



**Report Reference Number: 2018/0415/OUT**

**To: Planning Committee**  
**Date: 6 February 2018**  
**Author: Mandy Cooper (Principal Planning Officer)**  
**Lead Officer: Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2018/0562/FULM	PARISH:	Byram
APPLICANT:	Mr Morrall	VALID DATE:	26 April 2018
		EXPIRY DATE:	19 June 2018
PROPOSAL:	Outline planning application for residential development of 4no 2 bedroom town houses and 2no 3 bedroom houses to include details of access and scale at number 6 (Including access and scale)		
LOCATION:	4 Sutton Lane, Byram, Knottingley, West Yorkshire, WF11 9DL		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as at least 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**

### **1.1 Site and context**

- 1.2 The application site is located on the southwest side of Sutton Lane, Byram and comprises the redevelopment of a Brownfield site within a designated service village.
- 1.3 The site currently consists of a pair of vacant semi-detached houses (Nos 4 & 6), which both have direct access to Sutton Lane. The area does not have conservation area designation and there are no listed buildings in the vicinity. There are no local or national landscape designations close to the site or any trees protected by Tree Preservation Orders.

- 1.4 There is a variety of dwelling types surrounding the site and immediately south east are large detached properties set in long narrow gardens. South west is a similar arrangement and directly northwest of the application site the pattern of development changes with two large square plots with centrally situated detached dwellings. To the opposite side of Sutton Lane (northeast) the plots are much shallower; plot widths also vary and a pair of semi-detached properties face the site; along with the post office.

## **2 The Proposal**

- 2.1 The proposed development comprises the demolition of an existing pair of semi-detached houses, and the construction of dwellings with a mix of 2 No. 3-bedroom houses and a block of 4 Nos 2-bedroom Town houses.
- 2.2 This is an outline proposal but includes an indicative layout plan with access shown. The agent has confirmed however that **all** matters will be submitted at the Reserved Matters stage.
- 2.3 The application site has also been the subject of pre-application discussions where changes to the general layout and access were suggested; which is now reflected in the current proposal.

## **3. Site History**

- 3.1 The following application is considered to be relevant to the determination of this application:
- CO/1976/21037 (8/50/18/PA) - Bedroom/kitchen/bathroom Extension at 4 Sutton Lane, Byram – Approved 28.09.1976

## **4. Consultations**

### **4.1 Parish Council –**

No concerns in respect of the outline application

### **4.2 NYCC Highway Authority –**

Recommends conditions relating to visibility splays and a Construction Management Plan

### **4.3 Yorkshire Water –**

Recommends conditions

### **4.4 Internal Drainage Board (IDB) –**

The above application lies within the IDB district and indicates that the application will increase the impermeable area to the site, therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

### **4.5 Environmental Health –**

State no comments

### **4.6 Natural England –**

State no comments but refer to standing advice

### **4.7 North Yorkshire Bat Group –**

No response (expiry date of 24.12.2018)

#### **4.8 County Ecologist –**

Following submission of a Bat Assessment clear that no evidence to suggest buildings are occupied by roosting bats. Response includes informative.

#### **4.9 NYCC Heritage Officer –**

There are no known archaeological sites in the area indicated or within the immediate vicinity, therefore no comments to make and not necessary for further consultation.

#### **4.10 Waste & Recycling –**

*“A bin presentation point will need to be provided adjacent to the main road. The presentation point must allow for unobstructed access to containers and waste collection vehicles should be able to gain access to within 10 metres. The presentation point 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.”*

#### **4.11 Internal Drainage Board –**

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the IDB.

Advice/recommendations:

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a CONDITION of any Planning DECISION.

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board

#### **4.12 Environmental Health –**

No comments to make on the application

#### **4.13 Contamination Officer –**

Officer advises that Phase 1 report provides good overview but a further investigation is required – planning conditions included relating to this; submission of remediation scheme remedial works and unexpected contamination.

#### **4.14 Neighbour comments**

The proposal was advertised by way of a site notice and direct neighbour notification. The following objections have been received as a result of publicity:

- Will add to existing high volumes of traffic along Sutton Lane which is already dangerous and this section is particularly narrow

- Out of character with existing development – proportions and position of plots and existing detached and semi-detached properties
- Parked cars outside the shops opposite to the proposed site entrance already result in a 'bottleneck' and proposed access is prejudicial to highway safety
- Reference made to a previously refused application (close to the site) on the grounds of highway safety (2016/0030/OUT)
- Number of mature trees would have to be cut down
- Refuse and recycling containers will cause further problems on this stretch of road
- Have been accidents on this road Hedge fronting application site is shared with No.4 Sutton Lane and no intention of cutting to provide better visibility for access/egress to and from the site
- Faced with a view of the fronts of new houses resulting in overlooking either way and loss of privacy for us
- Proposed drive is only 2.5m from our living room, a side window and main living room window (No. 8 Sutton Lane)
- Additional noise will result from the inhabitants of additional dwellings and use of drive by vehicles
- Large portion of the site closest to Sutton Lane contains no garden and as such there is loss of garden land and open aspect. That open space is important to the character of the area and surrounding properties. Due to the lack of garden there will be more surface water
- Three of the largest trees within the site have already been felled
- Unacceptable form of backland/tandem development
- Would result in a loss of open space which is intrinsically important to the character of the area
- Comments relating to scale, design; roof form all being out of keeping with adjacent development and objector states that there are no precise details of internal layout
- No footpath on the south side of Sutton Lane and the design and layout of the enlarged access to serve site is unsafe and on the inside of the bend therefore visibility is virtually nil looking east
- Loss of privacy to surrounding properties due to position of proposed dwellings
- Sewer system and drainage inadequate in this area
- Impact on wildlife in the area such as newts, pheasants and hedgehogs

## **5. SITE CONSTRAINTS AND POLICY CONTEXT**

5.1 The application site is located within the Byram Development Limits within a Coalfield Area.

### **5.2 National Guidance and Policy – National Planning Policy Framework (NPPF)**

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.

### **5.3 Core Strategy**

The relevant Core Strategy Policies are:

SP1	Presumption in Favour of Sustainable Development;
SP2	Spatial Development Strategy;
SP4	Management of Residential Development in Settlements
SP8	Housing Mix
SP15	Sustainable Development & Climate Change
SP16	Improving Resource Efficiency
SP18	Protecting and Enhancing the Environment;
SP19	Design Quality

### **5.4 Selby District Local plan**

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

“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).”

The relevant Selby District Local Plan policies are:

ENV1	Control of Development
ENV2	Pollution
T1	Development in Relation to the Highway
T2	Access to Roads
VP1	Vehicle Parking Standards

## 6. Key Issues

The main Issues in determining this application are;

- **Principle of the Development**
- **Visual Impact on Character of the Area**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk/Drainage**
- **Land Contamination**
- **Ecology**
- **Trees/Landscaping**

## 7. Principle of Development

- 7.1 Policy SP1 of the Core Strategy states that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the new NPPF.
- 7.2 Byram is a Designated Service Village (DSV) where Core Strategy policy SP2 identifies *"some scope for additional residential and small-scale development employment growth to support rural sustainability ..."* Policy SP4 expands upon this stating that within the development limits of DSVs residential development will be acceptable in principle where (amongst other things) it involves *"appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)"*. In this case the site is both Greenfield (the garden) and Brownfield (the existing dwellings) land within the development limits of the village and comprising a gap in an otherwise built up frontage.

## 8 Visual Impact on Character of the Area

- 8.1 The proposal is for outline permission to determine the principle of development with all matters reserved but the submitted details include an indicative layout for six dwellings and means of access. It is considered that suitably designed dwellings would have an acceptable visual impact.
- 8.2 Objections have been raised in regards to the proposal being 'back land' (or tandem) development. The back land location of the proposed house is not unprecedented in Byram. Park Gardens to the northwest of the site is a small cul-de-sac of three dwellings that has been developed to the rear of existing frontage development fronting onto Byram Park Road. Additionally, land to the rear of 11

Sutton Lane on the opposite side of the road, has had a dwelling approved accessed to the side and to the rear of existing properties.

- 8.3 Objectors have also stated that the proposal is out of context with the existing pattern of development. The indicative layout plan for this proposal shows a block of 4 town houses which are adjacent (but separated by a timber shed) to the property known as Carnanton (accessed from Dish Hill). In addition, the pair of semi-detached properties closer to the site frontage are roughly level with No. 8 Sutton and to the southeast and No. 2 Sutton Lane to the northwest. When viewed in the context of existing development and based on the presumption that the Reserved Matters would follow these parameters as required; the layout reflects the adjacent development in terms of siting.
- 8.4 It is considered that the proposed scheme is of an appropriate scale in relation to the density, character and form of the local area and, as such, is consistent with the requirements of Core Strategy policies SP4 and SP19 and Local Plan policy ENV1.

## **9. Residential Amenity**

- 9.1 Policies ENV1 (1) and ENV2 (SDLP) require development proposals to take account of the impact upon the amenity of adjacent occupants. Policy SP19 of the Core Strategy further supports a good standard of amenity.
- 9.2 Objections have been received from neighbours who are concerned about overlooking, loss of open views and the height of the dwellings. The proposal is for outline permission to determine the principle of development. Whilst all matter are reserved. However, in view of the distance from adjoining properties it is considered that two storey dwellings would be acceptable without causing a harmful impact on residential amenity.
- 9.3 The residential properties which lie adjacent to the application site are at a minimum distance from the site boundary of 13m to the northwest of No. 2 Sutton Lane and Carnanton (Dish Hill) again to the northwest, whereby the side elevations on the indicative site plan would face these two properties. No. 8 Sutton Lane to the southeast is a minimum of 2m from the site (side boundary). Other surrounding properties are at such a significant distance from the site boundary that there would be no impact from the proposed development.
- 9.4 There are no objections in principle to the proposal in terms of residential amenity, provided that the scale of the development is appropriate, that the separation distances shown on the indicative site plan can be maintained between the proposed and existing dwellings. It is therefore considered that the site can be developed whilst maintaining an acceptable relationship with adjacent properties so that residential amenity is not compromised.
- 9.5 Provided that any changes in land levels and the impact upon the adjacent dwellings is taken into account, it is considered that a well-designed scheme would not have a detrimental impact upon the area's key features and would therefore comply with current development plan policies and also compliance with the NPPF.

9.6 On the basis of the above assessment, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

## **10. Highway Safety/Access**

10.1 Public comments received in regards to highway safety are noted.

10.2 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.'*

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

10.4 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."

10.5 Whilst all matters are reserved, the plans indicate that access would be taken from Sutton Lane. There have been a number of objections received from local residents, most of which are on the basis of highway safety. Residents are concerned that Sutton Lane is a narrow street which is busy with traffic and that the proposal would exacerbate existing issues as they see it.

10.6 The Highways Officer has commented on the proposal on the basis of the indicative layout plan. He raises no concerns or comments but simply recommends conditions relating to visibility splays along with the requirement for a Construction Management Plan.

10.7 It is considered that the proposal would be acceptable in respect of highway safety if in accordance with the parameters of the submitted information. The proposal is therefore in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

## **11. Flood Risk/Drainage**

11.1 The application site is located in Flood Zone 1 and therefore has a low probability of flooding.

11.2 The submitted information advises that foul sewage would discharge to the existing mains sewer and that surface water would be via a sustainable means of drainage.

11.3 The Internal Drainage Board (IDB) has made a number of advisory comments in regards to sustainability and the increase in surface water. The advice given however is based on various means of surface water drainage and this is not currently explicit in the proposal.

11.4 Yorkshire Water Services raise no objections but include a number of conditions. They also advise that a 300mm diameter public combined sewer crosses the site but the current layout does not appear to impact on the required stand-off distance required.



11.5 Providing the existing layout is adhered to under the Reserved Matters proposal, there are no concerns in regards to the public sewer. An informative shall be included should the application be permitted advising the agent/applicant of this.

## **12. Ecology**

12.1 Policies relevant with regards to nature conservation and protected species include criterion 5) of policy ENV1 (SDLP) which advises that development should take account of the potential loss or adverse impact on (amongst other things) wildlife habitats. Sub-section 3.c) of Policy SP18 (SDCS) requires new development to *“produce a net gain by designing –in wildlife.”*

12.2 Protected species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material consideration.

12.3 The application has been supported by a Bat Assessment undertaken by Whitcher Wildlife Ltd dated 7<sup>th</sup> July 2018. The report advises that no roosting bats were identified and on this basis there is no requirement for further survey work. It adds however that in the unlikely event that a bat is found work would cease and further advice sought.

12.4 There are opportunities to integrate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Providing the guidance and conditions are adhered to, the application would comply with policy ENV1 of the SDLP and policy SP18 (SDCS), which advise development should contribute to conserving and enhancing the natural environment by moving from a net loss of biodiversity to achieving net gains for nature.

## **13. Trees/Landscaping**

13.1 Criterion 4) of Policy ENV1 (SDLP) requires development to (amongst other things) take account of *“associated landscaping.”* Policy SP19 criterion e) (SDCS) states that developments should *“incorporate new and existing landscaping as an integral part of the design of schemes.”*

13.2 A Tree Survey plan has been submitted with the proposal which assesses existing trees, most being in the adjoining gardens. The trees are all classed as low category in terms of their quality and it is proposed to remove a Weeping Willow and a Wild Cherry within the site due to their poor condition.

13.3 Subject to the implementation of additional planting, the proposal would not result in visual harm and therefore accords with policies ENV1 (1) of the SDLP; SCDP policy SP19 criterion e) and the relevant provisions of the revised NPPF.

## **14. Contamination**

14.1 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.

- 14.2 A Phase 1 Report has been submitted with the proposal. The Contamination Officer (CO) advises that the information identifies potential land contamination resulting from domestic litter and an adjacent gravel pit and the potential for asbestos. The CO states however that the report doesn't assess the potential risk from infilled land and on this basis recommends four conditions (Investigation of Land Contamination; Submission of Remediation Scheme; Verification of Remediation Works and Reporting of Unexpected Contamination). Subject to the submission and implementation of the stated conditions, the proposal is considered to be acceptable.
- 14.3 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.

## **15. Conclusion**

- 14.2 It is considered that the principle of residential development on this site which lies within the development limits of Byram, would be an appropriate sustainable and accessible form of development; which would contribute towards the housing requirements of the settlement.
- 14.3 The application is in 'outline' but it is considered that a suitable detailed scheme of development could be achieved at the Reserved Matters stage, which would have an acceptable impact on the character and appearance of the locality and the amenities for occupants of the surrounding dwellings and environment.
- 14.4 The development therefore complies with the general thrust of advice within the above policies within the Selby District Local Plan; the Selby District Core Strategy and the National Planning Policy Framework, which would seek to direct limited residential development toward such locations.

## **15 Recommendation**

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. Approval of the details of the appearance, landscaping, scale, access and layout (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Applications for the approval of the reserved matters referred to in condition No.1 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.

3. The total number of dwellings authorised by this permission shall not exceed 6 and any reserved matters application(s) submitted pursuant to Conditions 1 and 2 shall be in accordance with these requirements.

Reason: To ensure that the proposal is carried out in accordance with the design parameters and impact of the development on existing infrastructure on which the outline application has been assessed.

4. The development hereby permitted shall be carried out in accordance with the design parameters of the following plans:

P01 Rev. B – Location and Layout as received on 24<sup>th</sup> April 2018

Reason: In order to maintain a reasonable level of amenity for existing adjacent occupiers and to ensure an acceptable level of amenity for future occupiers of the proposed development.

5. The exterior walls and roof(s) of the dwellings and garages hereby permitted shall be constructed of materials that shall first have been agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in order to comply with Policy SP19 of the Selby District Core Strategy Local Plan and Policy ENV1 of the Selby District Local Plan.

6. The development hereby approved shall not be commenced until details of the works for the disposal of foul and surface water have been submitted to and approved in writing by the Local Planning Authority. The development shall then not be first occupied until these works have been carried out in accordance with these approved details.

Reason: In order to ensure that foul and surface water drainage can be disposed of in a manner which does not cause risks of pollution or injury to public health.

7. The development hereby permitted shall be implemented in strict accordance with the amended Bat Assessment prepared by Whitcher Wildlife Ltd and received on the 13<sup>th</sup> July 2018 and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

Reason: 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.

8. No access or egress by any vehicles between the highway and the application site (except for its existing use) until splays are provided giving clear visibility of 43m measured along both channel lines of the major road (Sutton Lane) from a point measured 2m down the centre line of the access road. The object height shall be no more than 1m and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

Reason: In accordance with policy T1 (SDLP) and in the interests of road safety.

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

9. 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. wheel washing facilities
  - e. measures to control the emission of dust and dirt during construction

Reason: In accordance with policy T1 (SDLP) 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.

10. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the 300mm diameter public sewer i .e. a protected strip width of 6 metres, that crosses the site. If the required stand - off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

12. 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.

13. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (i) planting plans (indicating the retention of existing trees where practicable);

- (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities;
- (iii) an implementation timetable; and
- (iv) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme.

Reason: In the interests of the character and appearance of the area having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

14. 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.

15. Development shall not commence until a scheme of details of finished floor levels of each building together with corresponding finished ground levels, ground levels of land around the site and details of surface and land drainage associated with any works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that building have been completed. These shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of local residents and in accordance with Policy ENV1 of Selby District Local Plan.

16. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

17. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

18. 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.

19. 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

### **Bat Assessment**

The applicant should be mindful of the advice contained in section 5 of the bat survey report by Whitcher Wildlife Ltd (July 2018).

### **Surface Water**

Any surface water discharge into a watercourse in, on, under or near the site requires consent from the Drainage Board.

### **Combined Public Sewer**

On the Statutory Sewer Map, there is a 300mm diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. Currently it would appear that the public sewer is unlikely to be affected by building-over proposals.

There is also a 150mm combined sewer within the site but in this case, Building Regulations can control the matter.

**For further information regarding the sewers, the developer should contact our Developer Services Team: telephone 0345 120 84 82 or email**

**[technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)**

### **Surface Water**

Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

## **16. Legal Issues**

### **16.1 Planning Acts**

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

16.2 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.

16.3 Equality Act 2010

It is considered that a decision made in accordance with this recommendation would not result in any breach of Rights under the Equality Act and fulfils the Council's duties and obligations accordingly.

**17. Financial Issues**

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

**18. Background Documents**

Planning Application file reference 2018/0415/OUT and associated documents.

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