



**Report Reference Number: 2017/0687/FUL (8/13/285/PA)**

**Agenda Item No: 6.1**

**To: Planning Committee**  
**Date: 11 July 2018**  
**Author: Mr Paul Edwards (Principal Planning Officer)**  
**Lead Officer: Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2017/0687/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	L & S Kendra & Son	VALID DATE: EXPIRY DATE:	3 July 2017 28 August 2017
PROPOSAL:	Proposed erection of 4 no. detached bungalows with integral garages		
LOCATION:	Springfield House Farm Green Lane North Duffield Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought to the committee as it is contrary to the Development Plan, Policy SP2A (c) of Selby District Core Strategy, but there are material considerations that would justify supporting the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises a parcel of paddock land circa 0.62ha area. The site lies north of a row of houses located on Green Lane, with a vehicular access taken off a road between houses called Springfield House and Kamelot.

- 1.2 The site lies south west of a current small housing development nearing completion to which the developer is the applicant for this proposal.
- 1.3 The development site lies outside defined development boundaries with part of the vehicular access within the development limits of North Duffield.

### **The Proposal**

- 1.3 The proposed development is to develop the site for four detached bungalows each with integral garages, parking and associated garden space. There would be a shared vehicular access taken off Green Lane which is also shared with the development north east of the site, which serves 5 dwellings.

### **Relevant Planning History**

The following applications relate to the housing development situated to the north east which uses the same vehicle access.

- 1.4 2017/1203/FUL – Permitted 4.1.2018 - Section 73 application to vary Condition 2 (landscaping), Condition 4 (vehicular access, parking, manoeuvring and turning), Condition 10 (gullies and drains) and Condition 12 (approved plans) of planning permission 2017/0691/FUL for section 73 application to vary conditions 02 (landscaping), 04 (turning areas), 10 (gullies and drains), and 12 (approved plans) and to remove conditions 13 (site investigation), 14 (remediation) and 15 (remediation) of approval 2015/1007/FUL demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage.
- 1.5 2017/0691/FUL – Permitted 2.10.2017 - Section 73 application to vary conditions 02 (landscaping), 4 (Turning areas), 10 (Gullies & Drains) and 12 (approved plans) and to remove conditions 13 (Site Investigation), 14 (Remediation) and 15 (Remediation) of approval 2016/0853/FUL for section 73 to vary conditions 4, 5, 7, 11, 13, 16 of approval 2015/1007/FUL Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage
- 1.6 2016/0853/FUL – Permitted 19.9.2016 - Section 73 application to vary condition 04 (Access), 05 (Access, Parking & Manoeuvring Details), 07 (Onsite Details), 11 (Gully/Drain details), 13(Plans), 16 (Remediation Scheme) and remove condition 14 (Site Investigation Report) of approval 2015/1007/FUL Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage.
- 1.7 2015/1007/FUL – Permitted 9.6.2016 - Demolition of existing agricultural buildings and erection of 5 detached dwellings and 1 detached garage
- 1.8 2014/0682/FUL – Permitted 24.10.2014 - Conversion of an agricultural building to form 7no. residential units

## **2.0 CONSULTATION AND PUBLICITY**

- 2.1 The application was advertised by site notice as a departure from the development plan, being located outside development limits, site notice and neighbour notification letters, with 7 objections received citing the following concerns:

- Roads in the area are busy,
- Inadequate drainage in the area,
- The school is overprescribed,
- There are great crested newts in the pond near the site,
- Parking is inadequate,
- There has been an increase in anti-social behaviour in the village as the number of young adults has increased,
- Poor bus service,
- Current housing development has created noise, dust and increased traffic,
- Reference to the risk assessment,
- Trees are to be removed,
- The footpath to the front of Kamelot dwelling is not required.

**2.2 Parish Council**

No comments received on the application.

**2.3 Contaminated Land Consultants**

No objection subject to conditions for a watching brief and unforeseen contamination.

**2.4 NYCC Highways**

No objection subject to conditions.

**2.5 Selby Area Internal Drainage Board**

No comment to make on the application.

**2.6 Yorkshire Wildlife Trust**

Holding objection.

**2.7 HER Officer**

No objection to the proposal and no further comments to make.

**2.8 Yorkshire Water**

No comment received on the application.

**2.9 The Ouse & Derwent Internal Drainage Board**

No objection subject to conditions.

**2.10 Environmental Health**

No objection.

**2.11 North Yorkshire Bat Group**

No comment received on the application.

**2.12 Public Rights Of Way Officer**

No comment received on the application.

**2.13 Natural England**

No objection.

### **3.0 SITE CONSTRAINTS AND POLICY CONTEXT**

3.1 The application site lies largely outside defined development limits in the open countryside with the vehicular access partly inside village limits. The site is situated within flood zone 1 which is at low probability of flooding.

#### **National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

3.3 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. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

#### **Selby District Core Strategy Local Plan**

3.4 The relevant Core Strategy Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP5 The Scale and Distribution of Housing
- SP8 Housing Mix
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP19 Design Quality

#### **Selby District Local Plan**

3.5 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".

The relevant Selby District Local Plan Policies are:

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

### **Other Guidance/Policies**

3.6 Affordable Housing Supplementary Planning Document, 2013

## **4.0 APPRAISAL**

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

- Principle of Development
- Character and Form
- Residential amenity
- Nature conservation and Protected Species
- Highways
- Flood Risk, Drainage and Climate Change
- Contaminated Land
- Affordable Housing
- Archaeology

### **4.2 Principle of Development**

4.2.1 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. The application site lies largely outside the settlement boundary of North Duffield, with the vehicular access partly inside development limits. It is therefore considered that the majority of the development site would be located outside development limits in the open countryside.

4.2.2 Policy SP2A(c) of the Core Strategy 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; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances." The proposal should therefore be refused unless material considerations indicate otherwise.

4.2.3 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise.

4.2.4 On 15th November 2017, the Director of Economic Regeneration & Place at Selby District Council formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure of 6.2 years, as set out in the

30<sup>th</sup> September update to the 2017-2022 Five Year Housing Land Supply Statement. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site would provide additional dwellings to the housing supply.

- 4.2.5 The NPPF is a material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development, with particular emphasis on boosting significantly the supply of housing. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

#### Sustainability of the Development

- 4.2.6 The site is adjacent to the development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, where there is scope for additional residential growth to support rural sustainability. The village contains a number of local services, including a primary school and general store and also benefits from bus services to Selby, York and Leeds. In terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location.
- 4.2.7 In addition to the above, it is noted that the village of North Duffield has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location in a rural context. However, the village is considered to be "least sustainable" in Background Paper 5 Sustainability Assessment of Rural Settlements of the Core Strategy.
- 4.2.8 It is considered that taking a holistic view of the village in terms of its sustainability credentials and despite the fact that the site is located outside the defined development limits of North Duffield, it is adjacent to the development boundary and would be served by the local facilities and transport links to local service centres.
- 4.2.9 Objections received from residents refer to the school being over prescribed and a lack of services in the village. The proposal would bring forward CIL monies that would go into a pot for the Council to spend toward education facilities for example.

#### Previous Levels of Growth and the Scale of the Proposal

- 4.2.10 Core Strategy Policy SP5 designates levels of growth to each of the 3 main towns, the group of Designated Service Villages and the group of Secondary Villages based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 for DSVs as whole. Data taken from the 2017-2022 Five Year Housing Land Supply Report (which uses a base data of the 31<sup>st</sup> of March 2017) shows that this minimum target has already been substantially exceeded, with 2,567 homes built or with since the start of the of the plan period in April 2011.

- 4.2.11 In order to assess the scale of housing allocations to apportion to each DSV in the Site Allocations Local Plan, the Council published a Designated Service Villages Growth Options Report as part of the evidence base for the PLAN Selby Site Allocations Local Plan Document in June of 2015; this document was subject to a 6 week public consultation. The evidence set out in the Growth Options report provides a guide for decision making as to the amount of housing development that is appropriate in DSV's. The research and analysis undertaken in the Growth Options report included a numerical assessment of the housing supply per village and a detailed assessment of the services and infrastructure of each village, in order to determine its sustainability. This approach accords with the spatial strategy of the CS which envisages only "limited" growth in DSVs to support rural sustainability. Any other approach would inevitably lead to unsustainable levels of housing development in the villages and a fundamental undermining of the spatial strategy.
- 4.2.12 The Growth Options report indicated minimum growth options of between 11-36 dwellings for North Duffield. To date, North Duffield has seen 12 dwellings (gross) built in the settlement since the start of the Plan Period (10 net) in April 2011 and has extant approvals for 56 dwellings, giving a gross total of 68 (66 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at 4 dwellings, is considered to be appropriate to the size and role of this Designated Service Village. The extant approvals exceed this guide for a growth option. Regarding the current residential permissions for 66 dwellings, 55 are considered to be deliverable within 5 years. An additional 4 dwellings is not considered to raise significant concerns for the cumulative growth of North Duffield. Having regard to the above, it is considered that the level of growth proposed, in this instance, is acceptable for this DSV.

### **4.3 Design and Impact on the Character and Appearance of the Area**

- 4.3.1 The application site is located outside the defined development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The application seeks full planning permission for the erection of a residential development of four dwellings, with access road and associated gardens and parking for each plot.
- 4.3.2 Land to the west of Green Lane and to the rear of houses that front this road has received residential permissions in recent years, all of which are outside development limits. Land to the north of the site is almost complete and contains 5 dwellings. Land further north received outline permission for 35 dwellings. Land to the south of the application site received outline permission for 9 dwellings and there is currently a reserved matters application pending on this site.
- 4.3.3 The application site would share a vehicular access with the housing site currently under construction and is almost complete. The site is used as a paddock and has a strong hedge and tree boundary on its south and western perimeter. The proposal includes the siting of four detached bungalows which closely mirrors the layout of the adjacent new housing site, albeit with larger footprints. The bungalows would be constructed using terca topaz red brick walls, sandtoft clay pantiles on the main roofs and white upvc windows. The shared space road would be finished using black tarmac and drives to each plot would be brindle red multi herringbone. On

Green Lane there is a varied mix of house types and external finishes and the proposed finishes to the bungalows would not give rise to adverse design issues for this locality.

- 4.3.4 Land west of the site is open countryside and largely arable farmland. It is important to maintain a strong landscaped boundary on this perimeter as this is the case for a significant distance to the north and south of the western perimeter of the field boundaries.
- 4.3.5 Each plot would have a generous rear garden which ranges from 33-38m and there would be circa 10m garden land to the front of each dwelling. A service road would be located behind the gardens of three houses on Green Lane and each plot, in addition to an integral garage, would have adequate off street parking.
- 4.3.6 Advice has been sought from the Council's Urban Designer on the design and layout of the proposal. It is acknowledged that development on the adjacent site replaced large scale agricultural buildings so could result in an improvement to the setting of the village and open countryside beyond. However, there are concerns with the suburban form of the proposal. Officers consider that the design and layout does not differ significantly from the new housing development adjacent and the houses on Green Lane are largely urban in appearance. This area of the village does not have a traditional village setting. Immediately to the east of the site there are suburban designed houses.
- 4.3.7 As such it is considered, that the proposed development would not raise significant adverse concern for the overall character and appearance of this area of the village, in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

#### **4.4 Residential amenity**

- 4.4.1 The front elevation of the bungalows would be circa 32-38m away from the rear elevation of houses on Green Lane. The ground level is largely flat and the intervening uses of rear gardens on Green Lane, a service road serving 4 dwellings and their front gardens would not lead to adverse amenity conditions for neighbouring residents. The service road, given that it would serve 4 dwellings, is not considered to be of scale that would result in adverse nuisance to neighbouring residents.
- 4.4.2 There would be adequate space about each dwelling for future occupiers to enjoy and sufficient space for waste/recycling areas, off street parking and landscaping.
- 4.4.3 As such, the proposal accords with Policies ENV1 (1) of the Local Plan and the NPPF which seek to ensure that proposals take account of the amenity of neighbours.

#### **4.5 Nature Conservation and Protected Species**

- 4.5.1 The application site is not located within any statutory or non-statutory sites of nature conservation importance. There are two statutory sites found within a 2km search area. Lower Derwent Valley located at its nearest point circa 1km to the east and Skipwith Common located circa 1.2km to the west of the site.



- 4.5.2 Objections refer to the impact on wildlife in the area with particular reference to great crested newts allegedly using a nearby pond. The application is accompanied with an Ecology Appraisal and Great Crested Newt survey as there is a pond located north east of the site. Yorkshire Wildlife Trust have noted a holding objection and advise that the submitted surveys are thorough and suggest appropriate mitigation. But they advise that the site layout plan does not indicate newt or ecological mitigation. Contrary to these comments, the submitted Great Crested Newt Survey recommends mitigation measures at Section 6 of the report. Furthermore, YWT note the proposed fences between gardens do not provide opportunities for wildlife such as newts and hedgehogs to move through the area. The submitted 'external works plan' shows two types of boundary treatment. The rear, western perimeter of the site would have a timber post and rail fence which would provide adequate space for these species to pass below the garden fence separating each plot and would have palisade screen fencing with a 100mm gap below the vertical boards. This separation distances would provide space for these species to pass under unhindered.
- 4.5.3 Yorkshire Wildlife Trust note that if permission is minded by the LPA, a condition is suggested for the applicant/ecological consultant to submit a copy of a Natural England European Protected Species Licence covering mitigation before development commences and this is considered reasonable and necessary.
- 4.5.4 The Ecological survey makes recommendations that can be secured by condition and the GCN survey also makes recommendations and these can be secured by condition.
- 4.5.5 There are several trees on the site and these are not protected trees. Whilst they make some contribution to the visual amenity of the paddock, their removal would not be significant to the overall development of the site, which proposes on-site landscaping.
- 4.5.6 As such, the proposal is considered acceptable with respect to their impacts on protected species, habitats, nature conservation and sites of interest, and as such are in accordance with Policy ENV1(5) of the Local Plan, Policies SP15d) and SP18 of the Core Strategy the NPPF and Conservation of Habitats and Species Regulations 2010 (as amended) in this respect.

## 4.6 Highways

- 4.6.1 Objections received from residents refer to parking and traffic issues in the locality. The proposed development includes provision of vehicular access taken off Green Lane, which also serves an adjacent housing development. Each plot would have an integral garage and there would be adequate off street parking to serve a 3 bedroom dwelling.
- 4.6.2 NYCC Highways reviewed the application and subsequent to revised plans having been received to address initial comments regarding pedestrian crossing point and turning head configuration, the proposal is supported subject to conditions.
- 4.6.3 It is considered that the proposal for 4 dwellings would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord

with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

#### **4.7 Flood Risk, Drainage and Climate Change**

- 4.7.1 The application site falls within flood zone 1 which is the lowest probability from flooding. There are known issues of flooding in this locality. The proposal does not therefore require a flood risk sequential assessment and would be considered the most appropriate location in terms of flood risk.
- 4.7.2 Objections received from residents refer to flooding and poor drainage in the area. The application form notes that sewage would be disposed of via the mains sewer for foul sewage and an existing watercourse for surface water drainage. There are no objections from the respective drainage parties, subject to conditions to secure drainage detail, which is considered reasonable and necessary.
- 4.7.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15 (B) and criterion (c) of Policy SP16 of the Core Strategy.

#### **4.8 Contaminated Land**

- 4.8.1 The application is accompanied with contaminated land reports which have been reviewed by the Council's contaminated land consultants. They have no objection to the proposal subject to an unforeseen contaminated land condition, which is considered reasonable and necessary. It was also noted by the consultants that the site lies within a former coal mining area (noted in the risk assessment report) and it is considered that the Council's coal authority Informative would re-highlight this to any prospective construction team.
- 4.8.2 As such, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### **4.9 Affordable Housing**

- 4.9.1 In the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

#### **4.10 Archaeology**

- 4.10.1 The application site does not fall within an archaeology consultation zone, but has been commented upon by NYCC Heritage Officer as they note that the site lies within an area of archaeological potential.
- 4.10.2 The archaeology assessment includes a report on an archaeology geophysical survey and the results of this work were largely negative suggesting that the site

has a low archaeological potential. The NYCC Heritage Officer has no objections to the proposal.

## **5.0 CONCLUSION**

- 5.1 The application seeks full planning permission for residential development for 4 dwellings. The application site is located outside the defined development limits of North Duffield, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. It is therefore in conflict with the Development Plan, Policy SP2A. Having had regard to the moderate sustainability of the development, the previous levels of growth within North Duffield and the appropriate relationship of the proposal to the development limit, it is considered that on balance the proposal can be considered acceptable in the light of limited conflict with the development plan and limited harm.
- 5.2 Having assessed the proposal against the relevant policies, it is considered that the proposal is acceptable with respect of the impact on the character and appearance of the area, impact on residential amenity and impact on highway safety. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage and climate change, nature conservation and protected species, land contamination and archaeology.
- 5.3 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

## **6.0 RECOMMENDATION**

This application is recommended to be APPROVED 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:

Location Plan 687/01  
Proposed Bungalow Design 687/03  
Proposed Site Layout 687/02D  
External Works Details 687/04

Reason:

For the avoidance of doubt.

03. Prior to occupation of the dwellings hereby permitted, the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of safety and the convenience of prospective residents.

04. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of highway safety.

05. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference 687/02D. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

06. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

07. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 accordance with Policy ENV2 of Selby District Local Plan.

08. The development hereby approved shall be carried out in full accordance with the mitigation measures set out in Section 4 of the 'Preliminary Ecological Appraisal Report' by Curtis Ecology and the recommendations in Section 5 and mitigation measures in Section 6 of the 'Great Crested Newt Survey' by Curtis Ecology.

Reason:

To safeguard conservation of species/habitats in accordance with the NPPF.

09. The approved landscaping scheme noted on the Proposed Site Layout Plan 687/02D shall be implemented within the first available planting season following first occupation of any dwelling and shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason:

To ensure that there is a well laid out scheme of healthy trees and shrubs, in accordance with Policy SP19 of Selby District Core Strategy.

## **7. Legal Issues**

### **7.01 Planning Acts**

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

### **7.02 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.

### **7.03 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.

## **8. Financial Issues**

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

## **9. Background Documents**

Planning Application file reference 2018/0263/FUL and associated documents.

### **Contact Officer:**

Paul Edwards  
Principal Planning Officer