



Report Reference Number 2022/0789/FUL

To: Planning Committee
Date: 11th January 2022
Author: Jac Cruickshank (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0789/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Mr & Mrs Julian O'Connor	VALID DATE:	4th August 2022
		EXPIRY DATE:	29th September 2022
PROPOSAL:	Erection of 1no dwelling to replace existing workshop		
LOCATION:	The Workshop, Ryther Road, Cawood		
RECOMMENDATION:	GRANT following expiration of the consultation period		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Policy SP2 of the Selby District Core Strategy) but it is considered there are other material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located off Ryther Road at the north-eastern edge of the settlement of Cawood. The site lies outside the development limits of the settlement and, as such, is located within the open countryside.
- 1.2 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres with eaves to 4 metres. The application site benefits from a sizable plot at the edge of the settlement of Cawood.

The Proposal

- 1.3 The application is seeking permission for the demolition of the existing building and its replacement with a detached single dwelling. The application site lies outside the development limits of the settlement of Cawood and lies within Flood Zone 3, which has a high probability of flooding.

- 1.4 It is noted that there is an extant permission (2019/0712/FUL) for the conversion and alteration of a storage building to a residential dwelling. The approval included raising the ridge height of the building to 7.5 metres.
- 1.5 The proposal has been amended since submission with the scale of the dwelling reduced.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application:
- 2019/0712/FUL (PER – 08/07/2021) Conversion and alteration of storage building to form a single dwelling. The extant permission will expire on 8th July 2024.
 - 2018/1358/DOC (COND – 24/01/2019) Discharge of condition 02 (drainage) of approval 016/0171/FUL for change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.
 - 2016/0171/FUL (PER – 23/08/2016) Change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.
 - 2014/1147/COU (PER – 08/01/15) change of use of storage building to single dwelling.
 - 2014/0896/FUL (REF – 20/10/2014) Proposed change of use of storage building to single dwelling.
 - 2014/0096/FUL (PER – 18/03/2014) Proposed conversion of storage building to provide tourist accommodation.
 - 2013/0831/FUL (REF – 28/10/2013) Proposed conversion of storage building on land adjacent to Anson Grove to provide tourist accommodation.
 - CO/1991/0757 (PER – 29/07/1991) Proposed erection of a storage shed to house two vintage commercial vehicles and the construction of a new vehicular access.

2. CONSULTATION AND PUBLICITY

- 2.1 **Cawood Parish Council** - No objection.
- 2.2 **NYCC Highways** – No objections. Recommended conditions relating to gates and the surfacing of the private access.
- 2.3 **Yorkshire Water** – No comments received.
- 2.4 **Selby Area Internal Drainage Board** – No objections. Recommended condition relating to drainage.
- 2.5 **County Ecologist** - The information provided by the applicant on the existing workshop does suggest that the building is unlikely to support roosting bats or other protected species. On this basis we would not insist on a professional survey.

However, we would suggest an Informative stating that the applicant is responsible for ensuring that any work is compliant with wildlife protection legislation.

- 2.6 **Environment Agency** – No objections provided the proposed development is built in accordance with the submitted FRA, which should be listed as an approved plan/document. Strongly recommend raising finished floor levels 600mm above existing ground levels.
- 2.7 **Lead Local Flood Authority** – No response at time of writing.
- 2.8 **Publicity** – The application has been advertised by site notice resulting in no letters of representation being received.

3. **SITE CONSTRAINTS**

- 3.1 The application site is located outside the defined development limits of any settlement and is therefore, in policy terms, located within the open countryside.
- 3.2 The application site is located within Flood Zone 3, which has a high probability of flooding.

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 neither 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. As long as 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

- 4.7 The relevant Core Strategy Policies are:
- SP1 - Presumption in Favour of Sustainable Development
 - SP2 - Spatial Development Strategy
 - SP9 - Affordable Housing
 - SP15 - Sustainable Development and Climate Change
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality

Selby District Local Plan

- 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

Minerals and Waste Joint Plan (2022)

- 4.9 The relevant Minerals and Waste Joint Plan 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 coal mining.

National Planning Policy Framework

- 4.10 The relevant sections are:
- 2 - Achieving sustainable development
 - 4 – Decision-making
 - 5 – Delivering a sufficient supply of homes
 - 12 – Achieving well-designed places
 - 14 – Meeting the challenges of climate change, flooding and coastal change

5. APPRAISAL

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

- The Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Access and Highway Safety
- Flood Risk & Drainage
- Impact on Ecology
- Affordable Housing
- Waste and Minerals
- Waste and Recycling Facilities

The Principle of Development

5.2 The application site is located outside the defined development limits of Cawood and is therefore located in the open countryside. The proposal seeks to demolish an existing storage building and replace it with a dwelling. The application site has an extant consent for the conversion of the storage building into a dwelling.

5.3 Relevant policies in respect to the principle of development and the presumption in favour of sustainable development include Policies SP1 and SP2 of the Core Strategy, Policy ENV1 of the Selby District Local Plan and advice contained within the NPPF.

5.4 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.5 Policy SP2A(c) of the Core Strategy (CS) states that "Development in the countryside (outside Development Limits) will be limited to the 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, in accordance with Policy SP13."

5.6 Paragraph 80 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, unless certain circumstances apply. Paragraph c) provides an exception for the re-use of redundant or disused buildings and where development would enhance the immediate setting.

5.7 Saved policy H13 of the Selby District Council Local Plan 2005 supports replacement dwellings in the countryside subject to meeting the criteria set out regarding whether the dwelling has been abandoned, the original dwelling is not of architectural merit, the size and scale would be similar, and the design and materials are appropriate for the character of the area.

5.8 The proposed development would replace an existing building that has already been permitted as a conversion to a dwelling (2019/0712/FUL). The conversion has

not been undertaken, however there is a reasonable prospect that the building would be converted. This represents a considerable fallback position and has already established the principle of a dwelling on the site. Whilst the proposed dwelling is larger than the building it replaces, it is of a scale and character that will not harm the character of the countryside. It will also be read in context with the settlement given its position.

- 5.9 The dwelling is also immediately next to the Designated Service Village of Cawood, which is a sustainable 3rd tier settlement and therefore is not an isolated dwelling. The proposal would contribute towards and improve the local economy and enhance maintain the vitality of the rural community.
- 5.10 The building is a replacement building, albeit it larger than the building that exists, is not the reuse of a building (despite an extant permission existing), however, it is a well-designed new building on previously developed land which would contribute to the local economy. Therefore, whilst proposal does not meet with the strict interpretation of SP2, significant weight is attached to the fact that there is an extant permission for residential use on the site which has secured the principle of residential use. A significant weight in favour of the proposal has been attached to this in considering the planning balance.
- 5.11 It is on this basis that the principle of development and the use of land is considered to be acceptable and in accordance with the relevant local and national planning policies set out above.

Design and Impact on the Character and Appearance of the Area

- 5.12 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1), (4) and Policy SP19 of the Core Strategy.
- 5.13 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.14 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.15 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site is situated off Ryther Road and benefits from a sizable plot at the edge of the settlement of Cawood.

- 5.16 The application proposes the demolition of the storage building and the erection of a two-storey, three-bedroom dwelling. The proposed dwelling would have a pitched roof with a ridge height of 7.4 metres and eaves to 4.8 metres from ground level. The main part of the proposed dwelling would have a width of 10 metres and a depth of 6 metres. The dwelling would have a gable projection to the rear, which would project out from the rear elevation of the main dwelling by approximately 3 metres at first floor level and by a further 4.5 metres at ground floor level. This part of the dwelling would have a maximum ridge height of 6.9 metres.
- 5.17 It is noted that the initial plans proposed indicate a gable projection to the rear that would have measured a total of 23.3 metres. This has been significantly reduced in size, as concerns were raised over the size of the initial proposal due to it being significantly larger than the original building and would sprawl into the open countryside.
- 5.18 With regards to the impact the proposed development would have on the character of the local area, the proposed scheme would introduce a dwelling in the open countryside. It is noted that the site has an extant permission (2019/0712/FUL) where the residential use of the site has already been established. However, this is for the conversion of the existing building to a dwelling rather than for the erection of a single dwelling.
- 5.19 The proposed dwelling would not be significantly larger than what was previously approved under application 2019/0712/FUL. The volume of the approved dwelling would be 538 cubic metres, whereas the proposed dwelling would have a volume of 546 cubic metres, which is an increase of 8 cubic metres.
- 5.20 The proposed dwelling would be traditional in its appearance with brick and pantiles, sash windows, chimneys and a central porch. This would be cottage-like in its design from the frontage and would complement the appearance of dwellings within the village and being constructed opposite. A condition to control the proposed materials would be attached to any permission granted to ensure that these would match those used within the locality.
- 5.21 In terms of the impact on the countryside, this submission seeks to create a large residential curtilage to the proposed dwelling. The garden area to the rear would measure more than 45 metres in length. However, this was also considered to be acceptable in the 2019 approval. A condition, which removes Permitted Development Rights for outbuildings would allow the Local Planning Authority to control development at the site. Furthermore, the application does not propose making changes to the existing landscaping or the existing boundary treatments, which consist of a mature hedge along the front and along the boundary which runs parallel to the neighbouring field.
- 5.22 Given the above, it is considered that the proposal would not have a significant impact on the character and appearance of the area. As such, the proposed development complies with Policies ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Residential Amenity

- 5.23 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.

- 5.24 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 5.25 With regards to overlooking, the proposed dwelling would have 3 no. windows at first floor level to the front elevation and 1 no. window at first floor level to the rear elevation. The windows to the front would face out towards the main highway and the window to the rear would face out into the rear garden. It is not considered that these would result in any significant overlooking. There would also be a total of 7 no. roof lights. It is considered that these also would not cause any significant overlooking towards neighbouring properties.
- 5.26 The proposed dwelling would be located approximately 12 metres to the west of the closest neighbouring dwelling on 1 no Anson Grove, Cawood. As such, it is not considered that the proposed dwelling would have any impact on overshadowing.
- 5.27 The proposed development is therefore considered acceptable with respect to the layout and should not have a significant detrimental impact on the residential amenities of the neighbouring properties. The proposal is considered to be in accordance with policy ENV1(1) of the Local Plan, Core Strategy Policy SP19 and the NPPF.

Access and Highway Safety

- 5.28 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.29 The proposed development would result in the erection of 1 no. dwelling. The application form states that there would be no change in off-street parking provision.
- 5.30 NYCC Highway Team was consulted on the application and the Highway Officer has confirmed that there are no objections to the proposed scheme subject to appropriate conditions attached to any permission granted. It is therefore considered that an acceptable scheme can be achieved, in accordance with policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impact on the Highway network.

Flood Risk and Drainage

- 5.31 The application site is located within Flood Zone 3, which has a high probability of river or sea flooding.
- 5.32 Paragraph 159 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 5.33 Paragraph 162 of the NPPF states that “The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source.

Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.” For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.

- 5.34 The Selby District Council Flood Risk Sequential Test Developer Guidance Note (October 2019) and the more recent Flood Risk and Coastal Change National Planning Policy Guidance (NPPG) (August 2022) provide advice on the application of the Sequential Test. The updated NPPG states that:

“For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.”

- 5.35 In considering the above, the application site is located within Flood Zone 3 and is classified as a ‘more vulnerable’ use, i.e. buildings used for dwelling houses. As such, the proposed development would need to pass the Sequential Test and, if this is satisfied, apply the Exception Test.

- 5.36 It is noted that a Flood Risk Assessment (FRA) was submitted to accompany the application. The FRA states that a Sequential Test and Exceptions Test are both required. This has been confirmed by the Environment Agency. However, the applicant has not submitted information to demonstrate the application of the Sequential Test. Furthermore, the Council has identified the following sites which are at a lower flood risk than the application site (i.e. located in Flood Zone 1) and which could accommodate the development and are reasonably available:

Phase 2 allocated sites: BRY/1
 EGG/2
 EGG/3

- 5.37 It is therefore considered that the proposal for one dwelling could be reasonably accommodated elsewhere within the District which is within a lower flood zone and with a lower probability of flooding. As such, the scheme is not considered to be acceptable in terms of passing the sequential test.

- 5.38 As the Sequential Test has not been satisfied, the Exception Test has not been triggered and the application should be refused on these grounds. However, the application site benefits from an extant permission for the conversion of the existing storage building to a dwelling. The approved conversion of the building did not require a sequential test as the proposal was for the change of use of a building.

This fallback position would allow the applicant to create one dwelling within Flood Zone 3. Therefore, the end result of either a converted dwelling or a new building dwelling within this higher risk area would be the same.

- 5.39 It is noted that the revised FRA (Reference TCE-1827-FLA-01 issue 04, November 2022) proposes some flood resilience measures that were not proposed as part of the conversion approval, including the floor levels of the building to be raised to 300mm higher than the existing site levels. This is shown on the proposed plans submitted.
- 5.40 The Environment Agency has not raised any objections to the proposed development subject to a condition to list the FRA within the approved plans and a further condition requiring the measures in the FRA to be implemented on site. This includes setting internal finished floor levels as no lower than 7.6m above AOD to protect the dwelling from future flood events. It is noted that the consultation period for further comments from the Lead Flood Authority is yet to expire and any comments received will be included in any Officer Update at Committee.
- 5.41 Given the above, it is considered that the proposed development complies with the flood risk advice and therefore complies with Policies SP15, SP16, SP19 of the Core Strategy, and advice contained within the NPPF.

Impact on ecology

- 5.42 Relevant policies in respect of ecology issues are Policies ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.
- 5.43 The application proposes the demolition of 1no. building and the erection of 1no. dwelling on a site within the open countryside. North Yorkshire County Council's Ecologist was consulted and raised no objections to the proposed scheme. Given the above, it is considered that the proposal complies with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 5.44 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.45 The NPPF is a material consideration and states at paragraph 64 - "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". 'Major development' is defined in Annex 2: Glossary as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more".
- 5.46 The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that

having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Waste and Minerals

- 5.47 The application site is located within an area identified for the safeguarding of mineral resources, specifically sand and gravel. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 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.
- 5.48 However, the site relates to the erection of a house on the edge of an existing settlement of Cawood that is adjacent to the existing housing of the settlement lying to the south-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. 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.
- 5.49 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 Cawood as falling within a Coal Mine Reporting Area for property transactions and conveyance but does not identify the site within a high-risk area.
- 5.50 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.

Waste and Recycling Facilities

- 5.51 With respect to Waste and Recycling, a contribution for such provision would not be required for a scheme of this scale.

6. CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is acceptable solely on the basis that it replaces and extant consent for the conversion of an existing building into a single dwelling and is close to a sustainable settlement. The proposals would not have a detrimental effect on the character or appearance of the countryside, the residential amenity of the occupants of the neighbouring properties, flood risk, highway safety, protected species or contaminated land. The application is therefore considered to accord with Policies ENV1 and T1 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be Granted, following expiration of the consultation period and no new material considerations being raised, and subject to the following conditions:

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 listed below:

Drawing no. 0028-1-A	Location Plan	Dated 30/06/2022
Drawing no. 0028-2-D	Site Plan (1:500)	Dated 28/10/2022
Drawing no. 0028-3-D	Site Plan (1:250)	Dated 28/10/2022
Drawing no. 0028-4-D	Plans and Elevations	Dated 28/10/2022
Reference no. TCE-1827-FLA-01	Issue 04 - Flood Risk Assessment by Tillett Consulting Engineers Ltd	Dated November 2022

Reason:

For the avoidance of doubt.

03. Prior to the development reaching above slab level, details of the materials to be used in the construction of the exterior walls and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Only approved details shall be utilised.

Reason:

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

04. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref TCE-1827-FLA-01 Issue 04, dated November 2022) and the following mitigation measures it details: Finished floor levels shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

- The flood resistant and resilient measures detailed within the FRA are to be incorporated into the development.

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

Reasons:

In order to reduce the risk and impacts of flooding to the proposed development and future occupants.

05. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

06. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

Reason:

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

07. 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.

The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway

Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason:

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

INFORMATIVES:

[Flood resistance and resilience - advice to LPA/applicant](#)

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

The applicant should be aware that the approved dwelling may potentially not be insurable given its location within Flood Zone 3.

Ecology

Please be aware that the applicant is responsible for ensuring that any work is compliant with wildlife protection legislation.

8. Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

Planning Application file reference **2022/0789/FUL** and associated documents.

Contact Officer: Jac Cruickshank (Senior Planning Officer)

Appendices: None