



Report Reference Number: 2018/1122/REMM

To: Planning Committee
Date: 3 April 2019
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

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| APPLICATION NUMBER: | 2018/1122/REMM | PARISH: | Barlow Parish Council |
| APPLICANT: | Alfa Homes Ltd | VALID DATE: EXPIRY DATE: | 2 nd October 2018 1 st January 2019 |
| PROPOSAL: | Reserved matters application including appearance, landscaping, layout and scale of approval 2015/0775/OUT Outline planning permission for residential development including access (all other matters reserved for future consideration) | | |
| LOCATION: | Morello Garth Park Lane Barlow Selby North Yorkshire YO8 8EW | | |
| 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 AND BACKGROUND

Site and Context

- 1.1 The development limit boundary runs through the application site, such that the application site is part located within the defined development limits of Barlow, which is a Secondary Village as identified in the Core Strategy, and is part located outside the defined development limits of Barlow and is therefore located within the open countryside. The site access (approved under outline planning application reference 2015/0775/OUT) is located within the part of the site within the defined development limits, while the remainder of the site including the proposed dwellings, public open space, SuDS pond and pumping station is located within the part of the site outside the defined development limits.
- 1.2 The application site comprises an existing property known as Morello Garth and an area of open undeveloped grassland to the rear of Morello Garth and a number of other properties to the east of Morello Garth fronting Park Lane. To the north and north west of the application site is Park Lane and properties fronting onto Park Lane; to the north east and south east of the application site are properties fronting onto Park Lane and Park Avenue; to the south west of the application site is an area of open undeveloped grassland.

The Proposal

- 1.3 The application seeks approval of reserved matters (layout, scale, appearance and landscaping) pursuant to an outline planning permission reference 2015/0775/OUT, which considered the principle of the development and access.
- 1.4 Therefore, the principle of the development and access has been established through the outline permission and only those reserved matters (layout, scale, appearance and landscaping) can be considered at this stage.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
- 1.6 An outline application (reference: 2015/0775/OUT) for a residential development including access with all other matters reserved for future consideration was approved on 30 November 2015.
- 1.7 A non-material amendment application (reference: 2016/0452/MAN) to planning permission reference 2015/0775/OUT, an outline planning permission for residential development including access (with all other matters reserved for future consideration) was approved on 9 May 2016.
- 1.8 An application (reference: 2018/0016/FULM) for the proposed erection of a residential development of 49 units with associated open space and access was withdrawn on 28 June 2018.

2. CONSULTATION AND PUBLICITY

All immediate neighbours were informed by letter, a site notice has been erected, an advert placed in the local press and statutory consultees notified.

- 2.1 **Parish Council** – Have considered the proposals and have the following comments:
- The original decision to grant outline planning consent for the site (2015/0775/OUT) makes no reference to the number of dwellings to be built. Since the outline permission was granted, Selby District Council has formally adopted the Core Strategy Local Plan. The scale of the current proposal for 15 dwellings fails to meet the strategic and policy objectives of the Core Strategy Local Plan, particularly with reference to Policy SP4.
 - The original decision to grant outline planning consent for the site (2015/0775/OUT) required the development was to be carried out in accordance with specified plans/drawings. The proposed layout, as now submitted, extends the site boundary significantly, particularly in the southwest corner of the site.
 - The proposed layout of the site potentially deprives existing neighbouring properties of an acceptable level of residential amenity with regard to overlooking, overshadowing and loss of privacy and involves an unacceptable loss of open aspect.
 - There were no objections to the outline planning permission from NYCC Highways. However, the Parish Council believes the volume of traffic in the village has increased significantly in the three years since the decision was taken and believe it would be prudent for the Council to insist on updated traffic survey information before detailed planning approval of carriageway dimensions and visibility splays is considered.
 - Concerns regarding the volume and frequency of heavy construction vehicle movements through the village as a result of the proposed development. In particular, concerns about construction traffic passing through the village at times corresponding with the commencement and completion of the primary school day. Consider the Council and the Highway Authority should consider placing restrictions on construction traffic so as to minimise the heightened risk to school children and parents during these times.
 - Concerns regarding the potential for excessive noise, vibrations and the potential for damage to property, resulting from the demolition works planned. Consider the Council and the applicant should consult with those residents likely to be impacted directly to gain their agreement to the planned methods for completing the works and ensure adequate compensation is available should neighbouring properties suffer damage.
- 2.2 **NYCC Highways** – No additional comments to add other than those recommended under planning application reference 2015/0775/OUT.
- 2.3 **Selby Area Internal Drainage Board** – No objections.
- 2.4 **Yorkshire Water Services Ltd** – No comments.
- 2.5 **SuDS and Development Control Officer** – No comments.
- 2.6 **Environmental Health** – No comments.
- 2.7 **Landscape Architect** – Initial Comments dated 21.11.2018: Further detailed landscape information is required. This should include detailed planting proposals, planting schedule and outline planting specification. Further information is also needed to explain the design of the SuDS pond and how this can be successfully

integrated into the POS, rather than being a steep sided engineering solution. Request screen planting to the pumping station.

Further comments dated 30.01.2019: Screen planting is provided around the pumping station and is acceptable. Further information is needed in relation to the pond and for outline planting specification (establishment and maintenance), even if the ongoing maintenance and management is submitted at a later stage for the S106.

Further comments dated 06.03.2019: Satisfied with the soft landscape proposals. Would like to see some further clarification on treatment of the SUDS pond, i.e. how is this to be graded, surfaced and maintained.

- 2.8 **Natural England** – No comments.
- 2.9 **North Yorkshire Bat Group** – No response within statutory consultation period.
- 2.10 **Rural Housing Enabler** – No objections. Advise that all the affordable housing units should adhere to National Space Standards and the applicant should make early contact with a partner Registered Provider on order to confirm that the number, size and type of the units are acceptable to them.
- 2.10 **Designing Out Crime Officer** – No objections.
- 2.11 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.12 **HER Officer** – No response within statutory consultation period.
- 2.13 **Public Rights of Way Officer** – No response within statutory consultation period.
- 2.14 **North Yorkshire County Council (CPO)** – No response within statutory consultation period.
- 2.15 **Education Directorate North Yorkshire County Council** – No comments.
- 2.16 **NYCC Archaeologist** – No objections.
- 2.17 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press. Twenty three letters of objection have been received as a result of this advertisement with concerns raised in respect of: (1) the principle of the development, outside development limits of a Secondary Village; (2) the increase in the size of the application site by comparison to the outline approval; (3) lack of local amenities to serve the proposed development; (4) the back land form of development proposed; (5) the design of the proposed development and resultant impact on the character and appearance of the area; (7) the impact of the proposed development on the residential amenities of neighbouring properties in terms of overlooking, overshadowing, loss of privacy and loss of views; (8) the impact of the proposals on nature conservation and protected species; (9) the impact of the proposals on flood risk and drainage; (10) impact of the proposals on highway safety; (11) the impact of construction traffic on the residential amenities of

neighbouring properties and highway safety; (12) noise and disturbance to neighbouring residential properties resulting from the construction period; (13) the potential for the proposed development to set a precedent for future back land development; (14) who would be responsible for the landscaping and maintenance of the POS; (15) whether there is any lighting proposed for the scheme; and (16) whether the affordable housing would be affordable.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The development limit boundary runs through the application site, such that the application site is part located within the defined development limits of Barlow, which is a Secondary Village as identified in the Core Strategy, and is part located outside the defined development limits of Barlow and is therefore located within the open countryside.
- 3.2 The application site is part located within Flood Zone 1, which has a low probability of flooding; part located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year; and part located within Flood Zone 3a, which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year. (Officer Note: when the outline application (reference 2015/0775/OUT) was assessed, the application site was located wholly within Flood Zone 1 and the application was assessed as such in terms of flood risk).
- 3.3 Part of the application site comprises potentially contaminated land from former use of the land as agriculture/nurseries.

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

- 3.4 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first 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 unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

Selby District Core Strategy Local Plan

- 3.5 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP4 – Management of Residential Development in Settlements
 - SP5 – The Scale and Distribution of Housing
 - 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

3.6 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).”

3.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT2 – Open Space Requirements for New Residential Development
- CS6 – Development Contributions to Infrastructure and Community Facilities

4. APPRAISAL

4.1 Since the principle of development and access have been established under the outline planning permission (reference 2015/0775/OUT), the main issues to be taken into account when assessing the reserved matters application are:

- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Recreational Open Space
- Affordable Housing
- Other Issues

Design and Impact on the Character and Appearance of the Area

4.2 The application site comprises an existing property known as Morello Garth and an area of open undeveloped grassland to the rear of Morello Garth and a number of other properties to the east of Morello Garth fronting Park Lane. To the north and north west of the application site is Park Lane and properties fronting onto Park Lane (mix of two storey and bungalows); to the north east and south east of the application site are properties fronting onto Park Lane (mix of two storey and bungalows) and Park Avenue (two storey); to the south west of the application site is an area of open undeveloped grassland.

- 4.3 In terms of layout, it was established under the outline permission (reference 2015/0775/OUT) that the back land form of development this site would result in would be acceptable. While the character of the village was originally linear, this has slowly eroded with the introduction of modern development over time. There are now a number of modern suburban cul-de-sacs including Mayfield Court, Laburnum Court Avenue and Park Avenue. These developments have changed the plan of the village from what was originally a straggling linear settlement to a more compact settlement which includes in-depth development. The proposal would result in a similar depth of housing development to Park Avenue sitting just behind the housing fronting the main road through the village. Within this context, the proposed development would not be considered to be harmful to the form and layout of the village and would not harm its intrinsic character.
- 4.4 In terms of scale and appearance, the design and materials of surrounding properties are a mixture. The submitted proposed layout plan (drawing no. BDV.13.02 Rev A) demonstrates how the proposed dwellings would be located in a linear layout within the site and would comprise a mix of two storey dwellings and bungalows formed from six dwelling types, distributed evenly throughout the site so there is no visible clustering of house types. The proposed elevations for each of the house types demonstrate each of the dwellings would have a simple traditional appearance with pitched roof forms. Detached garages would be dispersed between properties where not provided integral to the dwellings. A street layout plan (drawing no. BDV.13.03 Rev A) has been submitted which demonstrates that the proposed dwellings would have an acceptable appearance when viewed in the context of the scheme. Having regard to the location of the proposed development and the context of the site, it is considered that the scale and appearance of the proposed development would be acceptable and would not have any significant adverse impact on the character and appearance of the area. The submitted Planning Statement sets out that the materials will be reflective of the surrounding properties; however, no specific details of materials have been submitted at this stage. A condition could be attached to any planning permission requiring details of materials to be submitted to and approved by the Local Planning Authority prior to development above foundation level in the interests of the character and appearance of the area.
- 4.5 In terms of landscaping, a landscape proposals plan (drawing no. 2964/1) was originally submitted with the proposals. This demonstrated existing vegetation to be retained; proposed trees with limited specification; and proposed shrub planting, grass and wildflower area with no specification. The Council's Landscape Architect was consulted on the original landscape proposals plan and advised that further detailed landscape information was required, including detailed planting proposals, planting schedule and outline planting specification. In addition, it was requested that screen planting was provided to the pumping station and further information be provided to explain the design of the SuDS pond and how this could be successfully integrated into the POS, rather than being a steep sided engineering solution. A revised landscape proposals plan (drawing no. 2964/2 Rev B) was submitted which demonstrated detailed planting proposals, planting schedule and screen planting around the pumping station, which the Council's Landscape Architect is satisfied with. However, the Council's Landscape Architect has again requested that further information is needed in relation to the design of the SuDS pond and for outline planting specification (establishment and maintenance). A further revised landscape proposals plan (drawing no. 2964-2C-DLP-A1-500) has been submitted

which details the outline planting specification and the Councils Landscape Architect has raised no objections to this. However, no further information has been submitted in relation to the design of the SuDS pond. It would be considered reasonable and necessary to attach a condition to any planning permission granted requiring further details of the landscaping of the SuDS pond to be submitted to and approved by the Local Planning Authority.

- 4.6 In terms of boundary treatments, the submitted proposed layout plan (drawing no. BDV.13.02 Rev A) demonstrates rear and dividing fences between the proposed dwellings would be 1.8 metre high feather edge close boarded timber fences, while low level hedging would be provided to the front of the dwellings. The western boundary of the site, adjoining the open fields would comprise a 1.1 metre high profile rail fencing to overlook the open fields beyond. These boundary treatments are considered acceptable having regard to the context of the site and can be secured by way condition.
- 4.7 Subject to the aforementioned conditions, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.8 To the north and north west of the application site is Park Lane and properties fronting onto Park Lane; to the north east and south east of the application site are properties fronting onto Park Lane and Park Avenue; to the south west of the application site is an area of open undeveloped grassland.
- 4.9 Given the size, siting and design of the proposed dwellings and their relationship to neighbouring residential properties outside the application site, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any neighbouring residential properties outside the application site. While the proposals would have an effect on views from existing neighbouring properties, this is not a material consideration which can be taken into account in the determination of this application.
- 4.10 Given the layout, scale, appearance and landscaping of the proposed dwellings, it is not considered that the proposals would result in any adverse effects of overlooking, overshadowing or oppression on the residential amenities of any residential properties within the application site. Furthermore, the proposed dwellings would each benefit from an adequate amount of useable external amenity space for the occupiers of the proposed dwelling.
- 4.11 It is noted that concerns have been raised by neighbouring residential properties regarding the impact of the construction works on the residential amenities of neighbouring properties. A condition has been attached to the outline planning permission requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties in close proximity to the site to be submitted to and approved by the Local Planning Authority prior to site preparation and construction

work commencing. This would need to be done through a separate discharge of condition application.

- 4.12 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.13 The access to the site has been established through the outline permission. In terms of parking, turning and manoeuvring within the application site, the submitted proposed layout plan (drawing no. BDV.13.02 Rev A) demonstrates that each dwelling would benefit from at least two, if not three, car parking spaces within the curtilage of each dwelling. A turning head is provided at the end of the cul-de-sac. NYCC Highways have been consulted on the proposals and have not raised any objections to the parking turning and manoeuvring areas.
- 4.14 Having regard to the above, 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.

Recreation Open Space

- 4.15 Policy RT2 of the Selby District Local Plan requires proposals for new residential development comprising 5 or more dwellings to provide recreational open space at a rate of 60 square metres per dwelling. The Section 106 Agreement attached to the outline planning permission contains a requirement to provide "Open Space Land" meaning outside open space to be provided at the site at a rate of 60 square metres per dwelling.
- 4.16 The submitted proposed layout plan (drawing no. BDV.13.02 Rev A) demonstrates that recreation open space would be provided to the west of the proposed dwellings at a rate of 225 square metres per dwelling, totalling 3376 square metres for the scheme. This is in excess of the 60 square metres per dwelling required by Policy RT2 and the Section 106 Agreement and therefore the extent of the recreational open space to be provided within the application site is considered to be acceptable.
- 4.17 The Section 106 Agreement prevents occupation of more than 75% of the dwellings until the "Open Space Specification" has been agreed with the Council. "Open Space Specification" is defined in the Agreement as follows:
- "...a specification for the design (including details of any apparatus to be installed) layout and configuration and thereafter carrying out of the Open Space Works and the maintenance specification to be agreed in writing by the District Council".*
- 4.18 The submitted proposed layout plan (drawing no. BDV.13.02 Rev A) demonstrates that the recreational open space would not be anything more than what might be termed "amenity open space". No details have been provided as to whether any

apparatus (such as play equipment) would be provided on the open space and no maintenance specification has been provided.

- 4.19 No evidence has been provided that the applicants have engaged with the Parish Council to discuss how the provision of the recreational open space might, or might not, fit in with any local aspirations and/or initiatives. Further, there are no unsolicited views on the matter in the Parish Council's comments on the application.
- 4.20 The adopted Recreation Open Space Strategy (2006) identifies two children's play areas in the village: (1) on the playing field on Park Road; and (2) on the playing field on Park Lane. However, the play equipment on each of these sites has been identified as being in poor condition. There are also sports fields in these two locations. However, these have been identified as not catering for a variety of types of sport. Under the heading "Improvements proposed" the Strategy states improvements need to be made to the existing facilities and opportunities increase the range of sports provided for need to be explored.
- 4.21 Some of these initiatives might have benefited from funding though this development. However, no financial contribution has been sought in respect of recreation open space under the Section 106 agreement; instead on-site recreational open space provision has been sought. The Open Space Land as shown within the current scheme is provided within an area that could easily lend itself to more than just basic open amenity space. This is something which needs to be explored with the Parish Council and the local community.
- 4.22 There is no requirement for the "Open Space Specification" to be agreed at the reserved matters stage and therefore it would not be unlawful to approve the reserved matters application without the "Open Space Specification". However, further discussions need to take place between the applicants, the Parish Council and the local community regarding the recreational open space and how this might be used and managed. The details of the "Open Space Specification" need to be secured through the Section 106 Agreement.

Affordable Housing

- 4.23 The Section 106 Agreement attached to the outline planning permission contains a requirement for the number of affordable housing units to be not less than 40% of the total number of dwellings at the site, which in this instance would be 6 dwellings, and for the location of the affordable housing units to be in accordance with an "Affordable Housing Plan" to be approved as part of the reserved matters approval. "Affordable Housing Plan" as defined in the Agreement as follows:

"...detailed scheme to be provided for the District Council's approval identifying the number, types, size, location and tenures of the Affordable Housing Units and the timetable for the construction and Practical Completion thereof..."

- 4.24 An Affordable Housing Plan (drawing no. BDV.13.06) has been submitted with the application, which demonstrates that six affordable housing units would be provided at the site. These would all be two bedroom bungalows, two of which would be intermediate and 4 of which would be to rent, evenly distributed throughout the site. Construction and practical completion would be subject to planning approval,

where after construction could commence circa May 2019 with practical completion circa August 2020.

- 4.25 The Council's Rural Housing Enabler has been consulted on the proposals and has advised raised no objections to the details contained within the "Affordable Housing Plan". The applicant has been advised that they should make early contact with a partner Registered Provider on order to confirm that the number, size and type of the units are acceptable to them.

Other Issues

- 4.26 Concerns have been raised that size of the application site has been increased by comparison to the outline approval. Amended plans have been submitted during the course of the application to address this issue and the application site shown on the submitted plans is now the same as on the outline approval.
- 4.27 Concerns have been raised regarding the principle of the development, outside development limits of a Secondary Village, the impact of the proposals on nature conservation and protected species, the impact of the proposals on flood risk and drainage, impact of construction traffic on the residential amenities of neighbouring properties and highway safety and noise and disturbance to neighbouring residential properties resulting from the construction period. These matters were considered under the outline approval and are not for re-consideration under this reserved matters application.

5. CONCLUSION

- 5.1 The application site benefits from outline an approval, which considered the principle of the development and access (reference 2015/0775/OUT) with all other matters (layout, scale, appearance and landscaping) reserved for future consideration. Therefore, the principle of the development and access has been established through the outline permission and only those reserved matters (layout, scale, appearance and landscaping) can be considered at this stage.
- 5.2 Having assessed the proposals against the relevant policies, the reserved matters for the layout, scale, appearance and landscaping are considered to be acceptable. The details ensure that the proposal would not result in detrimental impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties or highway safety.
- 5.3 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, ENV2, T1, T2, RT2 and CS6 of the Selby District Local Plan, Policies SP1 SP2, SP4, SP5, SP8, SP9, SP15, SP16, SP18 and SP19 of the Core Strategy and the advice contained with the NPPF.

6. RECOMMENDATION

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

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

BDV.13.01 – Location Plan
BDV.13.02 Rev A – Proposed Layout Plan
BDV.13.T4+.01 – T4+ The Elton John Floor Plans and Elevations
BDV.13.B1.01 – B1 Floor Plans and Elevations
BDV.13.N1+.01 – N1+ House Type Floor Plans and Elevations
BDV.13.T11.01 – T11 The Montgomery Floor Plans and Elevations
BDV.13.T4.01 – T4 The Elton Floor Plans and Elevations
BDV.13.T401.01 – T401 House Type Floor Plans and Elevations
BDV.13.G01 – Single Garage Floor Plans and Elevations
BDV.13.04 – Gate and Fence Elevations
BDV.13.03 Rev A – Street Scenes
BDV.13.06 – Affordable Housing Plan
2964/2 Rev C – Detailed Landscape Proposals

Reason:

For the avoidance of doubt.

- 02.No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the proposed development have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

- 03.Prior to the occupation of the dwellings hereby permitted, boundary treatments to be retained and erected within the application site shall be implemented in accordance with drawing no. BDV.13.02 Rev A and thereafter shall be retained as such for the lifetime of the development.

Reason:

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

- 04.No development shall commence until a detailed design and associated maintenance plan of the landscaping of the SuDS pond, including grading and surfacing has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved detailed design prior to the completion of the development.

Reason:

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

7. Legal Issues

7.1 Planning Acts

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

7.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

8. **Financial Issues**

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

9. **Background Documents**

Planning Application file reference 2018/1122/REMM and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer

Appendices: None