on the wider transport network in terms of capacity. The Highways Officer has stated that the development should make provision for 3 parking spaces in accordance with the required parking standards. Whilst not annotated on the plan it is clear that the proposal can include 3 parking spaces and the garage is of a sufficient size to count as a parking space.
- 5.13 The site is located around 200 meters from the nearest bus stop (East Yorkshire no. 18 bus which runs between York and Holme on Spalding Moor) which is considered to be an acceptable walking distanced to sustainable forms of transport and access to onward journeys. North Duffield has a range of local convenience stores, community facilities, surgery, primary school, places of worship etc.

- 5.14 Taking into account the above considerations the proposal is acceptable in terms of access to facilities, sustainable transport, highway safety and the capacity of the existing network. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Design

- 5.15 Saved policy ENV 1 of the Selby District Local Plan, SP 19 (Design Quality) of the Core Strategy and Chapter 12 (Achieving Well Designed Places) of the NPPF set out the key policy considerations with regards to design.
- 5.16 The North Duffield Village Design Statement (VDS), whilst dated 2012, explains the context and character of the village. The prevailing character of this part of North Duffield is of well-spaced detached dwellings finished in a rustic red brick with either red or grey tile, some pantiles and some slate or artificial slate. The VDS explains that the once farming community has become a 20th Century commuter settlement, the character is of traditional linear settlement extending away from the triangular linear settlement. There is a broad variety of house styles, but the core theme is of detached houses and red brick construction. The dwellings that front York Road along this particular stretch are two storey room in roof space style.
- 5.17 The linear character of the area has altered by recent development which extends the built development into rear gardens away from the road frontage. The VDS explains that houses have a horizontal emphasis (wider than they are tall). The proposed dwelling is constructed in Crest Old Hambleton brick with black clay slate effect interlocking tiles and the design is of horizontal emphasis. The proposal is therefore considered to be in keeping with the character of the area and as such in line with the aforementioned policies.

Residential Amenity

- 5.18 Saved policy ENV 1 of the Selby District Local Plan, and SP19 (Design Quality) of the Core Strategy and Chapter 12 (Achieving Well Designed Places) of the NPPF set out the key policy considerations with regards to design and protecting amenity.
- 5.19 The dwelling exceeds more than 30 metres from the nearest building on The Paddocks development and this is a detached garage to the north. The self-build property at the rear of Allonby is in excess of 50 metres from the side elevation of the proposed dwelling. It is therefore considered that there would be no impact on residential amenity to the occupiers of the application dwelling or those nearest to the proposal.
- 5.20 The proposal provides a sufficient amount of private amenity space for the future occupiers of the dwelling – more than the footprint of the proposed dwelling, the site is to be bound by a 1.5 metre close boarded fence which will ensure that the amenity space is private.
- 5.21 Taking into account the above considerations, the proposal is considered to be acceptable in terms of residential amenity.

Nature Conservation

Ecology

- 5.22 Policy SP18 of the Core Strategy seeks to promote effective stewardship of the districts wildlife by safeguarding national and locally protected nature conservation sites, protected species and net gains in biodiversity. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities in the exercise of their functions to the purpose of conserving biodiversity by having regard to the relevant key policies and legislation which includes local policy, Chapter 15 of the NPPF, planning practice guidance, EIA, The Town and Country Planning Act along with the (Draft) Environment (Principles and Governance) Bill (2019/2020) (England and Wales) and the Wildlife and Countryside Act (1981) (as amended).
- 5.23 The application is supported by an ecological report which covers the application site and the wider area. NYCC Ecologist has been consulted and advises that the application has been considered in light of the aforementioned regulations. The impact on Great Crested Newts was deemed to be negligible and no license is required, and no further survey work is required. Barn Owls are known in the area and the report confirms that compensation/enhancement as provided in the form of a wildlife tower, which, in the view of the Ecologist, is not impacted upon by this proposal. The Ecologist has recommended that any external lighting should not shine onto bat boxes or the surrounding habitat. An informative is recommended. The Ecologist also advises that general enhancement measures be included in the proposal. A condition is recommended that requires an ecological enhancement plan.
- 5.24 Subject to the aforementioned conditions, the proposal is considered to be acceptable with regards to ecological impacts and enhancement. The proposal therefore complies with the aforementioned policies.

Trees

- 5.25 Policy SP18 of the Core Strategy and Chapters 12 (para 130 c) and 15 of the NPPF state that decisions should ensure that developments are sympathetic to local character of the landscape setting.
- 5.26 The trees across the wider site were subject to a Tree Preservation Order (TPO3/2019). The Council's Tree Consultant has visited the site and advised that trees are being protected whilst construction is under way. The site levels are also acceptable. A plan has been submitted showing the root protection zone to the three trees nearest to the site. (T26 – Oak, T27 – Oak and T28 - Oak).
- 5.27 The proposal is therefore considered to be sympathetic to the landscape setting and subject to the continued protection of the trees during construction the proposal is acceptable.

Flooding and Drainage

- 5.28 The site lies within Flood Zone 1 as identified by the Government Flood Maps for Planning. Flood Zone 1 is the lowest risk to flooding, as the site is less than 1 hectare in size and there are no known critical drainage issues a flood risk assessment is not required. Policy SP15 A of the Core Strategy and Chapter 14 of the NPPF require

development to be directed away from areas at high risk of flooding (whether existing or future).

- 5.29 Engineers plans have been supplied with the application which show the technical drainage details and drainage strategy for the wider site to the north. The plans show the private soakaways within the curtilage of each property and the highway drainage along with foul drainage system which connects to the existing system on York Road.
- 5.30 No details have been provided with regards to the application site, however the application form states that foul drainage is to be connected to the existing foul sewer in York Road and surface water is to be dealt with via soakaway within the curtilage.
- 5.31 No objections have been raised by Yorkshire Water with regards to existing capacity of the foul sewer, highways have not commented on the highway drainage. The Ouse and Derwent IDB (The IDB), have advised that the Moses Drain watercourse which lies to the west is known to be subject to high flows during storm events. The IDB advise the applicant of the consent process should any discharge into the water course be required. Private soakaways are being proposed, the IDB has requested that percolation tests and soakaway design is provided. Conditions are recommended to this effect.
- 5.32 The board raises no objection to the foul drainage connection subject to YW raising no objections.

Ground Conditions

- 5.33 Policy SP19 and Chapter 15 of the NPPF seek to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution or land instability.
- 5.34 A Phase 1 (Desk Based) Contaminated Land Assessment has been provided with the application. The Councils Contaminated Land Consultant has reviewed the report and advises that it provides a good level of detail to understand this land history of the site. No objections have been raised. It is recommended that a condition is imposed requiring reporting and mitigation measures for unexpected contamination.

Minerals and Waste

- 5.35 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and sand and gravel. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Area to which Policy D13 applies.
- 5.36 However, the site relates to the erection of a house on the edge of an existing settlement of North Duffield that is enclosed to the north by a larger housing development and is close to the existing housing of the settlement lying to the east. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the scale of the development and the proximity to the existing settlement and residential properties, the site is unlikely to be considered as a suitable or appropriate site for mineral resource extraction and therefore safeguarded for future extraction in terms of potential for disturbance to the

community and potential harm to trees and biodiversity. Also given the scale of the development it would not be either feasible or viable to extract the mineral beneath the site. In allowing the retention of the development on this site would not impact on wider safeguarding of the mineral identified.

- 5.37 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies North Duffield as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.
- 5.38 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

Planning Obligations

Affordable Housing

- 5.39 The Selby District Council Developer Contributions SPD was adopted on 29 March 2007 and explains in more detail those policies which seek contributions from developers of land and buildings, in order to lessen the impact of carrying out new development. Core Strategy Policy SP9 states that the Council will seek to achieve a 40/60% affordable/general marketed housing ratio within overall housing delivery. A provision of affordable housing up to 40% of the total new dwellings on all market housing sites above a threshold of 10 dwellings will be sought. On sites below the threshold a commuted sum will be sought to provide affordable housing within the district.
- 5.40 Paragraph 64 of the NPPF states that affordable housing should not be sought for residential developments that are not major developments. Annexe 2 (Glossary) of the NPPF defines major developments as 10 or more homes or a site area of 0.5 ha or more.
- 5.41 The NPPF is a material consideration and more up to date than the Core Strategy, as such the weight attached to the NPPF in terms of affordable housing provision is more significant than that applied to the Core Strategy policy requirement. The proposal is for one dwelling on a site of 0.3 hectares and as such a commuted sum towards affordable housing provision is not required.

Open Space

- 5.42 Saved policy RT2 of the Local Plan requires residential schemes of between 4 and 10 dwellings to provide a commuted sum towards open space provision. The proposal is for one dwelling and as such below the threshold. Therefore, no open space provision is required.

Waste and Recycling

- 5.43 Policy SP15 supports the incorporation of facilities to support recycling. Developer Contribution Supplementary Planning Document (SPD) 2007 is a material consideration and requires developments of 4 or more dwellings to provide bins at the applicant's expense. The proposal is for one dwelling and as such the trigger is not met.

5.44 There are no other planning obligations required to make the development acceptable. The proposal therefore meets with the aforementioned policies.

6. CONCLUSION

- 6.1 Taking into account the relevant local and national planning policies the proposal is considered to be contrary to the development plan, in that it proposes residential development outside of the defined development limit in North Duffield contrary to policy SP2. However, the supporting text to policy SP2 states that development in the countryside, outside of development limits will generally be resisted unless it falls within the exceptions, or '*other special circumstances*'. Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated new homes within the countryside unless they meet with one or more of the listed circumstances which include, essential needs for rural workers, enabling development for heritage assets, re-use of redundant buildings that enhance the setting, subdivision of existing dwellings or design of exceptional quality.
- 6.2 The NPPF is a material consideration and as such should be taken in the planning balance and the appropriate weight be considered. The proposal is located just outside the development limit of a Designated Service Village of North Duffield which is within the third tier of the spatial strategy due to the availability of and access to local facilities. The proposal site is therefore not considered to be isolated, and it is well related to the settlement, as such significant weight is attached to the location.
- 6.3 The site is surrounded to the north by a new volume development and the east by development outside of the development limit. Spatially the site sits well within the existing built development and well related to the development that surrounds it. The site, whilst outside the development limit boundary identified in the local plan map is not classed as within the open countryside. The development limits policy associated with the local plan maps was not saved at the time of the preparation and adoption of the Core Strategy 2013 and as such considered to be out of date.
- 6.4 The boundary to the west of the site is formed of mature trees that are subject to a Tree Preservation Order which create a defensible boundary to the open countryside. Due to the TPO this boundary will be secure and ensure that there is no further encroachment into the countryside to the west of the settlement.
- 6.5 Chapter 15 of the NPPF states that decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside and other benefits of the best and most versatile agricultural land. The proposal would not result in the loss of valued countryside or landscape, and neither would it result in the loss of valued agricultural land (Grade 3 – Good to moderate).
- 6.6 Considering the character of the area and the development that has progressed around the site, along with the conclusions above, it is considered that there are material considerations that are afforded significant weight in the planning balance that outweigh the designation of the site as outside development limits.
- 6.7 Minor further details that are required to ensure the proposal is in full accordance with local and national planning policy are recommended to be secured by conditions.
- 6.8 Taking into account all of the above considerations set out in this report, the proposal is sustainable development as set out in policy SP1 of the Core Strategy and Chapter

2 of the NPPF which sets out that the purpose of the planning system is to the achievement of sustainable development. As such in line with paragraph 11 of the NPPF, it is recommended that that planning permission is granted subject to the necessary and relevant conditions set out below.

7. RECOMMENDATION

It is recommended that Planning Permission is **GRANTED** subject to the recommended conditions and informatives.

- 01 The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

Site Layout Plot B Ref 2855-02-04 G
Proposed House & Garage Plans & Elevations Ref 2855-01-03
Location Plan Ref 2855-02-07

Reason:

For the avoidance of doubt and to define the permission.

- 02 No further development approved by this permission shall be commenced until the Local Planning Authority (in consultation with the Internal Drainage Board) has approved a scheme for the provision of surface water drainage works. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

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.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding in accordance with policy SP15 of the Core Strategy and Chapter 14 of the NPPF.

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

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

Reason:

In accordance with policy T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure safe and appropriate access and egress to the

dwellings, in the interests of highway safety and the convenience of prospective residents.

- 04 There shall be no further development or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements.
- a. The details of the access shall have been approved in writing by the Local Planning Authority (in consultation with the Highway Authority).
 - b. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that the access road extending the full length of the site shall be constructed in accordance with Standard Detail number A1.
 - c. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details.

Reason:

In accordance with policy T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 05 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road York Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and in the interests of road safety.

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

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 07 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 06 are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 08 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall be retained as such and not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development

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

Reason:

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

- 10 Prior to the first occupation of the dwelling, an ecological enhancement plan shall be submitted to and approved in writing the Local Planning Authority. The enhancement measures shall then be delivered on site in line with a timescale to be agreed with the Local Planning Authority. The approved ecological enhancement measures shall thereafter be retained.

Reason:

In order to provide a net gain in biodiversity in accordance with policy SP18 of the Core Strategy and paragraph 174 d of the NPPF.

- 11 In accordance with the Plot B Site Layout Plan 2855-02-04 Rev G, prior to the first occupation of the dwelling, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then be installed in line with the approved details and thereafter retained.

Reason:

In the interest of delivering quality design and appearance in line with policy SP19 of the Core Strategy and Chapter 12 of the NPPF.

- 11 Prior to any further development on the site, the trees on site shall be protected in accordance with British Standard BS5837. No machinery shall be brought onto the site until the tree protection measures are in place and there shall be no materials stored beneath the canopy of any tree. The tree protection measures shall remain in place until the completion of the development.

Reason:

In order to protect the trees on site during construction and in accordance with policy SP18 of the Core Strategy and paragraph 174 of the NPPF.

INFORMATIVES

1 INFORMATIVE:

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2 INFORMATIVE: COAL

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. Financial Issues

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

10. Background Documents

Planning Application file reference 2020/0183/FUL and associated documents.

***Contact Officer:* Diane Holgate, Principal Planning Officer**

Appendices: None