

Application Reference Number 2022/0534/FUL

To: Planning Committee
Date: 11th January 2023
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Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0534/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mr J Knowles	VALID DATE: EXPIRY DATE:	04.05.2022 29.06.2022
PROPOSAL:	Erection of 4 dwellings with associated garages/parking spaces and construction of access		
LOCATION:	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ		
RECOMMENDATION:	Planning permission be GRANTED		

This application has been brought before Planning Committee at the request of the Head of Planning as the previous application was decided by Members and refused against Officer recommendation.

1. INTRODUCTION AND BACKGROUND

1.1 This application is for the erection of 4 dwellings on garden land to the rear of an existing dwelling known as Tamwood. Tamwood is located on Station Road in Riccall. Riccall is located to the north of Selby along side the A19. Planning permission has been previously refused for the demolition of the host dwelling and a development of 7 dwelling. This proposal seeks to overcome the previous reasons for refusal and it excludes the host dwelling and puts forward a back land development of 4 houses comprising of 2 detached dwellings and a pair of semi-detached properties.

1.2 In addition to the plans the application is supported by the following information:

Planning Statement
Tree Survey

Drainage Details
Heritage Assessment plus Addendum
Ground Investigation
Bat Survey

Site and Context

- 1.3 The site is currently occupied by the detached dwelling and surrounded by residential development including recent development to the east and west and the historic core of the village to the north. The site is located on the boundary with the Conservation Area but not within it. There are various mature trees on the site which affect the development layout.

The Proposal

- 1.4 Full planning permission is sought for the erection of four dwellings with associated garages/parking spaces and construction of a new access. The private drive provides access for the 4 dwellings on land to the rear. The host dwelling retains the existing access. Planning permission has been approved under a householder application for an extension to the host dwelling. Each dwelling has two parking spaces, plots 4 and 5 have a garage. The parking spaces are to be finished with permeable paving. 1.8 metre close boarded fences are proposed on the rear boundaries to subdivide the plots and a 1.5 metre high close boarded fence is proposed to separate the site from the host dwelling. The majority of the trees and hedges are to be retained with some new trees proposed. A refuse collection point is shown alongside the private drive close to the new entrance.
- 1.5 Plots 2 and 3 are semi detached with bay window and porch features to the front, the rear elevation features large sliding doors. Plot 3 is a detached dwelling with an attached garage, canopy over the main entrance to the front and bi-fold doors to the rear. Plot 4 is a detached dwelling in a rectangular form with a detached double garage connected by an entrance link. The dwelling also has sliding bi-fold doors to the rear. The materials are shown as slate roof tiles, multi brickwork, white UPVC windows, black rainwater goods and composite doors (colour to be agreed). The design of the dwellings include art stone cills, brick work details and brick headers.

Relevant Planning History

- 1.6 The following historical applications are relevant to the determination of this application:

2018/0185/FUL

Proposed erection of two detached dwellings with garages
Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ Granted
24.05.2018

2020/1300/FUL

Demolition of existing dwelling, construction of seven residential properties
Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ Overturned at
Planning Committee on the 07.07.2021. Refused 20.08.2021 for the following
reasons:

1. The proposed development would result in a detrimental impact upon the setting of the Conservation Area contrary to Selby District Local Plan Policy ENV25, Core Strategy Policy SP19, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposal constitutes overdevelopment of the site which would have a detrimental impact upon residential amenity and would result in overshadowing and a loss of privacy of neighbouring occupants and the loss of trees on the site contrary to Core Strategy Policy SP4(c), Selby District Local Plan Policy ENV1(1) and National Planning Policy Framework Paragraph 127(f).
3. The proposal provides inadequate on-site parking which will lead to on-site parking on the frontage of the site resulting in an unacceptable impact on highway safety contrary to Selby District Local Plan Policy T2 and National Planning Policy Framework Paragraph 109.
4. The proposal fails to provide a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

2022/0541/HPA

Erection of garage and sunroom Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ. Granted 01.07.2022. (The Host dwelling).

2. CONSULTATION AND PUBLICITY

Consultation Responses

2.1 Local Highway Authority

NYCC Highways Officers have advised that the visibility splays at the access have not been measured correctly and that it has not been demonstrated that fire appliances will be able to turn within the site. This is required as plots 4 and 5 are more than the maximum distance (45 metres) from the highways boundary.

An amended plan has been submitted however, this still does not show the correct visibility splays and there are no details of the swept paths to demonstrate emergency vehicles can turn within the site.

2.2 Conservation Officer

The Conservation Officer has advised that the current scheme is different to the 2020 scheme as the overall number of dwellings have reduced. However, the existing building to the front of the site is now being retained (rather than being replaced with 3 dwellings) so the overall number of dwellings is reduced from 7 to 5. The number of dwellings to the rear of the retained building, and within the garden area, still remains as 4. Therefore the concerns raised during the previous application are still relevant.

The spacious garden plot which is located to the rear of Tamwood, is located immediately adjacent to the Riccall conservation area and makes a positive contribution to its setting. It provides an attractive view towards the conservation area with trees visible as a backdrop. The development would obscure from views these

trees and the spaciousness of the plot compromised with the addition of 4 dwellings and garages.

The roadside appearance of the development has improved with the retention of part of Tamwood's front garden. In terms of number of dwellings, the proposal still appears to be over development. Trying to fit too many new properties and ancillary structures within the garden area of Tamwood. There are also concerns with the design of the proposed development as the new dwellings do not reflect the local distinctiveness of the area and does not pick up on any architectural detailing of the existing property, Tamwood.

The Conservation Officer advises that the proposal will have a harmful impact on the setting of the Conservation Area. The impact is considered to be less than substantial harm to the significance of the heritage asset due to the inappropriate development within its setting. The development therefore fails to meet the requirements of paragraph 202 of the NPPF and local plan policy ENV25.

The number of proposed dwellings must be significantly reduced to be viewed acceptable, the majority of the spacious garden should be retained.

2.3 Yorkshire Water

Yorkshire Water advised that they have no objection to the proposal subject to the development being carried out in accordance with the submitted plan and the drainage layout.

2.4 The Ouse & Derwent Internal Drainage Board (IDB)

The IDB set out the requirements for when the IDB's prior written consent is required. The IDB note the submitted Design and Access Statement specifies surface water may be disposed of via an attenuation tank at a restricted rate or soakaway. The IDB note that the mains sewer runs into an IDB maintained watercourse and their consent is required prior to connection.

In respect of surface water, the IDB recommend details of surface water drainage are conditioned including a constrained run-off rate, surface floodwater storage including climate change allowance.

The IDB notes the proposed connection into the mains foul sewer and have no objection to the new connection subject to Yorkshire Water's consent.

Following percolation testing and a resultant drainage layout, the IDB were reconsulted. The IDB note percolation testing demonstrates soakaways are not achievable, accordingly discharge into the mains surface water sewer / watercourse can be considered. The IDB request details of surface water connection, discharge rate confirmation and attenuation, flood storage including climate allowance and recommend a condition requiring these accordingly.

The applicants provided a further drainage layout including micro drainage calculations. The Internal Drainage Board continued to seek clarification as to the point of connection, type of mains connection for disposal, discharge rate attenuation and flood water storage. No response has been received from Yorkshire Water.

2.5 **Environmental Health Officer (EHO)**

The EHO notes the surrounding residential development and that given the scale of the proposed development there is potential for generation of dust, noise & vibration that requires specific planning control (beyond other regulations) and as such the following conditions are recommended: 1) a Construction Management Statement; 2) working hours limitations, and 3) details of any piling.

2.6 **County Ecologist**

The Ecologist has reviewed the file and the information submitted with the previous application. Bat surveys were carried out which confirmed there was no presence of bats in the main building which was previously proposed for demolition. This proposal no longer puts forward the demolition of the dwelling. There are no further requirements for bat survey and no specific mitigation that is required, however in order to provide enhancement for bats and birds I would recommend that the applicant includes a series of integral bat tubes and bird nest features (such as swift bricks) within the new residential units. A condition is recommended for a Biodiversity Enhancement and Management plan.

2.7 **Tree Consultant**

The Tree Consultant raises no objection to the proposal, recommends that the retained trees be made the subject of a TPO to protect their future. Conditions are recommended requiring a landscaping scheme to be submitted and tree protection measures for the retained trees.

2.8 **Natural England**

No comments

2.9 **Yorkshire Wildlife Trust**

No comments

2.10 **Riccall Parish Council**

Object on the grounds of overdevelopment, access and insufficient turning space at the entrance.

2.11 **Waste and Recycling Officer**

The Waste and Recycling officer advises that proposed layout that a bin presentation point has been identified and requests that this is moved closer to the junction with the main road to reduce the amount of time the collection vehicle will need to remain parked. As there are four properties the developer will be required to pay for the waste and recycling containers.

2.12 **Contaminated Land**

The Contaminated Land Consultant considers the submitted Phase 1 Report is acceptable, including the further proposed site investigation works contained therein. Conditions are recommended requiring: 1) investigation of land contamination prior to development; 2) a detailed remediation scheme prior to commencement of

development; 3) verification of remedial works, and 4) reporting of unexpected contamination.

The applicants have provided a Phase 2 Ground Investigation Report. The Contaminated Land Consultant considers the Report acceptable and agrees with the conclusion that no further investigation. The Consultant recommends a condition in respect of unexpected contamination.

Publicity

- 2.13 The application was advertised by posting a notice close to the site. Following this publicity, 14 responses. 12 letters of support, 1 letter of objection and 1 representation. A summary of the comments raised are listed below:

Support

- Makes use of an overgrown/unused area
- Close to village amenities and bus route
- National housing shortage
- Small scale developments are in demand
- The application is greatly improved, better proportioned layouts, gardens space, retention of trees and visitor car parking
- Extra homes will deliver more customers for local driving instructor
- Looks a great site would be a beneficial development
- Improve the outlook of the site
- Improvement on the previous scheme
- Opportunity to provide new family homes in a sustainable village environment

Object

- Hope that the previous comments are taken into consideration
- Overbuilt conservation area
- Traffic problems
- Servicing refuse collection causing issues

3. SITE CONSTRAINTS

- 3.1 The following constraints have been identified.
- The site is located within the defined Development Limits of Riccall.
 - The site is outside but immediately adjacent the Conservation Area, there are no other heritage assets on or near the site.
 - There are no designated assets of ecological value on or near the site.
 - The site sits within Flood Zone 1, the area of lowest flood risk.

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 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.
- 4.3 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 2024. Consultation on issues and options took place early in 2020. Consultation on preferred options and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 and, in particular, the sections listed below
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the framework -

“219.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan (CS) 2013

- 4.6 The relevant CS Policies are:

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

Selby District Local Plan (SDLP) 2005

- 4.7 The relevant saved SDLP Policies are:

T1 Development in Relation to the Highway network
T2 Access to Roads
ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV25 Control of Development in Conservation Areas
RT2 Open Space Requirements for New residential Development

Supplementary Planning Policies and Guidance

- 4.8 Planning contributions are a material consideration and therefore the Council's Adopted Developer Contributions Supplementary Planning Document represents a material consideration in determining the application. The development plan also includes the Riccall Village Design Statement Supplementary Planning Document (VDS) and the Riccall Conservation Area Appraisal both of which are a material consideration.

National Planning Policy Framework 2021

- 4.9 The relevant chapters are:
2. Achieving sustainable development
 4. Decision-making
 5. Delivering a sufficient supply of homes
 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

NYCC Minerals and Waste Joint Plan 2022 (MWJP)

- 4.10 The relevant Minerals and Waste Joint Plan Policies are:
- S01 Safeguarded Surface Mineral Resources
S02 Developments Proposed Within Safeguarded Surface Mineral Resource Areas
S07 Consideration of Applications in Consultation Areas
D13 Consideration of Applications in Development High Risk Areas

Supplementary Policy Documents

- 4.11 Relevant SPD's are:
- NYCC Interim Parking Standards
 - Riccall Village Design Statement
 - Riccall Conservation Area Appraisal May 2021

5. ASSESSMENT

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

1. Principle of Development
2. Impact on Historic Environment
3. Design and visual amenity
4. Residential Amenity
5. Access & Highway Safety
6. Ground Conditions
7. Impact on Nature Conservation
8. Trees
9. Flood Risk & Drainage
10. Waste & Recycling
11. Affordable Housing

12. Housing Mix

Principle of Development

- 5.1 The site is located within the defined development limit of Riccall on land to the rear of an existing dwelling.
- 5.2 Saved CS Policy SP1 states 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. CS Policy SP1 is therefore consistent with national policy set out in Chapter 2 of the NPPF.
- 5.3 Saved CS Policy SP2A sets out the District's settlement hierarchy and directs development to the majority of new development to towns, however, CS Policy SP2A(a) states Designated Service Villages such as Riccall have some scope for additional residential growth.
- 5.4 Saved CS Policy SP2 also states proposals for development on non-allocated sites must meet the requirements of Saved CS Policy SP4. Saved CS Policy SP4 lists the types of residential development that will be acceptable within development limits. In relation to Designated Service Villages this relates to replacement dwellings, redevelopment of previously developed land, and "appropriate scale development" on greenfield land (including garden land and conversion/redevelopment of farmsteads).
- 5.5 Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly.
- 5.6 The proposal puts forward a development for housing on a small site within an existing settlement and as such meets both the aspirations of the local plan and the NPPF and as such is acceptable in principle.

Impact on Historic Environment

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a general duty in exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.8 Relevant development plan policy includes: Policies SP18 and SP19b) of the Core Strategy, Saved Policy ENV25 of the Selby District Local Plan and Chapter 16 of the NPPF. These policies require conservation of historic assets which contribute most to the District's character, and ensure development contributes positively to an area's identity and heritage in terms of scale, density and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area. Selby DC has prepared a Conservation Area Appraisal for Riccall, which was adopted in September 2022. The appraisal provides good background information about the heritage asset. The site itself lies outside the Conservation Area, though borders it on three sides.

Conservation Area Appraisal (CAA)

5.9 The adopted appraisal sets out that the Conservation Area was designated in 1978 and reviewed in 1995, the boundary has been adjusted to take account of post-1995 development mainly to the south and some minor changes elsewhere. The conservation area boundary has been drawn around the historic core of Riccall prior to its expansion in all directions from the mid-1970s to the present day.

5.10 The CAA appraisal summaries the special interest in the introduction as follows:

Riccall is a highly successful former agricultural settlement with examples of a variety of buildings largely dating to the eighteenth and nineteenth centuries reflecting the relative wealth of the settlement at that time. The exceptions are: the Grade I listed Church of St Mary the Virgin which incorporates late twelfth and early thirteenth-century architecture; parts of the Grade II listed and scheduled York Prebendary Manor House which incorporates the remains of fifteenth and sixteenth-century structures; and, the Grade II listed Bagram Hill Farmhouse which may date back to the seventeenth century. Although surviving historic plot boundaries are rare, the historic roads and lanes survive well and the church is located centrally to the west of the Main Street, the former main road from York to Selby. Although the village is almost entirely surrounded by late twentieth-century housing, the historic core remains reasonably legible.*

The extent of the contribution made by a building to the character and appearance of the conservation area is not limited to its street elevations but also depends on its integrity as an historic structure and the impact it has in three dimensions. Rear elevations can be important, as can side views from alleys and yards.

5.11 The site adjoins the boundary of this historic core. The CAA states that views make an important contribution to the availability to appreciate the character and appearance of the Conservation Area.

5.12 Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage asset. The application is accompanied by a Heritage Contribution Assessment for the revised scheme dated March 2021 and is an addendum to the previous Heritage Assessment. This has been undertaken by 1 Voyage Ltd. There is no professional accreditation stated on the report research suggests this is a limited company. The report does not include the Conservation Area Appraisal for Riccall as it pre-dates the issue of the appraisal. It does however assess the amended scheme against the heritage asset and the amendments

5.13 Paragraph 199 of the NPPF requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.14 The Council's Conservation Officer has been consulted and raises concerns with regard to the proposal due to its impact on the character and appearance of the Conservation Area. Whilst the site is not within the Conservation Area, it is on the boundary, enclosed by the Conservation Area on three sides, and as such has the

potential to impact on views into and out of the Conservation Area thus affecting its setting.

- 5.15 The Conservation Officer is of the view that, whilst the scheme has reduced from 7 to 4 dwellings, the number of dwellings located to the rear remains as 4, therefore the concerns raised previously have not been addressed. The spacious garden currently makes a positive contribution to the setting of the Conservation Area providing an attractive backdrop created by the trees on the site. The development would obscure these views. The Conservation Officer accepts that the roadside appearance has improved with the part retention of the front garden to Tamwood. In conclusion, the Conservation Officer is of the view that the proposal is still overdevelopment of the site and the design of the dwellings do not reflect the local distinctiveness of the area. The proposal, in the opinion of the Conservation Officer, would be harmful to the setting of the Conservation Area. In terms of the level of harm, it has been decided that the proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should then be weighed against the public benefits of the proposal.
- 5.16 The Heritage Assessment concludes that the harm to the heritage asset is weighed against the delivery of housing within the village as a windfall site. It also states that there will be additional landscaping which will 'green' the site.
- 5.17 Officers consider that there will be less than substantial harm to the character and appearance of the Conservation Area as identified by the Conservation Officer, however, it is considered on this particular occasion that the harm is outweighed by the delivery of housing within a designated service village and on land within Flood Zone 1 (low probability). Significant weight has been attached to the previous officer's recommendation to grant permission and that there has not been any change to the pertinent policies and material considerations. The consideration of the heritage impact is finely balanced, however, based on the previous officer recommendation and the public benefits put forward the proposal is therefore considered to be acceptable and compliant with national and local planning policies in this regard.

Design and Visual Amenity

- 5.18 Saved Policy ENV 1 of the Local Plan, Policies SP4 and SP19 Design Quality of the Core Strategy and Chapter 12 of the NPPF set out the key considerations in relation to design. In particular, CS Policy SP4(c) seeks to both preserve and enhance the character of the local area and SP4(d) requires development of garden land to be of an appropriate scale that is assessed as follows:
- "..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."*
- 5.19 The Village Design Statement (VDS) adopted in February 2012 is a material consideration in determining the application. The VDS seeks to explain the context and character of the village to allow new forms of development in the village to be sympathetic. The VDS understands that new development will "look new" but expects this to be undertaken in a way that fits in with the context of the village.
- 5.20 The proposed design and materials have taken reference from the local character, the proposed bricks are of a multi red brick which will blend in with the older and more recent dwellings, the roof materials proposed are slate which will tie in with the older properties. Features such as heads and cills have been incorporated to reflect the

appearance of dwellings around the site. Some features used in the design have resulted in a more modern appearance. Comments raised by the Conservation Officer with regards to the designs not being in keeping have been taken on board, however, in light of the site being situated between the historic core of the village and the newer modern housing development, on balance officers are of the view that the design and appearance is acceptable and would not have a significant adverse impact on the visual appearance of the area. Also, given the site is located in a backland position it is likely to be seen in context with the newer housing development and not in context with the street scene along Station Road or the historic core on Main Street as the site is bound by mature trees along with western boundary.

- 5.21 Paragraph 130(c) of the NPPF states that, in achieving decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. On balance, officers are of the view that the design and appearance is acceptable and sympathetic to the modern local character and the historic setting.

Residential Amenity

- 5.22 CS Policy SP4(c) states that “*in all cases proposals will be expected to protect local amenity.*” SDLP Policy ENV1 provides eight broad aspirations for achieving ‘good quality development’ that should be taken into account where relevant. SDLP ENV1(1) requires “*the effect upon... the amenity of adjoining occupiers*” to be taken into consideration. Paragraph 130 of the NPPF, requires developments to be high quality, well designed, fit for purpose and have a high standard of amenity for existing and future users. In addition, paragraph 130 of the National Design Guide provides helpful advice on how to determine whether an amenity space is appropriate for its users. It states that consideration should be given to how the associated building sits in the wider context, who will use the amenity space and the quality of the space.
- 5.23 The siting of the proposed dwellings would meet with the good practice separation distance guidelines (21 metres for facing windows and 11 metres for secondary window, apart from the distance between plot 5 and 7 Station Rise to the east of the site which is around 7.8 metres. On the basis that there is just one window in the side elevation of plot 5 which is landing window at first floor level and a door at ground floor level, this is considered to be acceptable. The private amenity space to 4 Station Road is to the south of the property. The height of plot 5 to the eaves is around 5.1 metres with the roof sloping away from 4 Station Road, to a ridge of around 8 metres from ground level. The attached garage proposed to plot 5 is around 3.6 metres to the ridge. Officers are of the view that this arrangement is acceptable and would not result in any overlooking or dominance. The occupiers of 4 Station Road have not made any objection to the proposal. Plot 4 is around 8.2 metres to the highest point and the pair of semi-detached dwellings, Plots 2 and 3 are around 8.7 metres to the highest point.
- 5.24 Plots 2, 3 and 5 have 3 bedrooms and Plot 4 has 4 bedrooms. There are two parking spaces for each dwelling in addition to a double garage to plot 4 and a single garage to plot 5 which as suitable to provide parking space. An assumption is made that the development can accommodate 9 vehicles. Highways have not made any comment or assessment with regards to vehicle trips, however, it can be assumed that there would be at least two vehicle trips per vehicle. This could result in a minimum of 18 vehicle trips accessing and egressing from the proposed access between Tamwood and 3 Station Road. The bin presentation point is also sited along side the private

drive adjacent the boundary with 3 Station Road. 3 Station Road is protected from noise and disturbance potentially created through traffic movements and the refuse collection points by the retained hedge on the boundary. Tamwood is protected from unreasonable impact through comings and goings by the proposed fencing to the rear and the wall to the side and front.

- 5.25 The Council's Environmental Health officer has been consulted and advises conditions which would protect the neighbours from any unreasonable impact during construction.
- 5.26 In summary, officers consider that the proposals will not create significant adverse impacts that are prejudicial to the residential amenity of existing or future residents and that the amenity space provided for future occupiers is sufficient, and the proposals accord with CS Policy SP4 and SDLP Policy ENV1.

Access & Highway Safety

- 5.27 Saved SDLP Policy T1 states that development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer. Saved SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.28 Paragraph 110 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 5.29 NYCC Highways Officers advised that no visibility splays have been annotated on the plan, a turning area did not include a swept path analysis to demonstrate it was sufficient for emergency vehicles. An amended plan has been provided showing the visibility splays at the access but no swept path within the turning area. The Highways Officer has been re-consulted and advises that the details are still not acceptable. This has been passed on to the agent and it is hoped that the details are submitted for Highway Offices consideration and the outcome can be presented to Members verbally. Policy VP1 and the NYCC Interim Parking Standards requires:
- 2 and 3 bed dwellings: 2 off street parking spaces;
 - 4+ bedroom: three off street parking spaces.

Sufficient on-site parking has been provided in line with the parking standards. Subject to the agreement of the Highways Officer once details are provided the proposal will comply with the aforementioned policies.

Ground Conditions

- 5.30 CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.31 Saved SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented.

- 5.32 Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions.
- 5.33 The application is supported by Contaminated Land Assessment. The Contaminated Land Consultant has assessed the Report and agrees with the conclusion that no further investigation. A condition in respect of unexpected contamination is recommended and is considered by Officers to be appropriate.
- 5.34 Subject to this condition, the proposal is considered acceptable from a ground condition perspective and the proposals comply with CS Policy SP19 and SDLP Policy ENV2. Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/landowner.

Impact on Nature Conservation

- 5.35 Relevant policies in respect of nature conservation and protected species include CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain 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).
- 5.36 NPPF Paragraph 174 (d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.
- 5.37 The application is supported by a bat survey and scoping report that confirms the house was highly suitable to support roosting bats and the garage is of lower suitability. The submitted report confirms that accordingly bat activity surveys are required and that these must be undertaken prior to determination of the planning application. This proposal now excludes the host dwelling.
- 5.38 The County Ecologist recommends that no further assessments are required however in order to provide enhancement for bats and birds recommend that nesting features and bat tubes are included. With regards to landscaping, the inclusion of native species would be welcomed which will offset the impact on the habitat and a Biodiversity Management Plan is recommended. The proposal is therefore considered to be acceptable in accordance with CS Policy 18 and NPPF Paragraph 174(d).

Trees

- 5.39 Core Strategy policies SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF seek to protect and enhance valued landscapes and take opportunities to minimise the impacts of climate change. The Council's Tree Consultant has advised that there are no objections to the proposal and the tree report submitted with the application is a fair representation of tree stock on site. It has been recommended

that the retained trees are the subject of a tree preservation order (TPO) and that conditions are imposed requiring replacement of trees to be removed and tree protection is provided prior to commencement.

- 5.40 Trees not only provide an important contribution to climate change and landscape character but in this case they are an important contribution to the green character on the boundary with the Conservation Area.
- 5.41 Subject to the conditions recommended by the Tree Officer, officers are of the view that the proposal is acceptable in relation to trees and a TPO will ensure longer term protection of the most important trees.

Flood Risk & Drainage

- 5.42 Core Strategy Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.
- 5.43 The site is located within Flood Zone 1 (area of lowest risk) and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 159.
- 5.44 In respect of foul drainage, whilst a number of methods of disposal are suggested within the submitted information, both the IDB and Yorkshire Water recommend sustainable drainage is sought first and foremost. There is no objection from Yorkshire Water in respect of foul drainage via the mains sewer.
- 5.45 The applicants have undertaken percolation testing that demonstrates soakaways are not achievable. The proposed disposal of surface water via mains connection, and in this instance ultimately to Riccall Dam (Gosling Marsh Clough), is acceptable.
- 5.46 The applicants engineer has provided a drainage layout which Yorkshire Water and the IDB have raised no objection to.
- 5.47 A condition is recommended to ensure that the drainage strategy is delivered as agreed. The proposal is therefore considered to have put forward acceptable drainage solutions and therefore complies with the aforementioned policies.

Housing Mix

- 5.48 Policy SP8 of the Core Strategy states that all proposals should contribute to the creation of mixed communities by ensuring that the types and sizes of the dwellings reflect the local demand and profile of households evidenced from the most recent strategic housing market assessment, whilst having regard to the existing mix of housing in the locality.
- 5.49 The most recent strategic housing market assessment is the Housing and Economic Needs Assessment (HEDNA) October 2020, with an addendum June 2022. The HEDNA does not drill down to the housing need within a particular settlement but sets out the needs across the district. Therefore, the assessment of the housing mix takes account of the locality. The proposal puts forward a mix of semi-detached and detached houses, with three and four bedrooms. It is considered that the proposal puts forward a mix of house types and bedrooms which would be consistent with and

compliment the locality. Representations state that the area is in need of quality family homes, which the proposal puts forward. Paragraph 60 of the NPPF states that in supporting the Government's objective to significantly boost the supply of housing it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. On this basis the proposal is considered to be acceptable.

Affordable Housing

- 5.50 Core Strategy Policy SP9 and the accompanying Affordable Housing 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.
- 5.51 Paragraph 64 of the NPPF states that affordable housing contributions should not be sought for residential developments that are no major applications. Major applications are defined as 10 or more dwellings. The proposal is for 4 dwellings as such affordable housing contributions are not being sought. Officers consider that the NPPF is more up to date than the Core Strategy policy SP9 and as such attracts more weight in the consideration.

Waste & Recycling

- 5.52 CS Policy SP15B(a) supports the incorporation of facilities to support recycling. The Council's Adopted Developer Contributions Supplementary Planning Document (March 2007) is also a material consideration and requires development of 4 or more dwellings to provide bins at the applicant's expense.
- 5.53 The Council's Waste & Recycling Officer raised comments with respect to the bin collection point. The plans show bin storage within each occupants' curtilage. The Waste and Recycling Officer has asked if the bin presentation point can be located closer to the road so as to reduce the time in which the refuse vehicle will need to remain parked. The amended plans have not addressed this comment
- 5.54 On balance, the proposal makes provision for bin storage within each curtilage and a presentation point close to the access. The access will need to remain with clear visibility as such the proposal is considered to be acceptable. The developer will need to provide the bins at their expense. A condition is recommended with regards to the provision of bins prior to first occupation.

Minerals Safeguarding

- 5.55 The application site is located within an area identified for the safeguarding of mineral resources. Relevant policies in relation the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in 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.
- 5.56 The application is a backland development for the purposes of minerals safeguarding and is one of the exemptions listed in paragraph 8.55 of the MWJP. Further, the site is within a low risk coal area as identified on the Coal Authority's Interactive Map and

as such a Coal Mining Risk Assessment is not required and the development is not regarded to be at a high risk posed by coal mining features.

- 5.57 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

6. CONCLUSION

- 6.1 Having considered all of the above, officers are of the view that the proposal will lead to less than substantial harm to the Riccall Conservation Area. National Planning Policy (NPPF) provides the most up to date policy on heritage considerations and states that where a proposed development will lead to less than substantial harm there should be public benefits that outweigh that harm. Taking into account the special attention paid to the desirability of preserving and enhancing the character or appearance of the Riccall Conservation area as imposed by the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all of the material benefits put forward by the applicant, Officers have taken the view that the proposal delivers public benefits that outweigh the harm for which significant weight has been attached.
- 6.2 The proposal seeks to deliver housing development within an existing settlement that is in accordance with the aspirations of both local and national planning policy. The Government's objective is to significantly boost the supply of homes (Paragraph 60 of the NPPF) and small/medium sized sites are considered to make an important contribution to meeting the housing requirement (Paragraph 69 of the NPPF). The proposal delivers a mix of housing in a sustainable location with good access to local facilities.
- 6.3 On balance, taking into account all of the material planning considerations above, the proposal is considered to be sustainable development as set out in the NPPF and as such recommended accordingly. The representations put forward by interested parties and consultees have been taken into account, however, officers have attached significant weight to the delivery of housing in line with National Planning Policy.

7. RECOMMENDATION

Planning Permission be Granted subject to the following conditions and informatives.

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

Reason:

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

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

Proposed site layout 105 Rev P02
Proposed elevation 530 Rev P00
Proposed floor plan 510 Rev P00

Proposed floor plan 210 Rev P00
Proposed elevations 230 Rev P00
Proposed floor plan 410 Rev P00
Proposed elevations 430 Rev P00
Proposed elevation 431 Rev P00
Drainage Layout DR-C-0100 Rev P3

Reason:

For the avoidance of doubt.

03. No development shall commence on site before the developer has implemented the approved (Rosetta Landscape Design documents) root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason:

To ensure the trees shown for retention are protected during construction in line with policies SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF.

04. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered.

Reason:

To ensure the trees shown for retention are protected during construction SP15 Sustainable Development and Climate Change and SP18 Protecting and Enhancing the Environment along with chapters 14 and 15 of the NPPF

03. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

04. There shall be no piling on the site until a schedule of works identifying those plots affected and setting out mitigation measures to protect residents from noise and vibration has been submitted to and approved in writing by the local planning authority. The piling shall thereafter be carried out in accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

05. 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 in line with policy SP18 Protecting and Enhancing the Environment of the Core Strategy and paragraph 183 of the NPPF.

06. Prior to occupation of the approved scheme, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason:

To ensure appropriate landscaping of the site in the interests of visual amenity and in accordance with Policy SP18 Protecting and Enhancing the Environment of the Core Strategy and paragraphs 152 and 174 of the NPPF.

07. The approved boundary treatment shall be completed prior to occupation of the approved dwellings. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

Reason:

To safeguard privacy and ensure satisfactory levels of amenity for future occupiers of the proposed dwellings and that of neighbouring dwellings having had regard to Policy ENV1 of the Selby District Local Plan.

08. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 2:
- a. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON:

In accordance with SDLP Policies T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

09. Prior to any development above ground, details of the materials to be used in the construction of the exterior walls and roof shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

10. The development shall be carried out in accordance with the measures outlined in Section 8.5 of the submitted Bat survey.

Reason:

In order to establish a net gain in biodiversity in accordance with Core Strategy Policy SP18 and National Planning Policy Framework Paragraph 170(d).

INFORMATIVES

01. 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.

02. Coal authority informative

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

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

8.3 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

9.1 A S106 agreement will be entered into upon the issue of a planning approval providing contributions to open space improvement and provision of waste and recycling facilities.

10. Background Documents

10.1 Planning Application file reference 2022/0534/FUL and associated documents.

Contact Officer: Diane Holgate (Principal Planning Officer)

Appendices: None