



Report Reference Number 2018/1108/FUL

To: Planning Committee
Date: 6 February 2019
Author: Laura Holden (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1108/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mrs C Northern	VALID DATE: EXPIRY DATE:	5th October 2018 30th November 2018
PROPOSAL:	Proposed erection of amenity block following demolition of existing stables		
LOCATION:	Land To Rear Of The Lodge 23 Selby Road Riccall York North Yorkshire		
RECOMMENDATION:	APPROVAL		

This application has been brought back before Planning Committee following consideration at the 16th January 2018 meeting, where Members resolved to defer the application due to an objection which raised concerns over the ownership of the land.

Since the 16th January 2018 resolution of Planning Committee, the applicant's agent submitted information clarifying that the applicant does own the land and the correct ownership certificate has been signed.

1. INTRODUCTION AND BACKGROUND

The Site

- 1.1 The application site is a parcel of open land situated approximately 5 miles north of Selby and south east of Riccall on the eastern side of the A19.

- 1.2 The site lies outside defined development limits and therefore is located within open countryside.
- 1.3 The site is situated within Flood Zone 1 which is at low probability of flooding.

The proposal

- 1.3 The proposal is for the erection of amenity block following demolition of existing stables in relation to the previously approved holiday lodges on the site (2016/1258/COU).
- 1.4 The proposed amenity block is to be single storey, and measure 5 metres in length and 12 metres in width, and has a gable to the front measuring 2 metres in length and 5 metres in width. The proposed amenity block is to be 4.6 metres to the ridge height and 3.1 metres to the eaves height. The walls are to be timber cladding and the roof is to be slate tile.

Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application:

Application Number: 2007/0934/OUT, Description: Outline for the erection of 12no. Holiday Chalets on land at Norwood Nursery to the rear, Address: Norwood Nurseries, Selby Road, Riccall, York, North Yorkshire,, Decision: REF, Officer: STNA, Decision Date: 16-NOV-07

Application Number: 2011/0739/COU, Description: Change of use of land for the siting of 12No. twin unit static holiday lodges, Address: Norwood Nurseries, Selby Road, Riccall, York, North Yorkshire,, Decision: PER, Officer: LOMI, Decision Date: 19-SEP-11

Application Number: 2011/0959/DPC, Description: Discharge of conditions from approval 2011/0739/COU for the change of use of land for the siting of 12No. twin unit static holiday lodges, Address: Norwood Nurseries, Selby Road, Riccall, York, North Yorkshire,, Decision: , Officer: STWR, Decision Date:

Application Number: 2008/0211/OUT, Description: Outline for the erection of 12no. Holiday Chalets on land to the rear, Address: Norwood Nurseries, Selby Road, Riccall, York, North Yorkshire,, Decision: PER, Officer: RISU, Decision Date: 23-MAY-08

Application Number: 2011/0166/OUT, Description: Extension of time application for approval 2008/0211/OUT (8/15/89P/PA) for outline permission to erect 12no. Holiday Chalets on land to the rear, Address: Norwood Nurseries, Selby Road, Riccall, York, North Yorkshire,, Decision: PER, Officer: YVNA, Decision Date: 08-APR-11

Application Number: 2016/1258/COU, Description: Demolition of buildings on site, Change of use to allow the siting of 6 No. holiday use only units, Address: Land To Rear Of, The Lodge, 23 Selby Road, Riccall, York, North Yorkshire,, Decision: PER, Officer: KETH, Decision Date: 08-MAR-17

CONSULTATIONS

- 1.6 **HER Officer** – No objections
- 1.7 **NYCC Highways Canal Rd** – No objections
- 1.8 **The Ouse & Derwent Internal Drainage Board** – The Board has no objections to the principle of this development but feel it appropriate that the applicant clarifies the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. The Board recommends that any approval granted should include the conditions relating to the submission of drainage details.
- 1.9 **Environmental Health** – No objections
- 1.10 **National Grid** – No objections
- 1.11 **Parish Council** – Objects – due to concerns over storage of propane gas, and chemicals, potential for vandalism and theft, lack of information regarding materials, inaccurate red line boundary. Following the submission of amended plans the Parish Council were re-consulted and the previous comments have been maintained.
- 2.7 **Pland Use Planning Yorkshire Water Services Ltd** – No objections, subject to a condition that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which are to be submitted to and approved by the Local Planning Authority.

Publicity

- 2.8 **Neighbour Summary** – All immediate neighbours have been informed by letter and a site noticed has been erected. 19 letters of objection from 13 addresses have been received as a result of this advertisement. The letters of objection raise concerns in respect of:

Highways:

- Restricts access for emergency vehicles
- Limits turning area
- Poor visibility
- Narrow entrance way
- Additional site traffic
- Existing access already busy

Services:

- Power and sewerage not adequate
- Development over electricity cables running through the site

Amenity:

- Increase in traffic, noise and pollution would result in loss of amenity
- Noise from generators
- Increase in crime, and litter
- Too close to residential properties

Design:

- Building too large

- Inappropriate scale
- Materials not stated

Other matters:

- Amenity block not necessary or justified
- Comments regarding potential intended/future use of the site
- Inaccuracies in the submitted plans
- Health and safety concerns over storage of combustible materials & gas
- Referral to Policy RT12 of Selby District Local Plan inaccurate because it refers to caravans and camping facilities and the previously approved application is for holiday lodges.
- Conditions for 2016/1258/COU are not going to be enforced or complied with
- Windows and doors could be added to change the amenity block into a residential property
- Concerns the site will make it harder to sell surrounding properties.

In response to the re-consultation the previous comments have been maintained.

3 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.8** The application site is located outside development limits, and is therefore within the open countryside.
- 3.9** The application site is located within Flood Zone 1, which has a low probability of flooding.

Selby District Core Strategy Local Plan

- 3.10** The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
 SP2 - Spatial Development Strategy
 SP13 - Scale and Distribution of Economic Growth
 SP15 - Sustainable Development and Climate Change
 SP18 - Protecting and Enhancing the Environment
 SP19 - Design Quality

Selby District Local Plan

- 3.11** 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).”

- 3.12** The relevant Selby District Local Plan Policies are:

RT11 - Tourist Accommodation
RT12 - Touring Caravan and Camping Facilities
ENV1 - Control of Development
T1 - Development in Relation to Highway
T2 - Access to Roads

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

3.13 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 (para 12). This application has been considered against the 2018 NPPF.

4 APPRAISAL

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

- Principle of Development
- Impact on Highways
- Impact on Residential Amenity
- Design and Impact on the Character and Form of the Area
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Other Issues

Principle of Development

4.9 Policy SP1 of the Selby District Core Strategy Local Plan (2013) sets out that when considering development proposals the Council will take a positive approach that reflects the presumption of sustainable development as contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.10 There are a number of policies within the development plan that are relevant. These include Core Strategy Policies SP2, SP13, SP15, SP18 and SP19. Taken together, the main thrust of these policies is that development in the open countryside (outside development limits) will generally be resisted unless it involves the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes and well-designed new buildings. Proposals of an appropriate scale which would diversify the local economy (consistent with the NPPF) or meet affordable housing needs (adjoining the development limits of a village and which meet the provisions of Policy SP9), or other special circumstances, may also be acceptable.

4.11 Policy SP13 states that in rural areas sustainable development on both greenfield and previously developed sites which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including rural tourism and other small scale rural development.

- 4.12** There are no specific policies relating to the provision of holiday lodges, chalets, static caravans or cabins with the Local Plan, however Policy RT12 of the Selby District Local Plan relates to proposals for touring caravan and camping facilities and acknowledges that such developments are likely to be located beyond development limits. Given that the previously approved application for holiday lodges on the site was assessed under this Policy as the holiday lodges comply with the statutory definition of a caravan, it is considered acceptable that the proposed amenity block is assessed under the same policy.
- 4.13** RT12 (6) requires any new ancillary buildings or structures are essential to providing basic services on the site. The application proposes an ancillary building to the previously approved holiday lodge site, the building is to be used to as an office, as well as the storage of items related to the upkeep of the lodges and site. The proposals are therefore considered acceptable in accordance with Policy RT12 (6).
- 4.14** It is considered that the proposal would bring forward rural development that supports the rural economy and would therefore be in accordance with the local and national planning policies, subject to assessment of other criteria discussed further below.

Impact on Highways

- 4.15** Policy in respect of highway safety and capacity is provided by Policies ENV1(2) and T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.
- 4.16** RT12 (4) requires the site to have good access to the primary road network, with RT12 (5) requiring proposals to ensure that they would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity. Similarly Policy ENV1 (2) requires proposals to take account of the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site and the arrangements to be made for car parking.
- 4.17** The proposal involves the use of an existing approved access, and due to the nature of the proposal will not result in the intensification of the existing access.
- 4.18** Objections received have been considered and are noted above in the publicity section. The application has been assessed by NYCC Highways have been consulted and have no objections to the proposal.
- 4.19** It is therefore considered that the proposal would not result in a detrimental impact on the existing highway network in accordance with Policies RT12 (4), ENV1 (2), T1 and T2 of the Selby District Local Plan.

Impact of the proposal on Residential Amenity

- 4.20** Relevant policies in respect to impacts on residential amenity include Policy ENV1 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.

- 4.21** Policy ENV1 (1) requires that the District Council take account of "The effect upon... the amenity of adjoining occupiers". It is considered that Policy ENV1 (1) of the Selby District Local Plan should be given significant weight as one of the core principles of the NPPF is to ensure that a good standard of residential amenity is achieved in accordance with the emphasis within the NPPF.
- 4.22** The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 4.23** Policy RT12 (5) requires proposals to take account of the effect upon the amenity of adjoining occupiers.
- 4.24** The proposed amenity block is situated to the North East of the site, and is approximately 12 metres from the nearest neighbouring boundary, and over 30 metres from the neighbouring property.
- 4.25** The proposals due to the appropriate separation distances, the existing and proposed boundary treatment and landscaping around the perimeters of the site and the orientation of the windows in amenity block ensures that there would be no significant detrimental impact in terms of overlooking or overshadowing or adverse noise and disturbance in accordance with Policies ENV1 (1) and RT12 (5).

Design and Impact on the Character and Form of the Area

- 4.26** Relevant policies in respect of design and impact on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policies SP4 and SP19 of the Core Strategy.
- 4.27** Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.
- 4.28** Policy RT12 (1) requires the proposal to not have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged conservation interests.
- 4.29** Policy RT12 (2) states any proposals for development within the locally important landscape areas, as defined on the proposals map, would conserve and enhance the landscape quality of the area in terms of scale, siting, layout, design, materials and landscaping.
- 4.30** Policy RT12 (3) states the proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping. In addition Policy ENV1 (1) requires proposals to take account of the effect upon the character of the area or the amenity of adjoining occupiers with
- 4.31** Policy ENV1 (4) requiring proposals to take account of the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 4.32** Policy ENV21 relates to landscaping and states where appropriate proposals for development should incorporate landscaping as an integral element in the layout

and design, including the retention of existing trees and hedgerows and planting of native, locally occurring species.

- 4.33** It is noted that the site is not located within a sensitive area of landscape, a Locally Important Landscaped Area, Green Belt, and would not affect the setting of a listed building or a nationally or locally important site of nature conservation interest. In addition the site is set back a significant distance from the most common public viewpoint of Selby Road and is well screened through existing mature ferns and boundary fencing, which would be enhanced by further planting on the western and southern perimeters of the previously approved development on the site.
- 4.34** It is therefore considered that the proposed development would accord with Policies RT12 (1), (2) and (3) and ENV1 (1) and (4) of the Selby District Local Plan.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.35** Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.
- 4.36** The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.
- 4.37** The application site is located in Flood Zone 1 (low probability of flooding).
- 4.38** Concern has been raised by residents and these points have been considered. The Drainage Board has suggested a condition to secure detail of surface water drainage. No detail has been submitted for foul drainage. It would therefore be reasonable and necessary to secure detail by condition.
- 4.39** It is therefore considered that the proposal is in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF, subject to conditions.

Nature Conservation and Protected Species

- 4.40** Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPP and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 4.41** In respect to impacts of development proposals on protected species planning policy and guidance is provided by the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 and the NPPF. The presence of a protected species is a material planning consideration. In addition Policy ENV1(5) require proposals not to harm acknowledged nature conservation interests.

4.42 As such, having had regard to all the ecological issues associated with the proposal, it is concluded that the proposal is acceptable and that the proposal is in accordance with Policy SP18 of the Core Strategy and ENV1(5) of the Local Plan.

Other issues

4.43 Many of the objections refer to the use of the previously approved holiday lodges and the end user of these approved lodges is not considered to be material to the determination of the application. Planning policy is geared toward rural tourism provision, additionally the previously approved holiday lodges and the current proposal do not involve permanent residential occupation and conditions have been secured to ensure that the use remains as holiday use only. A condition will also be used to ensure that the proposed building is used only in connection with the approved use of the land.

4.44 Objection comments refer to concerns regarding the safety of the storage of propane on the site so close to residential properties. A verbal conversation with Environmental Health confirmed that there is other guidance and legislation controlling the storage and management of the propane stored on site, and therefore, it is not considered to be a planning consideration.

4.45 House prices are not a material planning consideration.

4.46 The National Grid have been consulted and have no objection to the proposal despite close proximity to a High-Pressure Gas Pipeline.

4.47 Objection comments regarding the enforcement of the previous permission (2016/1258/COU) conditions are not considered to be relevant to the determination of this application.

5 CONCLUSION

5.1.1 The proposed development is considered to accord with Policies ENV1, RT12, T1 and T2 of Selby District Local Plan and Policies SP1, SP2, SP13, SP15, SP16, SP18 and SP19 of Selby Core Strategy.

5.2 The proposal is considered to be acceptable in respect of matters of acknowledged importance such as design and impact on the character and form of the area, highway safety, drainage and flood risk, residential amenity and nature conservation.

6 RECOMMENDATION

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

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

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

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

Reason :

For the avoidance of doubt.

03. In the event that 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 in accordance with ENV2 of the Local Plan and SP19 of the Core Strategy

04. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those stated in the Planning and Design and Access Statement received 26th September 2018.

Reason:

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

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

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

06. 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

07. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

08. The amenity block hereby permitted shall only be used in connection with the use of the land for holiday lodges. It shall not at any time be used for any other purpose. If the use of the land for holiday lodges ceases, the building hereby permitted shall be removed as soon as practicable.

Reason:

In the interests of visual amenity in order to comply with Policies ENV1 and EMP13 of the Selby District Local Plan.

Legal Issues

Planning Acts

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

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.

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.

Financial Issues

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

Conclusion

As stated in the main body of the report.

Background Documents

Planning Application files reference 2018/1108/FUL and associated documents.

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Appendices: None