



Report Reference Number: 2018/1043/OUT

To: Planning Committee
Date: 16 January 2019
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1043/OUT	PARISH:	Eggborough Parish Council
APPLICANT:	Mr D Knowles	VALID DATE: EXPIRY DATE:	24th September 2018 19th November 2018
PROPOSAL:	Outline application for up to 6 dwellings including access with all other matters reserved		
LOCATION:	1 The Bungalow Weeland Road Eggborough Goole East Yorkshire DN14 0PP		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits of Eggborough, which is a Designated Service Village as identified in the Core Strategy.
- 1.2 The application site comprises an existing bungalow, known as 1 The Bungalow, along with its associated garden land, driveway and turning and parking areas.

- 1.3 To the east of the application site are residential properties; to the north and west of the application site are open fields, while to the south of the application site is Weeland Road, with residential properties beyond.

The Proposal

- 1.4 The application seeks outline planning permission for the erection of a residential development of up to six dwellings including access (with all other matters reserved).
- 1.5 An access plan has been submitted which demonstrates three access points to the site. One main access point, which would be formed by upgrading the existing access, and two further access points along the site frontage to Weeland Road to serve frontage properties. Furthermore, a footpath is proposed to the site frontage to link into the existing footpath to the east.
- 1.6 An indicative proposed site layout plan (drawing no. 03A) and indicative proposed floor plans and elevations (drawing no. 09) have been submitted as part of the application to demonstrate how the site could be laid out to accommodate six semi-detached two storey dwellings.

Relevant Planning History

- 1.7 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 and statutory consultees notified.

- 2.1 **Kellington Parish Council** – Object. Two of the site plans submitted show a 'ghost' estate to the west of this site - this estate has not been built. The applicant should be asked for accurate maps showing the reality of the existing site. The site lies outside of the defined development limits. Selby District Council has a five year supply of deliverable land and therefore this application should be refused.
- 2.2 **Eggborough Parish Council** – Object. The application site lies outside of the defined development limits. The site location plan shows ghost properties on a site to the west that are not yet built and the site does not have full planning permission - the existing site layout is inaccurate and suggests that the properties could be classed as infill when they are not.
- 2.3 **NYCC Highways** – Initial response dated 15.10.2018 - No objections, subject to seven conditions relating to: (1) detailed plans of road and footway layout; (2) construction of roads and footways prior to the occupation of dwellings; (3) use of existing access; (4) discharge of surface water; (5) visibility splays; (6) approval of details for site works in the highway; and (7) construction management plan.

Further response dated 18.12.2018 - No objections, subject to nine conditions relating to: (1) detailed plans of road and footway layout; (2) construction of roads and footways prior to the occupation of dwellings; (3) use of existing access; (4) discharge of surface water; (5) visibility splays; (6) approval of details for site works

in the highway; (7) construction management plan; (8) construction requirements of private access/verge crossings; and (9) details of access turning and parking.

- 2.4 **Danvm Drainage Commissioners Shire Group Of IDBs** – No response within statutory consultation period.
- 2.5 **Yorkshire Water** – No objections, subject to a condition that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which are to be submitted to and approved by the Local Planning Authority.
- 2.6 **Environmental Health** – No objections, subject to a condition requiring a construction and environmental management plan.
- 2.7 **Contaminated Land Consultant** - No objections, subject to a condition relating to the reporting of any unexpected contamination.
- 2.8 **County Ecologist** – No objections, subject to an informative.
- 2.9 **Natural England** – No response during statutory consultation period.
- 2.10 **North Yorkshire Bat Group** - No response during statutory consultation period.
- 2.11 **HER Officer** – No objections.
- 2.12 **Waste And Recycling Officer** – States that since there are more than 4 properties here, the developer will be required to purchase the waste and recycling containers for this development.
- 2.13 **Neighbour Summary** – All immediate neighbours have been informed by letter and a site notice has been erected. One letter of support and twelve letters of objection have been received as a result of this advertisement.
- 2.14 The letter of support states that the development is welcomed because it will bring high quality housing to the area.
- 2.15 The twelve letters of objection may be summarises as:
 - the location of the proposed development outside the defined development limits of Eggborough
 - the lack of services to support more housing in this location
 - the potential for future housing development if this housing development is allowed
 - the impact of the proposed development on the character and appearance of the area and increases traffic
 - the impact of the proposed development on the residential amenity of neighbouring properties in terms of noise and disturbance, overlooking, overshadowing and loss of privacy and loss of views
 - loss of trees
 - the impact of the proposal on nature conservation and protected species
 - the potential for the proposed development to increase flood risk elsewhere
 - the potential for the development to increase anti-social behaviour in the area

- loss of agricultural land; and
- inaccuracies in the submitted plans, which show a ghost housing estate to the west of the application site.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined development limits of Eggborough, which is a Designated Service Village as identified within the Core Strategy.
- 3.2 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)

- 3.3 The National Planning Policy Framework (July 2018) replaced 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

- 3.4 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

- 3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. Paragraph 213 provides as follows:-

“213.....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).”

- 3.6 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - T1 – Development in Relation to the Highway Network

- T2 – Access to Roads

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
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Waste and Recycling

The Principle of the Development

4.2 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.

4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

4.4 The comments of the Parish Council and neighbouring properties are noted regarding the location of the application site outside the defined development limits of Eggborough. However, to clarify, the application site is located wholly within the defined development limits of Eggborough, which is a Designated Service Village as identified in the Core Strategy.

4.5 Policy SP2A(a) of the Core Strategy states that *"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 that *"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"*.

4.6 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)."

- 4.7 An indicative proposed site layout plan (drawing no. 03A) has been submitted with the application which demonstrates how the site could accommodate six two storey semi-detached dwellings. The proposed dwellings would result in a replacement dwelling and appropriate scale development on greenfield land and as such 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

- 4.8 The application site comprises an existing bungalow, known as 1 The Bungalow, along with its associated garden land, driveway and turning and parking areas.
- 4.9 To the east of the application site are residential properties; to the north and west of the application site are open fields, while to the south of the application site is Weeland Road, with residential properties beyond. Residential properties within the immediate vicinity of the application site comprise a mixture of two storey terraced, semi-detached and detached dwellings. Furthermore, materials used on residential properties within the vicinity of the application site vary, but predominantly consist of a various coloured brick properties with pantile or slate roof tiles.
- 4.10 The application seeks outline planning permission for the erection of a residential development of up to six dwellings including access (with all other matters reserved). Notwithstanding this, an indicative proposed site layout plan (drawing no. 03A and indicative proposed floor plans and elevations (drawing no. 09) have been submitted with the application to demonstrate how the site could accommodate six dwellings. The indicative plans show the provision of a pair of two storey semi-detached dwellings to the front of the site, a pair of two storey semi-detached dwellings to the middle of the site and a pair of two storey semi-detached dwellings to the rear of the site.
- 4.11 Having had regard to the indicative plans, and the surrounding context, while it is not considered that the indicative proposed site layout plan could be supported given the lack of turning and parking areas to the front plots 1 and 2, which are shown to be accessed from Weeland Road directly, it is considered that an appropriate layout, appearance, scale and landscaping of the proposed dwellings could be achieved at reserved matters stage to ensure that the proposed development would not have a significant adverse impact on the character and appearance of the area 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.

Impact on Residential Amenity

- 4.12 An indicative layout plan has been submitted with the application which demonstrates how the site could accommodate up to six dwellings. The layout, scale, appearance and landscaping of the dwellings is reserved for subsequent approval at the reserved matters stage, however, having regard to the indicative layout plan it is considered that an appropriate scheme could be achieved at the reserved matters stage to ensure that no significant adverse effects of

overlooking, overshadowing or oppression between the proposed dwellings and for the existing dwellings surrounding the application site.

- 4.13 The Environmental Health Officer has been consulted on the proposals and has raised concerns that the construction phase of the development could result in existing residential properties surrounding the development site being subject to disturbance from dust, noise and vibration. The Environmental Health Officer therefore recommends that a condition is attached to any planning permission granted requiring a Construction and Environmental Management Plan to be submitted and approved prior to site preparation and construction work commencing in the interests of the residential amenities of neighbouring properties.
- 4.14 Subject to the aforementioned condition, it is considered that an appropriate scheme could be achieved at the reserved matters stage, which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.15 An access plan (drawing no. Revision A) has been submitted which demonstrates three access points to the site. One main access point which would be formed by upgrading the existing access, and two further access points along the site frontage to Weeland Road to serve frontage properties. Furthermore, a footpath is proposed to the site frontage to link into the existing footpath to the east.
- 4.16 Since 'access' is submitted as part of this application it must be considered at this point and any conditions arising from it imposed at this outline stage.
- 4.17 North Yorkshire County Council Highways have been consulted on the proposals and have raised no objections subject to the proposed three access points subject to a series of conditions. It should be noted that the Highways Officer has raised concerns with the indicative proposed site layout plan, as this does not provide any turning areas to the front of plots 1 and 2 which are shown to be accessed from Weeland Road. This would be required in order to enable vehicles to leave the site in a forward gear in the interests of highway safety. However, the layout of the site is reserved for subsequent approval and it is considered that an appropriate layout, appearance, scale and landscaping of the proposed dwellings could be achieved at reserved matters stage to ensure that the proposed development would not have a significant adverse impact on highway safety. A condition could also be attached at this outline stage to ensure details of vehicular turning are submitted to and approved by the Local Planning Authority.
- 4.18 In terms of conditions to be attached to any outline permission, the Highways Officer has suggested a number of conditions, which could be condensed into fewer conditions and re-worded to ensure they meet the tests set out in paragraph 55 of the NPPF. Conditions are necessary controlling details of the proposed access, turning and parking, construction vehicle parking and material storage, in the interests of highway safety. A condition is necessary requiring the provision of a footway along the frontage of the site in the interests of highway and pedestrian safety and to encourage walking from the site.

- 4.19 Subject to the aforementioned conditions, it is considered proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Flood Risk and Drainage

- 4.20 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.21 In terms of drainage, the submitted application form sets out that surface water would be disposed of via mains sewer and foul drainage would be disposed of via mains sewer. The Danvm Drainage Commissioners Shire Group of Internal Drainage Board's and Yorkshire Water has been consulted on the proposals.
- 4.22 The Internal Drainage Boards have not made any comments on the application. Yorkshire Water have not raised any objections on the proposal subject to a condition that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which are to be submitted to and approved by the Local Planning Authority.
- 4.23 Subject to the aforementioned condition, it is considered that the proposals are acceptable in terms of flood risk and drainage.

Nature Conservation and Protected Species

- 4.24 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.
- 4.25 The application has been supported by a Bat Survey (report reference: R-3605-02) undertaken by Brooks Ecological dated September 2018. The survey has confirmed the presence of a small non-breeding common pipistrelle roost with external access located between a gap in the verge of the bungalow roof on the northern elevation, with the roost presumed to be either inside the soffit box along the northern elevation or in between the roofing tiles and roofing felt. The survey concludes that licensing will need to be secured in order to derogate potential offences arising from the proposed development.
- 4.26 The County Ecologist has been consulted on the application and has advised that small non-breeding common pipistrelle roost's are of low conservation significance and their loss can be readily compensated for. There would be no significant effect on local bat populations, so mitigation could be dealt with under a Low Impact Class License as outlined in the report. The County Ecologist therefore advises that there are no objections to the application and no conditions are recommended to be attached. However, an informative regarding the above recommendation is considered reasonable and necessary.

Land Contamination

- 4.27 The application has been submitted by a Phase 1 Preliminary Contaminated Land Risk Assessment undertaken by ViaSolutions dated September 2018. This has been assessed by the Council's Contaminated Land Consultant who has advised

that there are no objections to the application subject to a condition relating to the reporting of any unexpected contamination. In addition, the Council's Contaminated Land Consultant recommends that an asbestos survey is completed on the current building prior to any demolition works given the age of the development. While it is not considered reasonable and necessary to attach a planning condition in respect of an asbestos survey since it is dealt with under other legislation, an informative could be attached to any planning permission granted being this to make the applicants aware of this issue.

- 4.28 Subject to the aforementioned condition relating to the reporting of unexpected contamination and an informative relating to an asbestos survey, 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

- 4.29 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.
- 4.30 However, the NPPF is a material consideration and states at paragraph 63 - *"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"*.
- 4.31 The application is outline; however an indicative proposed site layout plan (drawing no. 03A) demonstrates how the site could accommodate up to six dwellings. Given the proposed number of dwellings is below 10 (and Officers do not consider that the site could accommodate 10 or more dwellings) and the site area is less than 0.5 hectares, the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Waste and Recycling

- 4.32 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling.

5. CONCLUSION

- 5.1 The application seeks outline planning permission for the erection of a residential development of up to six dwellings including access (with all other matters reserved). The principle of the proposed development and the details of access are considered to be acceptable, subject to appropriate conditions.
- 5.2 Having assessed the proposals against the relevant policies, it is considered that an appropriate layout, scale, appearance and landscaping could be achieved at the reserved matters stage for the proposals to be acceptable in respect of the impact on the character and appearance of the area and impact on residential amenity. Furthermore, the proposals are considered to be acceptable in respect of flood risk and drainage, nature conservation and protected species, land contamination, affordable housing and waste and recycling.

6. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

01. Applications for the approval of the reserved matters referred to in Condition 2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

02. Approval of the details of the (a) appearance, (b) landscaping, (c) layout and (d) scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LOC01A – Site Location Plan
LAY02 A – Existing Site Layout
Revision A – Access Plan

Reason:

For the avoidance of doubt.

04. No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays.

Reason:

In interests of the amenities of the adjacent properties and having had regard to Policy ENV1 of the Selby District Local Plan.

05. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

06. No development shall take place until details of the standards to which the access serving the development is to be constructed, including lining and signing, traffic calming measures, sections, visibility splays, surfacing, kerbing, edging and drainage has been submitted to and approved in writing by the Local Planning Authority. No dwelling(s) shall be occupied until the access has been constructed in accordance with the approved details.

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.

07. The development shall not be brought into use until a 2m wide footway along the site frontage has been provided in accordance with the details shown on drawing no. Revision A.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

08. There shall be no establishment of a site compound, site clearance, 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:

- (i) on-site parking capable of accommodating all staff and subcontractors vehicles clear of the public highway;

- (ii) 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 Policies ENV1, T1 and T2 of the 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.

- 09. Prior to the occupation of the dwelling(s) hereby permitted, the vehicular parking and turning arrangements shall have been constructed and made available for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority. Once constructed they shall be retained as such for their intended purpose for the lifetime of the development.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

- 10. 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.

- 11. Prior to the occupation of any dwelling, waste and recycling provision shall be provided for each of the dwellings.

Reason:

In order to comply with the Adopted Developer Contribution Supplementary Planning Document (2007).

INFORMATIVE:

As a small bat roost has been identified in the roofline of the bungalow, mitigation and compensation measures will need to be undertaken under a Low Impact Class License. The applicant will need to liaise closely with their ecologists and have

regard to the advice contained in the bat survey report (Brooks Ecological, September 2018).

7. Legal Issues

7.1 Planning Acts

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

7.2 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.

7.3 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.

8. Financial Issues

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

9. Background Documents

Planning Application file reference 2018/1043/OUT and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer

Appendices: None