



Report Reference Number 2022/1142/FUL

To: Planning Committee
Date: 8th February 2023
Author: Jac Cruickshank (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1142/FUL	PARISH:	Hemingbrough Parish Council
APPLICANT:	Andrew MacDonald	VALID DATE:	24th October 2022
		EXPIRY DATE:	19th December 2022
PROPOSAL:	Erection of 1 No 4-bed detached dwelling on land to the west of		
LOCATION:	Strome House, Garthends Lane, Hemingbrough, YO8 6QW		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as it has been called-in by the local ward Councillor. The Councillor requested that the application is called to committee should Officers be minded to refuse the application. The reasons provided for the application being called to committee are as follows:

1. It is considered that this proposal is deemed to be sustainable development for this particular area.
2. The proposal is in keeping with the surrounding area.
3. The proposed development is within the development limits of Hemingbrough village and therefore meets the criteria of the core strategy.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located on Garthends Lane, Hemingbrough and consists of a narrow-grassed area, which also serves as the access to the applicant's dwelling i.e. Strome House, which lies to the north-west of the site. To the north is 'The Poplars' and to the south is 'Tioram', both of which are larger detached two storey dwellings. The site currently is fenced to the north, has a privet hedge on the highway boundary and has a walled and gated access.
- 1.2 It is noted that outline permission was granted in 1995 under application no. CO/1995/0174, for the erection of a detached dwelling on the parcel of land. The permission was subsequently renewed in 1998, 2001, 2002 and 2004. Outline

permission was refused in 2007 under application 2007/0223/OUT and most recently in 2021 under application 2021/1065/FUL.

1.3 The reasons for refusal of application 2021/1065/FUL are as follows:

The site consists of a narrow gap, set between two detached two storey dwellings within the Garthends streetscene. The proposed infill development will lead to the loss of the areas open character and the dwelling will appear shoehorned into the site. The development would be an incongruous addition to the streetscene and negatively impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), and (4) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.

The proposed development would have an unacceptable impact on the occupiers of The Poplars due to the scale and positioning of the proposed dwelling. The proposal would result in significant overshadowing, loss of outlook, oppression and dominance of the shared boundary. The proposal is therefore contrary to Policy ENV1 (1) of the Selby District Local Plan and Section 12 of the NPPF.

The Proposal

1.4 The application is a resubmission of the previously refused application (2021/1065/FUL) and is seeking consent for the erection of a detached two-storey dwelling on land to the east of Strome House, Garthends Lane, Hemingbrough. The dwelling has 4 bedrooms, 3 parking spaces and a small rear garden area.

1.5 When comparing the current application with the most recent refusal, it is noted that the proposed house type remains unchanged. However, the siting of the dwelling has been pushed further back from the highway (approximately 10.5 metres) which further compounds the harm to The Poplars.

Relevant Planning History

1.6 The following historical applications are considered to be relevant to the determination of this application.

- 2021/1065/FUL (REF – 23/11/2021) Erection of 1 No 4-bed detached dwelling on land to the west of Strome House.
- 2007/0223/OUT (REF – 06/06/2007) Outline application for the erection of a three-bedroom detached dwelling including layout, access and scale.
- CO/2004/0078 (PER – 12/03/2004) Renewal of outline permission for the erection of a three-bedroom detached dwelling on 0.05 ha of land to the rear of Lambert Lodge.
- CO/2002/0514 (PER – 23/07/2002) Outline application for the erection of a detached house with garage on 0.04 ha of land.
- CO/2001/0110 (PER – 07/03/2001) Application for the renewal of outline permission for the erection of a three bedroomed detached dwelling on 0.05 ha of land to the rear.

- CO/1998/0062 (PER – 30/03/1998) Renewal of outline permission for the erection of a three bedroomed detached dwelling on 0.05 ha of land to the rear.
- CO/1995/0174 (PER – 24/04/1995) Outline application for the erection of a three bedroomed detached dwelling on land to the rear.

2. CONSULTATION AND PUBLICITY

2.1 Hemingbrough Parish Council – Objections raised:

- 1) Overdevelopment of the site.
- 2) The proposed property is very large for the small plot.
- 3) Concern regarding further connections to the sewer system which is already at full capacity.

2.2 **NYCC Highways** – No objections. Recommended conditions relating to widening the existing access and the completion of a Construction Management Plan.

2.3 **Yorkshire Water** – No comments received within the statutory consultation period.

2.4 **The Ouse & Derwent Internal Drainage Board** - No objections. Recommended a condition relating to surface drainage.

2.5 **Contaminated Land Consultant** – No objections. Recommended a condition relating to the reporting of unexpected contamination.

2.6 Publicity

The application has been advertised by site notice resulting in one letter of representation being received.

The letter of representation was from the occupier of the adjacent dwelling, known as The Poplars. The representation raised objections to the proposed development. The comments are as follows:

- *The new plans look as though the front of the property not only will look directly into the back of our single storey ground floor extension, which is our dining and social space, but the bedroom windows will be very very close to our first-floor bedroom windows, invading much of our living space and bedroom privacy. Not only that, our garden and outside dining area would be significantly overshadowed by any dwelling built on this small site.*
- *We bought The Poplars in 2020 and one of the main reasons was due to the feeling of space and light surrounding the house. We knew there was an area of land adjacent to our boundary however had absolutely no concerns of any dwellings being built there in the future as the site is simply not big enough, so we bought The Poplars thinking our privacy and outlook would not ever change.*
- *We have also seen objections from the Parish Council relating to over developments of the site, concerns that the proposed dwelling is too large for the small plot of land and over capacity of the sewage system in the area.*

- *We urge that any plans for this site are once again rejected due to the very valid concerns that we and the Parish Council have raised. The applicant has absolutely no regard for the look of the area or the hugely negative impact that this dwelling will have on us and others in the area. Lambert Lodge for example, which will have much of their access to the property compromised which will lead to the need for one way traffic to both Lambert Lodge and Strome House. We are aware that the applicant runs a business from Strome House which results in many couriers needing access to the house many times each day - with a one-way traffic system in place will absolutely increase the level of traffic on the street and around the area.*
- *We hope our objection will be considered and the right decision is made, not only for the neighbours of the proposed dwellings, but also to keep the local area free from sites being overdeveloped and extra traffic.*

3. SITE CONSTRAINTS

- 3.1 The application site is located within the development limits of the settlement of Hemingbrough, which is identified as a Designated Service Village in the Selby District Core Strategy.
- 3.2 The application site is located within the setting of Hemingbrough Conservation Area, which lies approximately 35 metres to the west of the site, and within the setting of a grade II listed building, The Old School House, which is approximately 20 metres to the north of the site.
- 3.3 The application site is also located within the sand gravel safeguard area and brick clay safeguard area, as identified in the Minerals and Waste Joint Plan.
- 3.4 The application site is located within Flood Zone 1, which has a low 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. This application has been considered against the 2021 NPPF and, 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. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan (2013)

- 4.7 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP5 - The Scale and Distribution of Housing
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan (2005)

- 4.8 The relevant Selby District Local Plan Policies are:

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

Minerals and Waste Joint Plan (February 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

National Planning Policy Framework (NPPF)

4.10 The relevant sections of the NPPF are:

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

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
- Impact on heritage assets
- Residential Amenity
- Highways
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Contaminated Land
- Affordable Housing
- Impact on Ecology
- Waste and Recycling Facilities
- Minerals and waste

The Principle of Development

5.2 The application site is located within defined development limits of Hemingbrough, which is a Designated Service Village, as defined within the Core Strategy.

5.3 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 14 of the NPPF.

5.4 Policy SP2A (a) of the Core Strategy adopts a hierarchical spatial strategy to the location of new development. It states, "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Further, the policy states "Designated Service Villages have some scope for additional

residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4”.

- 5.5 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits". In Selby, Sherburn in Elmet, Tadcaster and Designated Service Villages - "Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)." Policy SP4 (d) of the Core Strategy states that “appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy”.
- 5.6 The site lies within the defined development limits of Hemingbrough which is acceptable in a Designated Service Villages, providing it would result in development of an appropriate scale. The proposal is therefore acceptable in principle. However, is still required to meet the policy test set in criteria (c) and (d) of Policy SP4 and all other relevant local and national policy tests.

Design and Impact on the Character and Appearance of the Area

- 5.7 Relevant policies in respect to the impact of the development on the impact on the character and appearance of the area through design include, Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 126 to 136 of the NPPF.
- 5.8 The application site is located off Garthends Lane, which is predominantly residential in nature. The local area is comprised mainly of two-storey detached dwellings constructed from red and brown brick and red pantiles. The application site currently serves as shared access to Strome House and Lambert Lodge, which both lie to the west of the site. The northern boundary lies adjacent to The Poplars and the southern boundary lies adjacent to Tioram. Garthends Lane lies to the east of the application site.
- 5.9 The proposed development is for the erection of a two-storey, four-bed dwelling with rooms in the roof space. The proposed dwelling would have a dual-pitched roof with a ridge height of 8.3 metres and eaves to 5.3 metres from ground level. The dwelling would feature a two-storey gable to the front and a single storey projection to the rear elevation.
- 5.10 In respect of materials, these are proposed as follows:
- Walls – Terca Kassandra multi
 - Roof - Sandtoft double pantile
 - Windows & doors - white UPVC
 - Guttering - black square line on rise and fall brackets
 - Boundary treatments - timber fencing and hedgerows
 - Access and hardstanding – gravel

- 5.11 As set out in the previous Officer Report for the refusal of a single dwelling (2021/1065/FUL), the dwelling would be clearly viewable from various points along the highway, Garthends Lane. However, it is considered that the current proposal would have less of an impact than the previous proposal as the dwelling would be an additional 10.5 metres further back from the main highway. The application site is relatively narrow (between 8.5 metres and 9.9 metres where the dwelling would be sited) and the proposed dwelling would predominantly span the full width of the site. The proposed dwelling would be taller than the adjacent dwellings to the north and south and the roof pitch would be significantly steeper than that of The Poplars. The proposed dwelling would fill the existing gap between The Poplars, to the north of the application site and Tioram, to the south. The gap between the dwellings is considered to be a feature of the local area and creates a low density feel to the west of Garthends Lane. The proposed dwelling, by virtue of its scale, would dominate the existing neighbouring dwellings and would appear incongruous and shoehorned into this narrow site. This would give the appearance of the site being overdeveloped and in turn would cause harm to the character of the street scene. Moreover, the proposed positioning of the dwelling would result in the development having inadequate private amenity space to the rear of the dwelling to serve the four-bedroom dwelling.
- 5.12 Given the above, it is considered that the proposal would have a significant impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 124, 127, 128, 130 and 131 of the NPPF.

Impact on heritage assets

- 5.13 Whilst considering proposals which affect the setting of Conservation Areas, regard is to be made to S72 (1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 which states that with respect to any buildings or other land in a Conservation Area, of any powers, under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66(1) of the Act takes a similar approach to development affecting a listed building, or its setting.
- 5.14 Relevant policies in respect to the impact of the development on the Hemingbrough Conservation Area and visual amenity are Policies ENV1 (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to development affecting the Conservation Area include paragraphs 189, 190, 192, 193, 194, 195, 196 and 197.
- 5.15 The application site is located within the setting of Hemingbrough Conservation Area, which lies approximately 35 metres to the west of the site, and within the setting of a grade II listed building, The Old School House, which is approximately 20 metres to the north of the site.
- 5.16 It is considered that the proposed development wouldn't negatively affect the setting of the Conservation Area. This is due to the separation distance between the application site and the Conservation Area and due to views of the proposed dwelling being largely obscured within the Conservation Area by neighbouring

dwellings, namely Strome House and Lambert Lodge. Likewise, the separation distance and the neighbouring property, The Poplars, would also minimise any impact the proposed development would have upon the setting of the listed building.

- 5.17 Having regard to the above, it is considered that the proposal would accord with Policies ENV1 and ENV25 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy, Section 66 (1) and Section 72 (1) of the Planning (Listed Building and Conservation Area Act) 1990 and the advice contained within the NPPF

Residential Amenity

- 5.18 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 size, scale and massing of the development proposed.
- 5.19 A letter of objection has been received from the current occupiers of The Poplars. The letter raises concerns about the impact on residential amenity, in particular the potential loss of light and loss of privacy that would occur as a result of the proposal.
- 5.20 With regards to overlooking, the proposed dwelling would have 3no. windows at first floor level to the front (east) elevation, 2no. windows at first floor level to the rear (west) elevation, 1no. window at first floor level to the side (south) elevation and 1no. window at first floor level to the side (north) elevation. The proposal would also include the installation of 3no. roof lights to the rear elevation and 1no. roof light to the front elevation.
- 5.21 The windows to the front elevation would face out towards the front garden and parking area of the proposed dwelling and towards the main highway. The windows to the front would also provide some oblique views towards the neighbouring dwelling. However, these are not considered to be significant as the windows would mainly provide views of the side elevation of the neighbouring dwelling, which appears to include a landing window at first floor level. The windows to the rear elevation would face out towards the rear garden of the proposed dwelling and towards the front elevation of Lambert Lodge, though any impact would be minimal given the separation distance of over 40 metres. The window serving bedroom 2 would provide some potential for overlooking the outdoor amenity space of the neighbouring dwelling (The Poplars). However, it is considered that this would not be significant. The window to the south elevation would serve the landing and face towards the blank elevation of the neighbouring dwelling (Tioram) and the window to the north elevation would serve the bathroom and would, therefore, be obscure glazed. As such, it is considered that the proposed dwelling would not result in significant overlooking.
- 5.22 With regards to overshadowing, the proposed dwelling would be erected along the shared boundary with The Poplars. As previously stated, the proposed dwelling has been moved back by approximately 10.5 metres from its position in the 2021 refusal. This would result in the proposed dwelling being erected directly to the south of the adjacent property's garden area rather than alongside the neighbouring dwelling (The Poplars). The proposed dwelling would be set in from the shared boundary from between 1.2 metres and 1.6 metres. The proposed dwelling would

have a ridge height of 8.5 metres, which is approximately 1.5 metres greater than the overall height of the neighbouring dwelling. Given the relationship between the proposed dwelling and the neighbouring dwelling, it is considered that the proposal would result in overshadowing for the occupiers of The Poplars. The proposed dwelling would result in unacceptable levels of overshadowing and the sheer bulk of the dwelling close to the shared boundary would increase the sense of oppression for the occupiers of The Poplars as the proposed dwelling would be two-and-a-half storey and would be erected within 2 metres of the existing shared boundary.

- 5.23 Taking the above into consideration, the proposed development would have an unacceptable impact on the occupiers of the neighbouring dwellings. As such the application is not considered to be in accordance with Policy ENV1 of the Selby District Local Plan.

Highways

- 5.24 Policy in respect of highway safety is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and Policy SP19 of the Core Strategy. The aims of these policies accord with paragraph 110 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 111 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.25 The proposed scheme would benefit from an existing access and would provide off-street parking for up to 3no. cars. NYCC Highways have raised no objections to the proposed development subject to a number of conditions relating to a new and altered Private Access or Verge Crossing, and a Construction Phase Management.
- 5.26 Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Flood Risk, Drainage, Climate Change

- 5.27 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.28 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.”
- 5.29 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.

- 5.30 In considering the above, as the proposals are located within Flood Zone 1 the Sequential Test and Exceptions Tests are not required.
- 5.31 In respect of the drainage proposals, surface water would be disposed of via a soakaway and foul water would be disposed of via the mains sewer. Yorkshire Water have provided no response and the IDB has confirmed that it has no objections subject to a condition relating to detailed drainage works being agreed.
- 5.32 Subject to the aforementioned condition, it is considered that the proposed scheme is considered to be acceptable in terms of flood risk, drainage and climate change and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 159 160 and 162 of the NPPF.

Contaminated Land

- 5.33 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.34 The application is supported by a contaminated land screening assessment form. Comments have been sought from the Contaminated Land Consultant who has raised no objections subject to a condition requiring an unexpected contaminated land to be reported. The case officer agrees with the contaminated land screening assessment form's conclusion that contamination is unlikely to be present at the site. However, it is considered reasonable to attach a condition regarding unexpected contamination to any planning permission granted on the application site.
- 5.35 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 5.36 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.
- 5.37 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".
- 5.38 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 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.

Impact on Ecology

- 5.39 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.
- 5.40 It is noted that no landscaping plan has been submitted with the application. However, the proposed layout plan indicates that the existing boundary treatments to the northern boundary would be retained and proposed a 2-metre-high close boarded timber fence would be erected along the western and southern boundaries with shrub planting along the frontage eastern boundary.
- 5.41 The above measures are considered to satisfy nature conservation interests and therefore accord with the requirements of Selby District Local Plan Policy ENV1(5), Core Strategy Policy SP19(e) and the NPPF.

Waste and Recycling Facilities

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

Minerals and Waste

- 5.43 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.
- 5.44 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.
- 5.45 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 regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed two storey dwelling would have a detrimental impact on the character of the local area and would have an unacceptable impact on the occupiers of the neighbouring

dwellings due to its scale, massing and siting, particularly the separation distances involved, which will result in a loss of outlook, dominance and overshadowing.

6.2 The proposal is therefore contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

6.3 The proposal is not considered to have a detrimental impact flooding and drainage, highway safety, contaminated land, affordable housing, landscaping or waste and recycling or any issues could be mitigated through condition.

7. RECOMMENDATION

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

01. The site consists of a narrow gap, set between two detached two storey dwellings within the Garthends streetscene. The proposed infill development would lead to the loss of the areas open character and result in a cramped appearance with the dwelling appearing shoehorned into the site. The development would be an incongruous addition to the streetscene and negatively impact on the character and appearance of the area. As such, the proposed development fails to accord with Policies ENV1(1), and (4) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and paragraphs 126 to 136 of the NPPF.

02. The proposed development would have an unacceptable impact on the occupiers of The Poplars due to the scale and positioning of the proposed dwelling. The proposal would result in significant overshadowing, loss of outlook, oppression and dominance of the shared boundary. The proposal is therefore contrary to Policy ENV1 (1) of the Selby District Local Plan and Section 12 of the NPPF.

8. LEGAL ISSUES

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

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

9. FINANCIAL ISSUES

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

10. BACKGROUND DOCUMENTS

Planning Application file reference **2022/1142/FUL** and associated documents.

Contact Officer: Jac Cruickshank (Planning Officer)

Appendices: None