



Report Reference Number: 2018/0051/FULM

To: Planning Committee
Date: 6 February 2019
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APPLICATION NUMBER:	2018/0051/FU LM	PARISH:	Skipwith Parish Council
APPLICANT:	Yorvik Homes Limited	VALID DATE: EXPIRY DATE:	16th January 2018 17th April 2018
PROPOSAL:	Erection of 14 dwellings with associated access, garages and parking		
LOCATION:	Park Farm, Main Street, Skipwith, Selby, North Yorkshire, YO8 5SQ		
RECOMMENDATION:	GRANT subject to a Section 106 Agreement		

This application is to be determined by the Planning Committee as the application is a Departure from the Development Plan and there are material considerations which would support the recommendation for approval.

1. INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The application site is located to the south side of Main Street, Skipwith and within the grounds of Park Farm. The site comprises of 0.85ha in total area. There are existing brick/tile as well as steel agricultural buildings and a tall grain silo with a former foldyard to the street frontage, which are to be demolished as part of the proposal. There are many areas of concrete hardstanding and associated circulation areas.
- 1.2 There are farm buildings on the opposite side of the road associated with Red House Farm and established residential development on both sides of Main Street extending east and west. A paddock with a pond adjoins the site to the west, beyond which is Skipwith Hall on the north side of Main Street (northwest of site) a

Grade II* Listed Building. In addition, is the Church of St Helen (Grade I) approximately 250m west of the proposal site. Skipwith also has a Village Design Statement (December 2009).

- 1.3 The site is within Flood Zone 1 which represents the lowest possible risk of flooding by rivers or the sea. However, the Government's online flood risk mapping does show an area of low to medium risk of flooding from surface water within *Holly View*, a small courtyard of bungalows sandwiched between the application site and Main Street.
- 1.4 A Public Right of Way (PROW) runs immediately adjacent to the southern boundary of the site. Also adjoining the site to this boundary is agricultural land and approximately 300m beyond is Skipwith Common which is a Site of Special Scientific Interest (SSSI); National Nature Reserve (NNR) and a Special Area of Conservation(SAC).

The Proposal

- 1.5 The proposal has been implemented and therefore a "live" consent (approval under application reference 2014/0894/FUL) prior to the date it was due to expire in December of 2018. This is a full application again proposing 14 dwellings with associated access, garages and parking on the southern side of Main Street in Skipwith. The northern half of the site, containing four of the dwellings (Plots 1, 2, 3 and 11), is within the development limits of the village; the southern half containing the remaining ten dwellings is outside but adjoins the development limits.
- 1.6 The rationale behind the proposed changes is that the applicant considers that the approved dwellings are too large and would be too costly to build (and hence too expensive to sell) in the local housing market. By reducing the scale of a number of the dwellings this results in improvements to internal parking and circulation arrangements. In addition, the benefit of improved relationships between the new dwellings within the site and relationships between the new dwellings and existing dwellings on adjacent sites.
- 1.7 The site is effectively being developed in two parcels, each with its own vehicular access. The eastern parcel contains 12 units arranged as an elongated courtyard, but with two units (plots 1 and 2) abutting Main Street. The vehicular access is to the east of *Park Farm*, a detached dwelling in separate ownership. The western parcel contains 3 dwellings, also arranged in a small courtyard set to the rear of *Holly View*.
- 1.8 The Design and Access Statement describes a general design philosophy of 'Farmhouse', 'Workers Cottages' and 'Agricultural buildings' which establishes a hierarchy of buildings across the site. A majority of the buildings have what is described as an "agricultural aesthetic", giving the appearance of converted, former farm buildings. Each of the house designs is described briefly in the Design section. The Design and Access Statement advises that "*The house types will share a consistent palette of materials (to be established by planning condition).*" The number of bedrooms in each case refers to the maximum indicated on the drawings, including rooms indicated for flexible use where the potential to be used as a bedroom is explicit.

Planning History

- 1.9 2014/0894/FUL, Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping, APPROVED, 03.12.2015

2. CONSULTATIONS AND PUBLICITY

The application has been advertised as a Departure through press and site notices and neighbours in the vicinity have been notified directly.

- 2.1 **Skipwith Parish Council** - Agreement the revised plans are an improvement on original plans and represent a more appropriate development for the village.

However, there were a number of concerns raised and it was agreed to make Selby DC planning department aware of the following issues and request they consider them whilst they appraise revised plans.

1. *The access to plots 12/13/14 is via a gravel driveway - it is considered the noise that may be resultant will disturb residents of existing Council bungalows which house elderly residents*
2. *The access to plots 12/13/14 details a Screen Fence along the western boundary of the site, residents of Holly View bungalows are concerned their view across open aspect will be unnecessarily restricted. It would be favourable for screen fencing to terminate local plot 12 rather than continue to Main Street.*
3. *Holly View bungalow, numbered 4 on plans, has a continued problem of flooding during periods when the water table rises- seasonal - despite recent works by SDC. It is noted the height of buildings on plots 12 and 13 have been lowered to a single storey - however the plan to lower the land area by 1M is now omitted. The impact of not doing so needs to be considered in context of impact on drainage.*
4. *Access to rear of bungalows requires clarification - residents have preference for vehicle access rights to be granted so that access to bungalow 2 garage can continue and potential for access to bungalows 3 and 4 is maintained/re-established. Parking on Main Street has been problematic - damage to verges- since historical access to rear of bungalows was restricted during marketing of development site.*

- 2.2 **NYCC Highway Authority** - No objection subject to the inclusion of conditions relating to the widening of access; parking and turning areas; precautions to prevent mud on the highway and a construction management plan.

- 2.3 **Historic England** - The application site is within an area known to have a high archaeological potential. It is expected that the application therefore would be supported by an archaeological evaluation of the impact of the proposals and an appropriate mitigation strategy.

Historic England has concerns regarding the application on heritage grounds and that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 128 of the NPPF.

- 2.4 **Principal Archaeologist, North Yorkshire County Council** - No objection to the proposal and have no further comments make.

- 2.5 **County Ecologist** - A Habitat Regulations Assessment screening report has been completed which has concluded that it is unlikely that significant effects would arise

from the proposal on Skipwith Common SAC. This concurs with Natural England's response.

2.6 **Lead Officer Environmental Health and Housing, Selby District Council** - No objections.

2.7 **North Yorkshire County Council Local Education Authority** - No financial contribution sought

2.8 **Contracts Team Leader, Selby District Council** - A swept path diagram has been provided for this proposal showing access for refuse collection vehicles. However, collection vehicles will not access private drives or use them for turning and so bin presentation points will need to be provided at the junction with the main road. The presentation points must allow for unobstructed access to containers and waste collection vehicles should be able to gain access to within 10 metres. The presentation points should be large enough to accommodate 2 x 240 litre wheeled bins per property one week and 3 x 55 litre kerbside recycling boxes per property the following week.

Finally as there are more than 4 properties, the developer will be required to purchase the waste and recycling containers for this development.

2.9 **North Yorkshire Bat Group** - (Following updated Bat Survey dated June 2018) - The North Yorkshire Bat Group have commented on an updated Bat Assessment and advice that a small number of Pipistrelle bats are using the existing buildings as roost sites which would be lost as a result of the development. The response states that providing the mitigation measures referred to are carried out, they are satisfied that the impact on the bats would be minimal and on this basis have no objection.

2.10 **Ouse and Derwent Internal Drainage Board**

"If the Planning Authority can be satisfied with the design and technical aspects of the drainage arrangements, as a long term sustainable drainage system for the development, the Board have no objections to this application."

2.11 **North Yorkshire Police** - The overall design and layout of the proposed scheme is considered acceptable.

2.12 **North Yorkshire County Council Public Rights of Way** - No comments but suggested informative to be included.

2.13 **Natural England** - No objections

2.14 **Environment Agency** - No objections to the proposals

2.15 **Fire Service** - No objection/observation to the proposal

2.16 **Yorkshire Water Services** - Include condition stating that development to be carried out in accordance with submitted plans (January 2018). Amended plans have been submitted but the LLFA advice a further condition.

2.17 **North Yorkshire Contaminated Land –**

Submitted Phase 2 report provides sufficient information regarding the site's history and setting. Report and conclusions are generally acceptable and state the site's suitability based on removing made ground from the site in addition to oil drum containers. Conditions to be included requiring the submission of a verification report to the LPA.

2.18 **Neighbour comments**

One letter of objection has been received raising the following points:

- Plans are better than the last ones

- Issue of parking for disabled residents at 3 and 4 Holly View has not been addressed.
- The land behind 3 and 4 Holly View needs to be lowered by 1 metre as previous plans to avoid overshadowing.
- Windows (bedroom and kitchen) at proposed plot 14 look into property at 4 Holly View.

3. SITE CONSTRAINTS AND POLICY CONTEXT

3.1 The application site is located partially inside and partially outside the development limits of Skipwith. The site is also within proximity of an Ancient Monument and two Listed Buildings and in an Archaeological Consultation Zone. Due to the former agricultural use of the site, there is also the possibility that the land may be contaminated. The site is within a Coalfield Area and the Sherburn Airfield Air Protection area.

National Guidance and Policy – National Planning Policy Framework (NPPF)

3.2 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.

Paragraph 47 of the NPPF confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Selby District Core Strategy

3.3 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 Scale and Distribution of Housing
- SP8 Housing Mix
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

3.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework.

3.5 *“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)."

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV15	Conservation & Enhancement of Locally Important Areas
ENV27	Scheduled Monuments & Important Archaeological Sites
T1	Development in Relation to Highway
T2	Access to Roads
RT2	Recreational Open Space

4. OTHER MATERIAL CONSIDERATIONS

- Developer Contributions Supplementary Planning Document (March 2007)
- Affordable Housing Supplementary Planning Document (February 2014)
- Skipwith Village Design Statement (December 2009).

5. KEY ISSUES

- Principle of Development
- Housing Land Supply
 - *Spatial Development Strategy*
 - *The Fall-back*
 - *Market Housing*
 - *Affordable Housing*
 - *Recreational Open Space*
- Visual Impact/Character of the Scheme
- Residential Amenity
- Impact on Heritage Assets
- Flood Risk/Drainage
- Highway Matters
- Biodiversity
- Contamination

6. PRINCIPLE OF DEVELOPMENT

Housing Land Supply

- 6.1 A key objective of the NPPF is to significantly boost the supply of homes (para. 59 and criterion c) of paragraph 72 sets out the expectation that development should comprise of high quality homes. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing, ensuring that there is sufficient to provide for a five year supply against local requirements. Paragraph 73 of the NPPF advises that, in circumstances where a deliverable 5-year housing land supply cannot be demonstrated policies relating to the supply of

housing should not be considered up-to-date and that applications should be considered in the context of a presumption in favour of sustainable development.

- 6.2 The Council's housing land supply position was updated in September 2018 and indicates that as of 31st March 2018 the district had a 6.5 year deliverable supply of housing. This is an increase from the position in December 2017 of 6.2 years supply. The broad implications are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 6.3 Case law establishes that if an applicant can demonstrate a 'fall-back' position, this may constitute a material consideration to be taken into account when determining the application. A 'fall-back' is an existing consent which is capable of being implemented regardless of the decision on this application. Under *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*, which concerned the redevelopment of a site of a large barn and a bungalow to provide four dwellings, Lindblom LJ confirmed the legal considerations in determining the materiality of a fall-back position as a planning judgement where: (1) the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice; (2) there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

Spatial Development Strategy

- 6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this application be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.5 Skipwith is identified as a Secondary Village within the spatial development strategy established by the Core Strategy and has development limits on the Local Plan Proposals Map. A large extent of the application site extends beyond those limits and is therefore within an area regarded as open countryside for the purposes of planning. The approach toward development in the open countryside is set out in Policy SP2A(c) of the Core Strategy which restricts non-allocated development in such circumstances to specific categories, none of which apply in this case. Even within the development limits of Skipwith, Policy SP2A (b) restricts limited amounts of residential development where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4. Policy SP2 broadly reflects the advice provided in paragraph 78 of the NPPF, which states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.6 The extent to which that part of the current application within the development limits of the village meets the expectations of Policy SP2A(b) is discussed further below. However, given that that part of proposal outside of the development limits fails to meet the stated exceptions set out in either the NPPF or the Core Strategy, the proposed development would be contrary to Policy SP2A(c).

The Fall-back

- 6.7 The current application site benefits from an implemented planning permission which was granted in 2015 under reference 2014/0894/FUL and therefore represents a “fall back” to be weighed in the planning balance.
- 6.8 The implemented permission was partly justified on a fall back itself: the permitted development right conferred by Class Q in the Town and Country Planning (General Permitted Development) Order 2015 (“GPDO”) would allow the existing barns on the site, many of which are outside the development limits of the village, to be converted into up to five residential units subject to a combined floor space of up to 865 sq. m from a combination of larger and smaller dwelling houses. It is accepted however, that the redevelopment of the whole site is a more favourable form of development. That fall-back, plus the more significant fact that at the time the now implemented permission was granted Selby District Council was unable to demonstrate a deliverable 5-year housing land supply, meant that the authority was satisfied that the proposal was acceptable.
- 6.9 Although Selby District Council can now demonstrate a deliverable 6.5-year housing land supply, the permitted development rights given by Class Q and the extant permission from 2015 are both material considerations. If the current scheme is no less acceptable in planning terms than the development associated with the two fall back positions, then this is a material consideration which weighs heavily in favour of granting permission notwithstanding the other factors weighing against approval.

Market Housing

- 6.10 Core Strategy policy SP8 states that “All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment (SHMA) and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.”
- 6.11 In this case the market element of the proposal compares as follows with the requirements of the Selby District Council (2015) (SHMA):

Unit Size	SHMA (%)	Approved (no. / %)	Proposed (no. /%)
1 Bedroom	6.1	1/7	0/0
2 Bedroom	35.6	4/29	2/14
3 Bedroom	46.4	5/36	2/14
4+ Bedroom	11.8	4/29	10/71

Affordable Housing

- 6.12 Policy SP9 “Affordable Housing” of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set 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. 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.

- 6.13 It is established case law that if an applicant can demonstrate a fall-back position i.e. an existing consent which could be implemented in the absence of a new permission; this constitutes a material consideration to be taken into account in determining the application. In this case there is an implemented and live planning consent for the erection of 14 dwellings under application number 2014/0894/FUL.
- 6.14 Having had regard to Policy SP9, the fall-back position, the need to provide both market and affordable housing, and that the proposed affordable dwellings can be delivered at a reasonably early stage it is considered, on balance, that, subject to the completion of a section 106 agreement the proposal is acceptable in terms of the provision of affordable housing. The development proposes the delivery of two affordable homes which would be sold at 80% of open market value. The proposal complies with Policy SP9 and the SPD.

Recreational Open Space

- 6.15 Policy SP19 criterion e) (SDCS) is the relevant policy on open space which provides that development should incorporate new and existing landscaping. Policy RT2 (SDLP) sets the threshold for the provision of open space and residential developments of five or more dwellings. The policy adds that for schemes of more than 10 but less than 50 dwelling, open space can be provided via several options including the provision of recreation open space within the site or locality. If however this is not practical or desirable, the Local Planning Authority (LPA) may accept a financial contribution to the funding of provision elsewhere.
- 6.16 It should be noted that the recreational open space obligation required in connection with the earlier approved scheme has been discharged by the previous Applicant by making land available to the Parish Council for a children's play area. Therefore the approach to open space will be carried forward to this proposal and the S106 Agreement currently being drafted will not, therefore, include provision for a further ROS contribution.

7. VISUAL IMPACT/CHARACTER OF THE SCHEME

- 7.1 The design rationale for the scheme advises that the proposal has been carefully designed to reflect the character of the adjacent farmstead with buildings of varying sizes, heights etc. grouped around courtyard spaces and with roofs orientated in much the same direction as the existing farm buildings. Views toward the fields particularly looking south to Skipwith Common, are retained within the scheme. The details of the proposal are discussed in more detail below but compared to the live approval it is considered that the design details are more favourable visually and now with the inclusion of flexible living space.

Plots 1 and 2

Plots 1 and 2 are a pair of semi-detached two-storey, 2-bedroom cottages fronting Main Street and positioned between 'Park Farm' to the east and 'The New House' to the west. This area of the site is currently occupied by an agricultural building,

referred to as a fold yard. The design represents domestic-style dwellings but with the principal elevations facing (south) into the site with only two agricultural style windows (per dwelling) facing Main Street. Each property has a pair of tandem parking spaces accessed from the new estate road.

Plot 3

Plot 3 is a one and a half storey, 4-bedroom detached house which faces the east (side) garden of The New House. It has been designed in the style of a large converted barn, an impression reinforced by a part infilled full height opening to the east elevation. It has a double garage to the south, with space for at least two more cars in front.

Plot 4

Plot 4 is a single-storey, 3/4-bedroom house positioned to the south of the The New House and backing onto Plot 14. It has been designed to represent a converted agricultural outbuilding. It shares a semi-detached double garage with Plot 5.

Plot 5

Plot 5 is a two-storey, 4/5-bedroom house situated to the south-west of the eastern access. Its southern and western boundaries adjoin open countryside. As with Plot 3 it has been designed in the style of a large converted barn. It shares a semi-detached pair of double garages with Plot 4.

Plot 6

Plot 6 is a two-storey, 4-bedroom house which sits in the south-eastern corner of the site. It has an L-shaped plan which incorporates an integral double garage. Its overall appearance hints at the conversion of a substantial converted agricultural building, albeit less obvious than the buildings proposed for Plots 3 and 5.

Plot 7

Plot 7 is a part single and part two-storey, 4/5-bedroom house facing the eastern boundary of the site. The west facing projection is a single storey wing incorporating a double garage and a flexible space identified as "snug/dining/bed 5". As with Plot 6 its appearance can be likened to the conversion of a substantial agricultural building.

Plots 8 and 9

Plots 8 and 9 appear as a pair of traditional semi-detached, two-storey, 3-bedroom cottages and include chimneys. They are positioned immediately east of the main access and provide a strong focal point. Each has a single garage (to the north); contained within a larger structure that also provides a double garage for Plot 10. There are additional parking spaces in front of the garages.

Plot 10

Plot 10 is a two-storey, 4/5-bedroom house to the eastern boundary and directly south of 'Applegarth.' Its design represents a large agricultural conversion, exhibiting what appears to be a full height, glazed (cart shed) opening to the west (front) elevation. It has a double garage, which adjoins a larger structure that also provides single garages for Plots 8 and 9. Additional parking is provided within an adjoining courtyard.

Plot 11

Plot 11 is a two-storey, 4-bedroom house that faces Main Street, but set back from Main Street and the eastern entrance to the site. It has a double garage to the front. It has a traditional, domestic appearance, including chimneys.

Plot 12

Plot 12 is the first of three properties in the western half of the development. It is a single-storey, 2/4-bedroom unit that forms the focal point of the western access. It has an L-shaped plan and includes an integral single garage. It has the character of a converted agricultural outbuilding, with the appearance of three infilled openings on the north elevation facing the access to Main Street. Additional parking is provided to the front (east) of the garage.

Plot 13

Plot 13 is two-storey with a single storey element which projects east and forms a full height lounge, with adjoining double garage. The dwelling is a 4/5-bedroom house positioned in the south-west corner of the development. It has an L-shaped plan which includes an integral double garage. The building again can be likened to the character of an agricultural conversion, with inset openings to the north and east elevations.

Plot 14

Plot 14 is a two-storey dwelling with a single storey element which houses a hall/utility/w/c and snug. Attached is a double garage which projects slightly forward. The property is a 4-bedroom and positioned on the eastern boundary of the western half of the development. It has an L-shaped plan and is has a mix of both domestic and agricultural elements to its appearance.

- 7.2 The proposed housing ranges in scale and orientation and utilises materials which reflect existing local materials and building forms, with steeply pitched roofs (a characteristic noted in the Village Design Statement) to provide a wide choice of properties. Smaller dwellings are included to provide a balanced community and reverse the pattern of the later twentieth century development for large “executive” house types; also to reflect the mix of properties which occurred historically in the village. “The homes are designed to have a familiar appearance and be sympathetic to local distinctiveness but respecting the Village Design Statement that new development should not be designed to look old.”

Layout

- 7.3 The proposed development demonstrates two accesses onto Main Street – the eastern access being the existing main access serving the farm. These are set out in a similar form to those originally approved under application ref: 2014/0894/FUL.
- 7.4 The positioning and layout of the proposed dwellings has however changed with plots 12, 13 and 14 situated to the south side of the access to the western portion of the site, which now separates these plots from the existing dwellings fronting Main Street and referred to as 1,2,3 and 4 Holly View.
- 7.5 Previously, both accesses linked the central area of the site but this has now changed so that the access to the west of the site serves only plots 12-13 and that proposed to the east side serves the bulk of the proposed properties being plots 1-11.
- 7.6 The submitted Design & Access & Planning Statement makes reference to the historic grain of Skipwith “*now represented in the main by the remaining farmsteads and the looser groupings of the predominantly older buildings towards the western end of Main Street.*”

Appearance/Scale

- 7.8 The scale and massing of the previously approved proposal has been reduced with a large extent of buildings being a mix of single storey with (a maximum) two storey elements. The appearance represents a traditional cottage so as to reflect the character of the residential properties beyond the site to the east. Plots 8 and 9 also have the appearance of small workers cottages.
- 7.9 The frontage dwellings to the west of the (retained) farmhouse (plots 1 and 2) have been altered to those approved to have shallower depth with a simple pitch roof and a reduction to the overall scale and massing.
- 7.10 Materials would consist of a facing brick in a soft red/brown and a mixture of pantiles and slates to the roofs of the proposed dwellings.
- 7.11 Given the mix of built form and dwellings within the vicinity of the application site, it is considered that the visual appearance of the proposed dwellings would not have a significant adverse impact on the character and appearance of the area. The proposal would result in the provision of additional housing in the locality and would improve the visual character of the site. The proposal is therefore considered acceptable in accordance with Policies ENV1 (1) and (4), EMP13 and H13 of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

8. RESIDENTIAL AMENITY

- 8.1 Policy ENV1 (1) of the Selby District Local Plan requires proposals to take account of the impacts on residential amenity.
- 8.2 To the rear of 'The New House' would be plot 4 where the ridge height has been reduced by 3m than that previously approved. In addition plot 12 which is situated to the south of the gardens of No's 2 and 3 Holly View has had the ridge height reduced by 2m and now single storey, removes the element of overlooking to these properties. Plot 11 remains a two storey dwelling and situated immediately west of 'Applegarth' but with a reduction in the ridge height of 1.3m than the approved dwelling and the principal elevation now faces north. Plot 10 is one of the larger properties which would be sited south of 'Applegarth' but at a distance of 18m from the rear of this property. In addition, facing windows to ground and first floor would serve a utility room and en-suite respectively.
- 8.3 Having considered the layout plan and the relationship between the proposed and existing dwellings which immediately adjoin the site, sufficient separation distances are achieved in order to ensure that there would be no detriment caused through overlooking, overshadowing or creation of an oppressive outlook. The scheme also results in an appropriate level of amenity for occupiers of the residential element of the development
- 8.4 As such it is considered that the amenities of the adjacent properties would be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

9. IMPACT ON HERITAGE ASSETS

- 9.1 Criterion 2.of Policy SP18 (SDCS) is (amongst other things) concerned with conserving historic assets which contribute to the distinctive character of the district.

- 9.2 Relevant policies within the NPPF which relate to impact on heritage assets include paragraphs 189 to 198.
- 9.3 Paragraph 189 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*.
- 9.4 According to paragraph 190 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 9.5 Paragraph 192 of the NPPF states that *“In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 9.6 Paragraph 193 of the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 9.7 Paragraph 196 of the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 9.8 Paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 9.9 Whilst considering proposals for development which affects a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to ‘have

special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

- 9.10 The proposal has the potential to significantly impact on the setting of the two adjacent listed buildings, which are situated to the north side of Main Street. They are both located at a considerable distance from the proposal but there are views from within the site which is more low lying. In accordance with paragraph 196 of the NPPF, the public benefits need to be considered and as a result of the development, long range views from the listed buildings would be substantially improved. The proposal would involve the removal of barns to the site frontage which dominate the street scene and have no heritage value due to the materials used. It is considered therefore that less than substantial harm would arise as a result of the improved setting of the listed buildings and the street scene from the development.
- 9.11 The preamble to Policy ENV 27 (SDLP) advises that the district is *"rich in archaeological remains"* and that the NPPF (Section 16) affords protection for such remains.
- 9.12 Historic England in their response state concerns that the submission is not *"supported by an archaeological evaluation of the impact of the proposals and an appropriate mitigation strategy"* and advise that the NYCC Principal Archaeologist is consulted.
- 9.13 The Principal Archaeologist (PA) has been consulted at NYCC and advises that the existing farm buildings, hard standings and access would have severely impacted on archaeological remains within the site. He adds that the two areas of Greenfield are toward the rear of the plots where medieval activity would be more agricultural in nature and concludes that there is no objection, no further comments and no requirement to consult him again in respect of this application.
- 9.14 In conclusion and based on the PA's comments, there are no outstanding issues or concerns in respect of the archaeological implications of the proposal and development would comply with policy ENV27 and Section 16 of the NPPF.

10. DRAINAGE/FLOOD RISK

- 10.1 Criterion d) of policy SP15 (SDCS) applies in respect of ensuring development is located which avoids flood risk areas.
- 10.2 Amendments to the means of surface water drainage advise that surface water from the site would be discharged to the adjacent Yorkshire Water Service (YWS) sewer (having secured permission from YWS) in Main Street at the rate of 10 l/s. The Internal Drainage Board (IDB) have commented and advise that the proposed rate of discharge is within their expectations for a mixed Brownfield and Greenfield site and subject to the LLFA agreeing to these arrangements, the IDB have no objection.
- 10.3 The LLFA has responded favourably to the proposal but include a condition. It is therefore considered the proposals are acceptable in respect of flood risk and drainage and therefore accord with policy SP15 and the advice within the NPPF.

11. HIGHWAY MATTERS

- 11.1 Paragraph 108 (point b) of the NPPF stipulates that planning decisions should take account of whether:
'Safe and suitable access to the site can be achieved for all users'

Paragraph 109 adds that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 11.2 Policy T1 (SDLP) advises that (amongst other things) development proposals will only be permitted where *“existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.”* Policy T2 (SDLP) adds that proposals which result in intensification or creation of new accesses will be permitted providing there is no detriment in respect of highway safety and the access can be accommodated to a standard which is acceptable to the highway authority. Policy ENV1 criterion c) (SDLP) that when assessing new development consideration is given to the proposals relationship with the highway network.
- 11.3 The garaging and parking arrangements have been altered, with each plot having a minimum of two private allocated spaces, with the majority of plots having four, allowing for ease of access, manoeuvrability and turning of other highway users within the development.
- 11.4 The Highway Officer has not made any comments in his response other than stating that a number of conditions be attached to any permission granted.
- 11.5 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.

12. BIODIVERSITY

- 12.1 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 12.2 Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy.
- 12.3 Natural England state in their response that the application site is close to a European designated site (Natura 2000 site) and has the potential to impact on its interest features. They add that such sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended by the “Habitats Regulations.” The site is also close to Skipwith Common Site of Conservation (SAC) which is a European site and also a Site of Special Scientific Interest and therefore the LPA should consider potential impacts of a development. They do however state “no objection” to the proposal.
- 12.4 The submitted Planning Statement advises that the site itself is currently a “sterile environment” and that the proposal would provide a “potential net gain in biodiversity” due to the introduction of hedgerows, trees, bat tiles and bird boxes as part of the development.

Bats

- 12.5 The updated submitted Bat Survey has identified three bat roosts within the buildings on site. These house individual/small numbers of common and soprano pipistrelle. The report advises that the roosts are of low conservation value due to the small number and common species utilising them. There is no evidence to suggest that the site could support either a maternity colony or hibernating bats.

Great Crested Newts

- 12.6 The proposed development is located within 250m east of a pond and an Amphibian Survey has been submitted with the application. The survey results indicate that the pond supports some of the best foraging habitat for newts in the surrounding area. A European Protected Species (EPS) Mitigation Licence would be required as stated in Natural England's advice for site clearance and demolition works. Any conditions would need to be discharged.
- 12.7 A population of great crested newts is situated within 100m of the development site and because the site itself contains suitable "great crested newt hibernacula, refugia and foraging areas there is a risk of great crested newt being harmed during the development." Loss of native habitat is not considered significant due to the presence of high quality habitat in the surrounding area – however mitigation and compensation is being offered in the form of additional habitat enhancement and this is welcomed.
- 12.8 It is considered that the proposal would not impact on nature conservation interests or protected species and therefore accords with policy ENV1 (SDLP), policy SP18 (SDCS) and the advice contained within the NPPF.

13. CONTAMINATION

- 13.1 Policy ENV2 (SDLP) advises that development which contributes to noise, nuisance and contamination will not be acceptable unless sufficient mitigation measures are provided by way of relevant conditions. Criterion k) of policy SP19 (SDCS) states that development should not contribute to the above.
- 13.2 The proposal is accompanied by a Phase 1 Preliminary Risk Assessment and a Phase 2 Report. The LCO has stated that the details are acceptable but subject to two conditions which require the submission of a verification report in respect of the made ground and removal of oil drums in respect of the suitability of the land for development.
- 13.3 The proposal is therefore considered to be in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

14. CONCLUSION

- 14.1 This application seeks approval for full details for 14 dwellings, originally approved under application ref: 2014/0894/FUL.
- 14.2 The principle of development on this site has been established under this approval, which remains extant.
- 14.3 The submitted plans demonstrate that an appropriate layout can be achieved which regards to the context of the area, including a good mix of dwelling sizes. Furthermore, appropriate property designs have been incorporated into the scheme which provides an acceptable appearance, form and scale.
- 14.4 Matters relating to drainage, flood risk, heritage, highways and biodiversity have been addressed.

15. RECOMMENDATION

15.1 That the proposal be Granted subject to a Section 106 Agreement and no objections from the Council's Contaminated Land Consultant and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

2328AB/1 (1 of 4) – Layout views as received on 15.01.2018

2328AB/2 (2 of 4) – Layout views as received on 15.11.2018

2328/AB/3 (3 of 4) – Layout views as received on 15.01.2018

2328/AB/4 (4 of 4) – Layout views as received on 15.01.2018

3776-10 Rev B – Amended site plan including finished floor levels as received on 19.11.2018

3776-11 – Location plan as received on 15.01.2018

17/432/ATR/001 – Vehicle swept path analysis as received on 15.01.2018

17/432/ATR/002 – Vehicle swept path analysis as received on 15.01.2018

17/432/ATR/003 – Vehicle swept path analysis as received on 15.01.2018

17/432/ATR/004 – Vehicle swept path analysis as received on 15.01.2018

3776-PD-01 – Plots 1 & 2 floor plan as received on 15.01.2018

3776-PD-02 Rev A - Plot 3 floor plans as received on 15.01.2018

3776-PD-03 – Plot 4 floor plans as received on 15.01.2018

3776-PD-04 – Plot 5 floor plans as received on 15.01.2018

3776-PD-05 Rev A – Plot 6 floor plans as received on 15.01.2018

3776-PD-06 Rev A – Plot 7 floor plans as received on 15.01.2018

3776-PD-07 – Plots 8 & 9 floor plans as received on 15.01.2018

3776-PD-08 – Plot 10 floor plans as received on 15.01.2018

3776-PD-09 – Plot 11 floor plans as received on 15.01.2018

3776-PD-11 Rev A – Plot 13 floor plans as received on 15.01.2018

3776-PD-12 – Plot 14 floor plans as received on 15.01.2018

3776-PD-13 – Plots 1 & 2 elevations as received on 15.01.2018

3776-PD-14 Rev A – Plot 3 elevations as received on 15.01.2018

3776-PD-15 – Plot 4 elevations as received on 15.01.2018

3776-PD-16 – Plot 5 elevations as received on 15.01.2018

3776-PD-17 – Plot 6 elevations as received on 15.01.2018
3776-PD-18 – Plot 7 elevations as received on 15.01.2018
3776-PD-19 – Plot 8 & 9 elevations as received on 15.01.2018
3776-PD-20 – Plot 10 elevations as received on 15.01.2018
3776-PD-21 – Plot 11 elevations as received on 15.01.2018
3776-PD-22 – Plot 12 elevations as received on 15.01.2018
3776-PD-23 – Plot 13 elevations as received on 15.01.2018
3776-PD-24 Plot 14 elevations as received on 15.01.2018
3776-PD-25 Plots 3, 4 & 5 as received on 15.01.2018
3776-PD-26 Plots 8, 9 & 10 as received on 15.01.2018

Reason: For the avoidance of doubt.

3. Notwithstanding any details shown on the submitted plans and forms, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces for the walls, roof, windows, doors, and areas of hard hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed in accordance with Policies ENV1 (SDLP) and SP19 (SDCS) and because it is considered that the use of inappropriate materials could be harmful to the character and appearance of the area and that the Council therefore needs to retain a measure of control.

4. The development to which this planning permission relates shall not be implemented above natural ground level if any part of the development for which planning permission was granted pursuant to planning application reference no. 2014/0894/FUL is begun.

This condition is imposed as it is not considered appropriate for both permissions to be implemented in the interest of residential amenity; highway safety and area character.

5. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 10 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility and any of the other features of the drainage network which are not offered for adoption. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development. Provision shall be made to preserve the water quality of the receiving water body or network, and protect it from pollution from the development site.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

6. The external face of the frame to all windows and doors shall be set in reveals of at least **50mm** from the front face of the adjoining brickwork.

This condition is imposed in the interests of the character and appearance of the area.

7. A minimum of two bird nesting boxes such as a Nest Box 1B, 2H robin box or sparrow terrace 1SP (or direct woodcrete equivalent of the above) shall be erected on the site in accordance with the manufacturer's installation recommendations, prior to first occupation of the dwellings hereby permitted and shall thereafter be retained for the lifetime of the development.

This condition is imposed to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

8. The development hereby permitted shall be implemented in strict accordance with the mitigation measures specified in Section 7 of the Amended Bat Assessment prepared by Wold Ecology Ltd (received 29.08.2018) and Sections 7, 8 & 9 of the Amended Great Crested Newt Survey Report prepared by Wold Ecology Ltd (received on 29.08.2018).

This condition is imposed to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

9. Unless otherwise approved in writing by the Local Planning Authority, 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 existing access shall be improved with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6d.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and 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.

Reason: In accordance with policies ENV1, T1 and T2 (SDLP) 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.

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 North Yorkshire 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.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 have been constructed in accordance with the submitted drawing (Reference 3776-10 Rev. B) Once created these 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 (SDLP) and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with policies ENV1, T1 and T2 (SDLP) and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction

Reason: In accordance with policies ENV1, T1 and T2 (SDLP) and in the interests of highway safety and residential amenity.

13. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

This pre-commencement condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

14. No development above slab level shall take place on site until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or in accordance with a programme of implementation that has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

This condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and in the interests of the visual amenities of the area.

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use, or occupation of the final dwelling on the site to be occupied.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size, species and maturity, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

This condition is imposed as the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are trees within or near the site and these contribute to the character and appearance of the area. If these trees are to be retained it is important that they are protected from accidental damage during construction work. It is considered that the above details are required in accordance with policy ENV1 of the Selby District Local Plan and are necessary to enable the Council to consider the effect of the proposed development on these trees.

16. No development shall take place on site (including site clearance works and any other preparatory works) until the trees shown for retention on the approved plan 3776-10 Rev B have been protected by protective fencing. The protective fencing shall be maintained during the whole period of site excavation and construction.

The area within the protective fencing shall remain undisturbed during the course of the works in accordance with the following:

- I. There shall be no changes in ground levels;
- II. No materials, vehicles or plant shall be stored;
- III. No buildings or temporary buildings shall be erected or stationed;
- IV. No materials or waste shall be burnt or liquid disposed of; and
- V. No excavation of services, without the prior written consent of the Local Planning Authority.

This pre-commencement condition is imposed because the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is considered that the above details are required in accordance with policy ENV1 of the Selby District Local Plan as it is important that they are protected from damage before, during and after construction works.

17. Demolition or construction works shall take place only between:

7.30am and 6.00pm Monday to Friday
8.00am and 1.00pm on a Saturday

and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Selby District Local Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation without the grant of a separate planning permission from the Local Planning Authority.

Reason: This condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and in the interests of residential amenity.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be undertaken within Part 1, Class A, B or C including the installation of windows, dormer windows or other openings (other than those expressly authorised by this permission) within the front and rear elevations without the grant of a separate planning permission from the Local Planning Authority

Reason: in accordance with policy ENV1 of the Selby District Local Plan as the Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties/ detriment to the character of the area and for this reason would wish to control any future development.

20. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

21. In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

Informatives:

Wildlife

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

Adjacent Public Rights of Way

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

14. Legal Issues

14.1 Planning Acts

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

14.2 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.

14.3 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.

15. Financial Issues

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

16. Background Documents

Planning Application file reference 2018/0051/FULM and associated documents.

Contact Officer:

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