



Report Reference Number: 2018/0650/FUL

Agenda Item No: 6.7

To: Planning Committee
Date: 5 September 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0650/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mr Robert and Mrs Karen Packham	VALID DATE:	6 June 2018
		EXPIRY DATE:	1 August 2018
PROPOSAL:	Proposed erection of a two storey detached dwelling		
LOCATION:	Land Adjacent To Number 4 Sir Johns Lane Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the application has been made by a District Councillor.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of Sherburn In Elmet, which is a Local Service Centre as identified in the Core Strategy.

- 1.2 The application site comprises an area of garden land associated with the residential property 4 Sir Johns Lane, Sherburn In Elmet. The proposed plot subject of this application is to the north of the dwelling known as 4 Sir Johns Lane.
- 1.3 To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond.
- 1.4 It is noted that there is an extant outline planning permission with all matters reserved for the erection of 1No. dwelling on garden land to the south of 4 Sir Johns Lane under planning permission reference 2017/1287/OUT.

The Proposal

- 1.4 The application seeks planning permission for the erection of a two storey detached dwelling. However, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.

Relevant Planning History

- 1.5 There are no historical applications that are considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected, an advert placed in the local press and statutory consultees notified)

- 2.1 **Parish Council** – No objections.
- 2.2 **NYCC Highways** – No objections, subject to three conditions relating to: (1) the construction requirements of private access/verge crossings; (2) visibility splays; and (3) a construction management plan.
- 2.3 **Selby Area Internal Drainage Board** – If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- 2.4 **Yorkshire Water** – No comments.
- 2.5 **Conservation Officer** – The proposal would require the demolition of part of the long limestone wall that runs the length of Sir John's Lane. The development of a new property on the northern side of Sir Johns Lane and in this location increases the density of development in this area; the new development would be located very close to No.4 and would not follow the existing spacing between buildings. By increasing the density and proposing a full two storey property, this may have a harmful impact upon the setting of the Grade I listed Church to the south west.

- 2.6 **HER Officer** – No objections, subject to a condition requiring a scheme of archaeological mitigation recording to be undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that may be disturbed.
- 2.7 **Neighbour Summary** – All immediate neighbours have been informed by letter, a site notice has been erected and an advert placed in the local press. Two letters of representation have been received as a result of this advertisement, objecting to the application on the following grounds: (1) the impact of the proposal on the residential amenity of neighbouring properties in terms of oppression, overshadowing, overlooking and loss of privacy; (2) the proposal would result in overdevelopment of the site; (3) neighbours were advised the proposal would be a dormer bungalow, but a two storey dwelling is now being proposed; (4) the proposed dwelling not in-keeping with the character and appearance of the area; (5) assertion that Mr and Mrs Packham previously advised they did not want to develop the garden area, but now they are seeking to do just that; (6) right to light being compromised; (7) the impact of the proposals on the structural stability of the boundary wall; (8) request that conditions removing permitted development rights for additional windows and extensions be attached to any planning permission granted in the interests of the residential amenity of neighbouring properties.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined development limits of Sherburn In Elmet, which is a Local Service Centre as identified in the Core Strategy.
- 3.2 The application site is located within an archaeology consultation zone and within the setting of a scheduled ancient monument and listed building.
- 3.3 The application site is located within Flood Zone 1, which has a low probability of flooding.

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

- 3.4 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

- 3.5 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
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

3.7 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV27 – Scheduled Monuments and Important Archaeological Sites
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

Other Policies and Guidance

3.9 Affordable Housing Supplementary Planning Document

4. APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Heritage Assets
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing

The Principle of the Development

4.2 The application site is located within the defined development limits of Sherburn in Elmet which is a Local Service Centre as identified within the Core Strategy.

- 4.3 Policy SP2A(a) of the Core Strategy states that “Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement”.
- 4.4 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".
- 4.5 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)."
- 4.6 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”. The proposed dwelling is, by reason of its size, scale, siting and design, considered to result in an appropriate density, character and form in relation to the local area. Therefore, the proposal is considered to constitute appropriate scale development on greenfield land.
- 4.7 Having regard to the above, the proposal is considered to fall within one of the types of development identified within Policy SP4(a) of the Core strategy and therefore the proposal is considered to be acceptable in principle in accordance with Policies SP2 and SP4 of the Core Strategy.

Design and Impact on the Character and Appearance of the Area

- 4.7 The application site comprises an area of garden land associated with the residential property to the south, 4 Sir Johns Lane, Sherburn In Elmet. To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond. It is noted that there is an extant outline planning permission with all matters reserved for the erection of 1No. dwelling on garden land to the south of 4 Sir Johns Lane under planning permission reference 2017/1287/OUT.
- 4.8 The application seeks planning permission for the erection of a two storey detached dwelling. However, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.
- 4.9 The proposed one and a half storey dwelling would be sited a minimum of approximately 10 metres back from the highway and would measure a maximum of 11.8 metres in width by 2.2 metres in depth and would have a pitched roof with eaves to a maximum height of 2.5 metres above ground floor level and ridge to a

maximum height of 6.8 metres above ground floor level, with a subservient gable end to the north side of the front elevation with a ridge height of 5.1 metres above ground floor level. Accommodation in the roof space would be facilitated by roof lights and a dormer window incorporating a Juliet balcony to the south side of the front elevation. The proposed dwelling would be set in from the common boundaries with the neighbouring properties to the north and south by 1.5-2 metres and would be set in from the common boundary with the neighbouring property to the rear by approximately 4.6 metres. The proposed dwelling would benefit from a new vehicular access to the west onto Sir Johns Lane, with a parking and turning area to the front of the dwelling and an amenity area to the rear.

- 4.11 The submitted application form sets out that the materials to be used in the external construction of the proposed dwelling would be through coloured p. render for the external walls and concrete/clay tiles for the roof. The layout, scale and appearance of the proposed dwelling are considered to be acceptable having regard the surrounding area, subject to a condition requiring the specific materials to be used in the external construction of the proposed dwelling to be submitted to and approved by the Local Planning Authority prior to development above foundation level.
- 4.12 In terms of boundary treatments the submitted proposed site layout and street elevation plan (drawing no. 03 D) shows the retention of the stone wall (outside the applicants ownership) to the north of the application site, the retention of the hedge to the east of the application site and the lowering of the wall to the west of the site to one metre in height, with a hedge behind. The retention of these boundary treatments are considered acceptable having regard to the character and appearance of the area. No boundary treatment has been shown for the south of the application site, however, a condition could secure full details of boundary treatments to be retained and erected in the interests of the visual amenity of the area.
- 4.13 In terms of landscaping, the submitted proposed site layout and street elevation plan (drawing no. 03 D) shows the provision of grassed areas to the front and rear of the dwelling with an area of hardstanding to the front of the dwelling for car parking and turning. Hedges are shown to the front and rear boundaries of the site, while two trees are shown to the rear of the site and three to the front of the site. From a site visit, it appears that some small trees within the application site would be removed from the site as part of the proposals. A condition could be attached to any planning permission granted requiring a landscaping scheme to be submitted to an approved and by the Local Planning Authority and implemented as such prior to the occupation of the dwelling to ensure the proposals have an acceptable impact on the character and appearance of the area.
- 4.14 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.15 The application site comprises an area of garden land associated with the residential property 4 Sir Johns Lane, Sherburn In Elmet. To the immediate north, south and east of the application site are residential properties (all of which are either bungalows or dormer bungalows; while to the west of the application site is Sir Johns Lane, with open fields beyond.
- 4.16 In terms of the impact of the proposed dwelling on the residential amenity of neighbouring properties, it is noted that the proposed dwelling would be bound on three sides by existing residential properties.
- 4.17 To the south of the application site is the existing residential property, with which the application site is associated, 4 Sir Johns Lane, which is a detached dormer bungalow with a subservient single storey projection incorporating a garage to the north side elevation. Given the relationship between the existing property at 4 Sir Johns Lane and the application site it is not considered that the proposal would result in any adverse impacts on of overshadowing, overlooking or oppression to this neighbouring property.
- 4.18 To the north of the application site is 6 Sir Johns Lane, which comprises a detached dormer bungalow set within a large spacious plot. The dwelling at this neighbouring property is set back within the plot, such that the front elevation of the neighbouring dwelling is roughly in line with the rear boundary of the application site. A wide driveway runs adjacent to the southern boundary of the neighbouring property, with a large front garden area beyond to the north. This neighbouring property also benefits from a rear garden area and parking and turning area to the rear.
- 4.19 The proposed dwelling would be sited forward of the front elevation of this neighbouring property to the south west - set in from the common boundary by approximately 1.4 metres. The proposed dwelling would result in some overshadowing of the neighbouring property to the north during the middle part of the day, however, this would mainly be over the wide driveway and part of the front garden area, which has a considerable width. As such, it is not considered that the extent of any resulting overshadowing would not have a significant adverse impact on the residential amenities of the occupiers of that property.
- 4.20 The neighbouring property have raised concerns with the potential for loss of light to their property, however, from a site visit it is noted that a number of windows serve the front living room closest to the proposed development and given the relationship between the proposed dwelling and the neighbouring property it is not considered that the proposal would result in an unacceptable loss of light to any habitable rooms.
- 4.21 In terms of overlooking, the proposed dwelling would benefit from a ground floor dining room window in the north elevation of the dwelling, facing the neighbouring property to the north, however, this would be overlooking the driveway and front garden area, which is already overlooked from the existing garden area of 4 Sir Johns Lane and Sir Johns Lane itself, being to the front of the dwelling. Having regard to the above, it is not considered that the proposal would introduce any significant adverse impacts in terms of overlooking or loss of privacy. Furthermore, given the relationship between the proposed dwelling and the neighbouring property and having regard to the size, siting and design of the proposed dwelling it is not considered that the proposal would have an oppressive appearance when viewed

from the neighbouring property to the north so as to have any significant adverse impact on the residential amenities of that neighbouring property.

- 4.22 To the east of the application site is 26 Croftway, which comprises a dwelling at the end of a cul-de-sac, located on a small plot, with a modest rear amenity area. The proposed dwelling would be sited a minimum of approximately 4.6 metres from the common boundary with this neighbouring property and would have low eaves to the rear, to a height of 2.5 metres, with the roof sloping away from the common boundary. Given the relationship between the proposed dwelling and the neighbouring property and having regard to the size, siting and design of the proposed dwelling, it is not considered that the proposal would have an oppressive appearance when viewed from the neighbouring property and although the proposal would result in some overshadowing to the neighbouring property in the later part of the day, it is not considered this would result in an unacceptable impact on the amenities of that neighbouring properties, such that a reason for refusal could be sustained.
- 4.23 In terms of overlooking, it is noted that there are two first floor roof lights in the east elevation facing the neighbouring property; however, these serve non-habitable rooms, namely a bathroom and a landing, and could be conditioned to be obscure glazed to avoid any overlooking. It would be considered reasonable and necessary to attach a condition removing permitted development rights for the insertion of any additional openings at first floor level or above in the east elevation of the proposed dwelling in the interests of the residential amenities of the neighbouring property.
- 4.24 In terms of the residential amenity of the proposed dwelling, it is noted that the proposed dwelling would be served by an amenity area to the rear (east) of the dwelling, which would provide an adequate amount of useable external amenity space. This would be separated from amenity space associated with the residential property to the east by an existing hedge, which is to be retained as part of the proposals and with the residential property to the north by a stone wall (outside the applicants ownership), which is to be retained as part of the proposals. No boundary treatment has been shown for the south of the application site, however, a condition could secure full details of boundary treatments to be retained and erected in the interests of the residential amenity of neighbouring properties.
- 4.25 Subject to the aforementioned conditions, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.26 The proposed dwelling would benefit from a vehicular access onto Sir Johns Lane to the west and would benefit from an area of hardstanding for parking and turning to the front of the dwelling. The proposed site layout and street elevation plan (drawing no. 03 D) shows the existing stone boundary wall to the front of the site would be lowered to one metre in height to allow adequate visibility splays from the proposed new vehicular access.
- 4.27 NYCC Highways have been consulted on the proposals and have not raised any objections subject to three conditions relating to the construction requirements of private access/verge crossings, visibility splays and a construction management

plan. Given the nature and scale of the proposal, for one dwelling, it is not considered reasonable or necessary to attach a condition requiring a construction management plan.

- 4.28 Subject to the aforementioned conditions relating to the construction requirements of private access/verge crossings and visibility splays, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Heritage Assets

- 4.29 The application has been advertised as affecting the setting of a Scheduled Ancient Monument, namely, the site of 'King Athelstan's Palace', which is immediately north of the Grade I listed Church of All Saints. A Heritage Statement has been submitted with the application, which assesses the heritage context of the application site.
- 4.30 The Councils Conservation Officer has been consulted on the proposals and has advised that the submitted heritage statement does not fully assess the setting of the heritage assets or the impact the proposals would have on the significance of the heritage assets. The Councils Conservation Officer has assessed the proposals and has undertaken an assessment of significance and an impact assessment.
- 4.31 In terms of an assessment of significance the Councils Conservation Officer notes that to “the south-west of the application site is a Scheduled Ancient Monument known as Hall Garth, which is the site of King Athelstan’s Palace. Remains are in the form of earthworks, ditches, terraces and building platform and are located on a north facing hillside. The building was high status and fell into disrepair by the 14th century. The stones were used to build the choir at York Minster. The boundary of the Scheduled Ancient Monument is located in close proximity to the application site and is separated by Sir Johns Lane. Beyond the scheduled monument to the south-west is a Grade I listed building, Church of All Saints. The church dates to the 12th century with later alterations. The church is elevated above the application site and is widely viewed within the area. Its setting encapsulates the application site”.
- 4.32 In terms of an impact assessment, the Councils Conservation Officer notes the proposal would require the demolition of part of the long limestone wall that runs the length of Sir John’s Lane. The development of a new property on the northern side of Sir Johns Lane in the location proposed would increase the density of development in this area; the new development would be located very close to No.4 and would not follow the existing spacing between buildings. On this basis the Councils Conservation Officer advises that by increasing the density and proposing a full two storey property, this may have a harmful impact upon the setting of the Grade I listed Church to the south west.
- 4.33 The comments of the Councils Conservation Officer are noted regarding the impact of the proposal of the setting of heritage assets, however, the proposal would only require the demolition of a small section of the limestone wall to the front of the application site to allow for the construction of the new vehicular access to the proposed dwelling and would increase the density of development in the area in a similar way to planning permission 2017/1287/OUT for the erection of one dwelling,

to which no objections were raised from a heritage perspective and approval was granted by committee in March 2018. Furthermore, as set out earlier in this report, while the description of development is for the erection of a two storey detached dwelling, the submitted floor plans and elevations show the proposed dwelling to be a bungalow, with accommodation in the roof space facilitated by roof light and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling. Having regard to the above, notwithstanding the comments of the Councils Conservation Officer, it is considered that the proposals would not have a harmful impact on the setting of the Scheduled Ancient Monument or Grade I listed church.

- 4.34 Having regard to the above, it is considered that the proposal would not cause any harm to the setting of the nearby Scheduled Ancient Monument or listed building in accordance with Policies SP18 and SP19 of the Core Strategy, Policy ENV27 of the Selby District Local Plan, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the advice contained within the NPPF.

Impact on Archaeology

- 4.35 The application site is located within an archaeological consultation zone. North Yorkshire County Council Heritage Services have been consulted on the application and note that the application has been supported by a Heritage Statement and Written Scheme of Investigation for archaeological monitoring.
- 4.36 The Heritage Statement sets out the archaeological potential of the site, which lies opposite the Scheduled Ancient Monument of Hall Garth, which has particular significance due to its reputed connections to King Athelstan. An archaeological watching brief during the construction of an extension to the existing house in 2012 had negative results and the assumption is that the development would not disturb significant archaeological remains. However, it is agreed that the proposed archaeological monitoring would be beneficial and a proportionate response to the scale of the development given its proximity to the Scheduled area. North Yorkshire County Council Heritage Services therefore recommend that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the proposed development. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation, in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. Conditions are recommended to be attached to this effect.
- 4.37 Subject to the aforementioned conditions, it is considered the proposal would not have any significant adverse effect on archaeology in accordance with the advice contained within the NPPF.

Flood Risk and Drainage

- 4.38 The application site is located within Flood Zone 1, which has a low probability of flooding.

- 4.39 In terms of drainage, the submitted application form sets out that surface water would be disposed of via sustainable drainage system and soakaway, while foul sewage would be disposed of via main sewer. Selby Area Internal Drainage Board and Yorkshire Water have been consulted on the proposals. Selby Area Internal Drainage Board raised no objections to the principle of the use of soakaways, but would advise that the ground conditions in this area may not be suitable for soakaway drainage. The Board therefore advise that it would be essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. No reference is made to the principle of surface water drainage by sustainable drainage system. Yorkshire Water have not raised any objections to the proposals. Having regard to the above, it would be considered reasonable and necessary to attach a condition requiring details of surface water drainage to be submitted to the Local Planning Authority and agreed prior to the commencement of development.
- 4.40 Subject to the aforementioned conditions, it is considered the proposals are acceptable in respect of flood risk and drainage.

Nature Conservation and Protected Species

- 4.41 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.42 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 4.43 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 4.44 The application has been supported by a planning application form and a contaminated land screening assessment form. The planning application form sets out that the proposed use would not be particularly vulnerable to the presence of contamination, but as the proposed use of the site would be for residential, it is considered that the proposed use would be vulnerable to the presence of contamination.
- 4.45 The contaminated land screening assessment form sets out that the current use of the land is for domestic purposes and that the proposed use of the land is for domestic purposes. In terms of the past land use, the contaminated land screening assessment form sets out that the site has been used for domestic and agricultural purposes over the past 150 years, while adjacent land is currently used for domestic and agricultural purposes and has been used for these purposes over the past 150 years. This can be confirmed from a search of historic maps. The contaminated land screening assessment sets out that there have been no fuels or chemicals stored on the site, no waste disposal activities have been carried out on

the site and there is no evidence of demolition at the site. This can be confirmed from the site visit.

- 4.46 As such, it is considered that there is limited potential contamination to be present at the site. However, it would be considered reasonable and necessary to attach a condition relating to the discovery of unexpected contamination during development works to any planning permission granted.
- 4.47 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination 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

- 4.48 Policy SP9 of the Core Strategy 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 4.49 However, 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.

5. CONCLUSION

- 5.1 The application seeks planning permission for the erection of a two storey detached dwelling. However, as set out earlier in this report, the submitted floor plans and elevations show the proposed dwelling to be bungalow, with accommodation in the roof space facilitated by roof lights and a dormer window incorporating a Juliet balcony. It would therefore be considered more accurate to describe the proposal as the erection of a one and a half storey dwelling.
- 5.2 The application is acceptable in principle in accordance with Policies SP2 and SP4 of the Core Strategy as the proposal would constitute appropriate scale development on greenfield land.
- 5.3 The proposed development would not have a detrimental effect on the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, heritage assets, flood risk and drainage, nature conservation and protected species, land contamination or affordable housing.

6. 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:

574-01 – Location Plan

02 – Existing Topographical Survey and Street Elevation

03 D – Proposed Site Layout and Street Elevation

04 A – Proposed Floor Plans

05 A – Proposed Elevations

Reason:

For the avoidance of doubt.

03. No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be utilised.

Reason:

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

04. The dwelling hereby approved shall not be occupied until details of the boundary treatments to be retained and erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter shall be retained as such.

Reason:

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

05. The dwelling hereby approved shall not be occupied until a comprehensive scheme of soft and hard landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes and details for measures to protect existing trees has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

06. The dwelling hereby approved shall not be occupied until the first floor window(s) in the east elevation of the dwelling hereby approved have been fitted with obscured glazing. Once installed the windows shall be retained as such for the lifetime of the development.

Reason:

In the interests of the amenity of the adjoining residential properties, having had regard to Policy ENV1 of the Selby District Local Plan.

07. Notwithstanding the provisions of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no windows and/or new openings shall be placed at first floor level in the east elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential properties, having had regard to Policy ENV1 of the Selby District Local Plan.

08. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- b. Any gates or barriers shall not be able to swing over the existing or proposed highway.
- c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges

INFORMATIVE:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by NorthYorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

09. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road (Sir Johns Lane) from a point measured 2 metres down the centre line of the access road. Any object height within the splay shall be no more than 1 metre and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of road safety.

INFORMATIVE:

An explanation of the terms used above is available from the Highway Authority.

10. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation received by the Local Planning Authority on 6 June 2018.

Reason:

In accordance with the advice set out within the NPPF as the site is of archaeological significance.

11. The development hereby permitted shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation received by the Local Planning Authority on 6 June 2018 and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In accordance with the advice set out within the NPPF as the site is of archaeological significance.

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

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

13. 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.

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 2018/0650/FUL and associated documents.

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Appendices: None