



**Report Reference Number:** 2017/0542/OUTM (8/37/97R/PA)

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Mandy Cooper (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0542/OUTM	PARISH:	Eggborough Parish Council
APPLICANT:	Jas Bowman And Sons Ltd	VALID DATE: EXPIRY DATE:	9th May 2017 8th August 2017
PROPOSAL:	Outline to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of including demolition and removal of all structures, buildings and hard standing to facilitate future development		
LOCATION:	Bowmans Mill Selby Road Whitley Goole East Yorkshire DN14 0LQ		
RECOMMENDATION:	GRANT - SUBJECT TO THE COMPLETION OF A S106 AGREEMENT		

This application has been brought before Planning Committee as more than 10 letters of objection have been received contrary to the Officer recommendations to approve the application.

This application was brought to Planning Committee on 10 July 2019 where Members resolved to defer the application so a site visit could be undertaken.

## 1. INTRODUCTION AND BACKGROUND

### The Site and Context

- 1.1 The application site is situated within the village of Eggborough approximately 7 miles southwest of Selby and 1.3 miles southwest of the Eggborough Power

Station. The site comprises the full extent of the Bowman's Mill site on the east side of Selby Road on the old road through the village. The site area is 4.86 hectares (12 acres) and comprises the three and five storey former flour mill and associated buildings and silos. The development would also include demolition of The Grange – a double fronted former residential property most recently used as offices to the south of the Mill and facing gated accesses off Selby Road. Additionally there are various ground works and tanks, sluice structures and hard standings to the rear of the frontage development as well as a large area of tree cover to the southern corner and to a lesser degree the northwest (frontage) and some undeveloped grass land to the southeast.

- 1.2 Also on the frontage, to the immediate west of the mill buildings, is The Grange, a late 19th century villa, set back in a mature garden with trees to the front and lawn to the rear. Adjoining the site to the immediate south is the access to Croysdale Terrace, a group of terraced properties facing north toward the south west limits of the application site and Willow Dene a group of six detached properties situated south west of the application site and fronting Selby Road. To the north is the Millstone Lane and Mill Croft residential development. A railway line and industrial area beyond to the southern corner and the A19 are situated beyond the southeast site boundary; with open fields dominating the wider landscape beyond. To the northwest side of Selby Road and opposite the site is the Village Hall and the Carlton Close residential development. For the most part, the topography of the land is consistently level but with unstable variations to the self-seeded woodland area to the south of the site.
- 1.3 The application site was originally submitted as part of the EGG/3 residential allocation in the Selby District Local Plan (SDLP). This was discounted by the Inspector during the adoption process of the Local Plan (under Modification No. 323), due to there being a current employment use on the site, indicating the land was not at that time available. This site therefore remains unallocated within the Local Plan.

### **The Proposal**

- 1.4 The applications seeks outline planning permission to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of demolition and removal of all structures, buildings and hard standing to facilitate future development.
- 1.5 An indicative layout plan has been submitted with the application which demonstrates how the site could accommodate up to 120 dwellings.

### **Relevant Planning History**

- 1.6 There is no planning history on this site that is considered relevant to the current proposal.

## 2. Consultations and Publicity

Initial consultations were made in April 2017, with a further consultation to relevant consultees in April 2019. All immediate neighbours were informed by letter, a site notice was posted, an advert placed in the local paper and statutory consultees notified.

### 2.1 Landscape Consultant – Objection in regards to:

- Not sufficient in landscape terms, no regard to local character and setting of High Eggborough village, or sufficient contribution to green infrastructure
- Removal of a number of mature trees within the site and along the road frontage, and lack of soft landscape and green infrastructure within the development.
- Proposed housing layout is very dense with limited real opportunity to incorporate soft landscape and street trees throughout site.
- Loss and reduction in established tree cover.
- Layout currently dominated by roads and parking.
- Housing with gardens and green space, orientated and set back from Selby Road is a distinctive local characteristic. Proposed layout is contrary to this.

The Landscape Consultant (LC) also makes a number of recommendations in regards to the indicative site plan and requests that the Public Open Space (POS) should be secured through a S106 agreement together with arrangements for long term maintenance and management.

### 2.2 Parish Council – Objections relating to:

- Sustainability of village; insufficient level of services to support extensive growth
- Concerns regarding development only having one means of access (now amended)
- Mixture of 2, 2.5 and 3 storey dwellings
- Risk of criminality yet proposing to put in pedestrian/cycle access points linking Croysdale Terrace and Millview. This could be a possible escape route for potential criminals and an ideal racetrack for budding BMX racers.
- Village cannot sustain this level of development especially with the reduction in services/facilities/infrastructure previously highlighted. This is only a village, not a town.

### 2.3 NYCC Highways Canal Road – NYCC Design Guidance suggests a development of this size requires a Transition Road access layout. An additional emergency access is desirable, sensible and easily delivered, but willing to concede on this emergency access.

### 2.4 Yorkshire Water Services Ltd – No objections but advisory comments as follows:

- FRA states that Foul water will discharge to public foul water sewer as sub-soil conditions do not support the use of soakaways. Sleights Drain exists near to the site -- connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements

- Noted from the submitted Flood Risk Assessment that surface water is proposed to be drained to Sleights Drain. Please note further restrictions on surface water disposal from the site may be imposed by other parties.
- Strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

**2.5 Danvm Drainage Commissioners Shire Group Of IDBs** – Comments and recommendations relating to means of surface water disposal.

**2.5 Education Directorate North Yorkshire County Council** – A response was received prior to the introduction of the Community Infrastructure Levy (CIL) which replaces the requirement for developer contributions through a Section 106. On this basis, the Education Directorate has not been re-consulted.

**2.6 Environmental Health** – Recommendations made and conditions required in regards to air quality; dust and noise.

Air Quality:

Conditions recommended in relation to demolition and construction phase-Construction Environmental Management Plan Scheme to incorporate charging points for electric vehicles in garages and on driveways.

Noise/Odour:

Noted on site that noise from the mill operations to the south of the railway line were indistinguishable from the traffic noise from the M62 and local road network and hence no further request is made for a BS4142:2014 assessment. Eastern area of the site is subject to noise from the A19 to varying degrees. Noted that a sewage pumping station to be located on the amenity space area to the south of the site and the noise from this source has been raised as a possible issue by a current resident in the area. Conditions to be attached to control noise from traffic and noise and odour from pumping station.

**2.7 North Yorkshire Fire & Rescue Service** - No objection/observation to the proposed development. Further comment in relation to the suitability of proposed fire safety measures once the building control body submit a statutory Building Regulations consultation to the fire authority.

**2.8 Natural England** - Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Natural England advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**2.9 North Yorkshire Bat Group** – Have reviewed the latest bat survey report and are now satisfied that the proposed development is unlikely to have a significant adverse impact on bats. No objection to this application.

**2.10 Historic England** - This is not something that HE would be consulted on as it doesn't affect the setting of any highly graded listed buildings or scheduled

monuments. However the original nineteenth-century mill buildings, The Grange and coach house could be considered to be locally important heritage assets.

- 2.11 Yorkshire Wildlife Trust** - Trust satisfied with the level of surveys carried out and agrees with the North Yorkshire Bat Group that there is sufficient information to ensure no impact on bat populations. Conditions required which relate to a plan for the control of Himalayan Balsam; no impact on reptiles and the design and management of the habitats to be left on site. Suggestions under Mitigation section of Bat Survey Report by Wardell Armstrong from July 2017 should also be conditioned, in particular the design of a sensitive lighting scheme, installation of bat boxes and woodland management along with the culvert design.
- 2.12 Designing Out Crime Officer** – A number of comments made in respect of the proposal. Suggestions made have followed the principles of 'Crime Prevention Through Environmental Design' (CPTED) and also have taken into account the results of analysis of Crime & Disorder. It is acknowledged that this is an Outline application and that the submitted drawings are indicative and the comments made have taken this into consideration and are reflected in any future design and layout submitted by the applicant.
- 2.13 Stephanie Porter Vale of York CCG** – No response received.
- 2.14 Public Rights Of Way Officer** – No response received.
- 2.14 The Environment Agency (Liaison Officer)** – Advise that proposal falls outside the scope of issues the EA wish to be consulted on.
- 2.15 SuDS And Development Control Officer** – Comments submitted in regards to exceedance flows and grit/oil interceptor in revised Flood Risk Assessment (FRA). Matters have been addressed in principle conditions are recommended for any planning approval.
- 2.16 Waste and Recycling Officer** – No objections but advisory comments made in regards to presentation point and required dimensions; turning areas. Additional points raised in relation to indication of swept path diagram to show that waste collection vehicles will be able to turn safely with indication of dimensions required.
- 2.17 NYCC Archaeology Officer** - Sufficient information has been provided in order for this application to be determined. It is recommended that mitigation and enhancement measures contained within the technical reports are secured via condition in order to ensure that the development is in accordance with local and national policy and legislation.
- 2.18 Development Policy** – Confirms that the Council has a 5 year housing land supply but acknowledges that the existence of such cannot be a reason in itself for refusing a planning application and that an approval on this site would provide additional dwellings to the housing supply. Core Strategy Policies SP2 and SP4 seek to focus new development in the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Eggborough is defined in the Core Strategy as a Designated Service Village (DSV), which has some scope for additional residential and small scale employment to support rural sustainability. The area of this proposal for up to 120 dwellings is on land that is within, the defined Development Limits of Eggborough as marked on the Policies Map of the Local Plan.

**2.19 Conservation Officer** – It is advised that historic structures are retained and converted. An assessment of the convertible buildings should be carried out and the scheme revised. The layout of the proposed development should also be reassessed to take into account retention of existing structures. An innovative design is required for this site, unfortunately the current illustrative layout does not achieve this, it is very suburban and does not reflect the local distinctiveness of this site.

**2.20 Council's Urban Designer** - In summary there are opportunities to create an attractive new development but this site is important, not only for the village of Eggborough, but also as a point of arrival into the Selby district. Therefore quality and distinctive design (at least on the frontages) is very important here. In order for this scheme to be a success the mill should be retained, but at the very least The Grange and its associated structures, should be preserved and supported by new forms that are both distinctive and high quality and that contribute to the sense of place of the area.

**2.21 Council's Contaminated Land Consultants** – Satisfied that the Stage 2 investigation is compliant and agree with the report's recommendations and conclusions. Following an asbestos survey the Mill would need to be fully demolished which would allow further sampling to be carried out; in addition removal of fuel tank (and verification that remaining soils are clean) and bio-accessibility analysis will need to be carried out. This further investigation will need to be submitted for approval before the relevant condition can be fully discharged and then the remediation statement (amended if necessary) can be submitted for final approval from the planning authority.

## **2.22 Neighbour Summary**

The proposal was publicised by site notice and press notice and direct neighbour notification. A number of letters of objection, support and comment have been received as follows:

### **Objections**

#### *Services*

- Additional stress and pollution to the village – Eggborough has reached capacity due to a further 167 dwellings which have permission/are being built
- Impact on sewage system and surface water
- Limited space in existing school with little potential for additional children and Doctor's surgery is open for very limited times due to shortage of Doctors
- Additional populous would push Eggborough to the size of a town
- Overdevelopment of village has stretched resources and increased demand on already pressured system

#### *Highways/Parking/Amenity*

- Impact on highways due to additional vehicles; speeding vehicles and reduced bus service, along with poor rail services
- Level of vehicle activity would be too much for one access road

- Access on Croysdale Lane is in a poor state of repair because of potholes which is causing cracking to our property – additional dwellings and traffic will exacerbate this
- Proposal presents an opportunity to improve Croysdale Terrace access road
- Would impact on amenity of Croysdale Terrace (which is currently very quiet and with no traffic) because of the amount of additional through traffic and general disturbance
- If the lane is connected to Croysdale Terrace it will become a 'rat race' (run) for vehicles and pedestrians

#### *Amenity/Noise*

- Possible alternative of closing Croysdale Lane to traffic may cause issues in regards to anti-social behaviour

#### *Design/Layout/Amenity*

- Not in keeping with the feel of the village as the beautiful building to site frontage would be lost
- Overlooking to my property
- 120 houses is excessive in light of recent developments
- Part of Bowman's Mill and all of the Grange should be retained as is a huge part of the village due to several generations of families being employed there

#### *Disturbance*

- Siting of pumping station close to No. 11 Croysdale Terrace is unacceptable as there is already a lot of noise from adjacent industrial estate and there is potential for additional noise from this in addition to potential odour. 15m easement would be given to residents of the site but not to me.
- Position of play area raises concerns
- Access to a Public Open Space via an opening in the existing brick wall directly opposite No. 10
- Local policing teams unable to control increasing levels of anti-social behaviour – further funding and services are needed first

#### *Drainage*

- Pond on site which helps with absorption of rainwater would be lost and would impact on surface water

### **Comments**

#### *Trees/Ecology*

- Potential bat roost within the site
- Trees and hedges to boundaries and within site should remain as they support a range of wild life including mammals, birds, insects, butterflies and amphibians
- Black Poplars a native and declining tree are found in the grounds
- Pond also supports a lot of wildlife including Water Hens, Coots, Frogs, Toads and Grass Snakes

## *General*

- Expects good affordable housing
- Given local resources and snagging /completion issues with 'The Granary' development require confirmation that the build will not proceed until this is completed and that the level of local services can cope with additional demands
- Should the development be approved would expect works to be carried out with consideration for existing residents at reasonable times and consistent with industrial units

## **Support**

- Excited at the prospect of Bowman's Mill being kept.

## **3 SITE CONSTRAINTS AND POLICY CONTEXT**

### **1 Constraints**

- 3.1 The site is not within a Conservation Area, nor are there any Listed Buildings on site. There are no known areas of archaeological interest within the site. There are no Tree Preservation Orders (TPOs). The site is located within Flood Zone 1 in regards to flood risk.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the 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 2019 NPPF.

### **Selby District Core Strategy Local Plan**

- 3.3 The relevant Core Strategy Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP4 Management of Residential Development in Settlements
- SP5 Scale and Distribution of Housing
- SP7 Managing Housing Land Supply
- SP8 Housing Mix
- SP9 Affordable Housing
- SP15 Sustainable development and climate change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

### **Selby District Local Plan**

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

*“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).”*

3.5 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development  
ENV2 Environmental Pollution and Contaminated Land  
ENV28 Archaeology  
RT2 Open Space Requirements  
T1 Development in Relation to Highway  
T2 Access to Roads

#### **Other Policies/Guidance**

3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document 2013
- Developer Contributions Supplementary Planning Document March 2014

#### **4. APPRAISAL**

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

- Principle of Development
- Landscape, Design and Visual Impact
- Non-Designated Heritage Assets
- Residential Amenity
- Highway Impact
- Ground Conditions
- Ecology
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Affordable Housing
- Recreational Open Space
- Education, Waste & Recycling
- Other Matters

#### **Principle of Development**

4.1 The proposal is for outline permission to include access (all other matters reserved) for the erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of demolition and removal of all structures, buildings and hard standing to facilitate future development. An indicative layout plan has been submitted which demonstrates how the site could accommodate up to 120 dwellings.

4.2 Policy SP1 of the Selby District Core Strategy (SDCS) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the new National Planning Policy Framework (NPPF). Paragraph 12 of the NPPF re-emphasises that the Development Plan is the starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan it should not usually be granted, unless there are material considerations which outweigh policy (para. 47). Paragraph 38 of the NPPF encourages the approval of applications for sustainable development where possible and Paragraph 59, aims to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development.

- 4.3 Core Strategy Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. This approach accords with the advice in paragraph 78 of the NPPF which advises that housing should be located where it would enhance and maintain the vitality of rural communities and identify opportunities to grow, particularly where such development supports existing local services.
- 4.4 The proposed site is unallocated in the Core Strategy but it is within the Development Limits of Eggborough. In the Core Strategy settlement hierarchy, Eggborough and Whitley have been identified as Designated Service Villages, where there is scope for additional residential development and small scale employment growth to support rural sustainability.
- 4.5 Policy SP4 allows for conversions, replacement dwellings, redevelopment of previously developed land, and an appropriate scale of development on Greenfield land (including garden land and conversions/redevelopment of farmsteads).
- 4.6 The Core Strategy seeks to ensure that the level of housing growth is equal with that of employment and job growth with the aim of creating sustainable communities. Policy SP4 reflects the National Planning Policy Framework (NPPF) by identifying acceptable types of residential development within the different settlement types in regards to windfall (non-allocated) sites. The preamble to Policy SP4 specifically states that restrictions on housing growth in DSVs (as well as the Principal Towns) will be relaxed and therefore enabling appropriate scale development on Greenfield sites with the aim of sustaining their roles in every sense.
- 4.7 This proposal would involve the redevelopment of Previously Developed Land (PDL) comprising the Bowman's Flour Mill and associated hardstanding areas together with the development of an area of Greenfield land. Consideration should therefore be given as to whether the scale of development on Greenfield land is of an appropriate scale. The full extent of the red line of the application site extends to a total of 4.86 hectares.
- 4.8 Officers can confirm that approximately 60% of the site comprises the derelict flour mill with associated hard standings, with more derelict buildings beyond the mill, to the south. Other areas comprise of previous uses which are partially covered by trees and include a former bone mill and railway and both areas equate to approximately 3.15 hectares of land. The land has never been remediated in regards to localised contamination from its former uses as a railway, bone mill and flour mill and associated development. The majority of the woodland area to the south comprises open pockets of unstable land and results in the trees being of relatively poor quality. In addition, there are two tall brick structures (approx. 4m

high) still standing within the wooded area, with a number of loose bricks compacted within the soil at the base of many of the tree trunks and roots, which in many cases are exposed.

- 4.9 Officers consider that at Reserved Matters stage a scheme could come forward which would make efficient use of Previously Developed Land and would also include areas of green open space which would be in compliance with Policy SP4 of the Core Strategy.
- 4.10 It is important to note that whilst the site was formerly used for employment, it was not allocated as such in the Local Plan. A statement accompanies the submission which advises that there is no reasonable prospect of the site being used for employment purposes. This includes options considered by the applicant to utilise the existing site to build new business premises and the steps taken to sell the business - which was put on the open market as a going concern with no offers put forward.
- 4.11 Furthermore, the proposal would effectively restore this brownfield site with plans in place to deal with both contamination and the unstable land and would result in the added benefits of improving biodiversity, landscape character and appearance of the site as a whole. On this basis, the proposal would provide wider public benefits which go beyond the provision of housing. The NPPF in paragraph 118 supports the remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Officers consider that the redevelopment of this site would have such environmental benefits.

### **Landscape, Design and Visual Impact**

- 4.12 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. In addition Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved. Paragraph 125 of the NPPF states a requirement of plans setting out a clear design vision in order that applicants have a fixed vision on what is acceptable. Paragraph 127 (e) of the NPPF highlights the importance of sites having an appropriate mix of development (including green and other public space).
- 4.13 The application is outline with layout, appearance, scale and landscaping reserved for future consideration. Notwithstanding this the indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate up to 120 dwellings with provision for internal access roads and parking provision. The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. In the immediate area however there are several properties adjacent to the proposed development to the northeast, which are set back from the main frontage onto Selby Road. The Planning Statement advises that whilst the submitted layout plan is indicative with details to be included at Reserved Matters stage, it indicates that there would be up to 120 residential dwellings which would be up to a maximum of three-storey.
- 4.14 Having regard to landscaping of the scheme a preliminary Arboricultural Report and Arboricultural Impact Assessment has been submitted with the application. The Assessment advises that all of the trees within the site were inspected from ground level but no climbed inspections or decay detection surveys were undertaken.

- 4.15 The Council's Principal Landscape Architect has made extensive and detailed comments in regards to the proposal, some of which refer to the overall layout of the scheme as well as the landscaping.
- 4.16 With regards to landscaping this would be considered under a Reserved Matters application but it is noted that parts of the site particularly to the south and northwest areas benefit from substantial tree coverage. Unfortunately, many of these trees are of poor quality due to the uneven and unstable nature of the land. Any proposed landscaping scheme should however ensure that as many of the trees are retained (where possible) and a high quality landscaping scheme to compensate for the loss of any trees within the site is included. Officers consider that the site boundaries have an extensive level of additional indigenous tree and hedgerow planting which would assist in mitigating the visual impact of the development as well as improving the landscape quality of the locality.
- 4.17 Officers consider that suitable provision for landscaping could be provided for the development as part of the Reserved Matters application and a layout could be achieved which would result in an appropriate level of green infrastructure and landscaping across the site. On this basis it is considered the proposal is in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

#### **Non-Designated Heritage Assets**

- 4.18 Paragraph 197 (NPPF) refers to the impact of development on non-designated heritage assets and taking into account such assets when determining an application. It advises that a balanced judgement is required with regards to the scale of harm or loss and the significance of the heritage asset.
- 4.19 The applicants have submitted a Heritage Statement which describes the existing buildings within the site. The mill buildings are the most dominant and comprise of two 19<sup>th</sup> century brick built, buildings which are separated by the existing site access road. The Assessment makes reference to the proposal advising that there are no designated heritage assets within the site itself.
- 4.20 The Conservation Officer refers to the NPPF advising that the impact of development on existing non-designated heritage assets should be considered. In addition, the Conversation Officer raises concerns in regards to the demolition of the buildings which have historic and local interest.
- 4.21 The Council's Urban Design Officer's response reiterates the Conservation Officers' comments and advises that the scheme should attempt to '*reinforce the distinctiveness*' of the Selby district. The response highlights that this site is something of a '*Gateway*' into the district, hence why design quality would be so important and stipulates that if the former mill buildings were converted (flats/apartments) and The Grange retained, this could create a strong impression of what the district has to offer.
- 4.22 The applicants have commissioned consultants Cushman & Wakefield to undertake a viability appraisal which has confirmed that the site is not within an established area of demand for apartments. Cushman and Wakefield further advise that £ per sq m revenues would need to be discounted from the revenues advisable for traditional housing. In addition, they have advised that the base costs of refurbishing the existing mill and coach house would be higher than the cost of new

build development and as such would further adversely impact on existing viability already presented to the District Valuer. Given this evidence submitted by the applicant, Officer's on balance consider that it would not be viable for these mill buildings to be retained as part of the proposed scheme.

- 4.23 An Archaeological Desk-based Assessment of the site has been undertaken to assess any potential archaeological and heritage implications and impacts of the application proposals.
- 4.24 The geophysical survey and trial trenching to the north of the site suggest that there are medieval settlement remains in close proximity to the site. The cartographic evidence suggests that the settlement did not extend this far in the medieval period. Cropmarks and wider settlement activity linked to the Iron Age and Roman periods suggest this was a relatively compact landscape at the time and it is not possible to categorically rule out the presence of remains of this period surviving within the site. Any remains of this period are likely to be of local or regional significance. The report considers however the previous uses of the site which have resulted in extensive disturbance, particularly regarding the Corn and Bone Mill, associated infrastructure and ponds.
- 4.25 The North Yorkshire County Council Archaeologist having viewed the submitted Assessment advises that the existing mill building is a heritage asset of local interest and that an historic building recording condition is included should permission be granted. Subject to implementation of the condition, it is considered that the proposal is acceptable in this regard.
- 4.26 The NPPF requires that a balanced judgement be made regarding the possible impact of development on the significance of a non-designated asset and having regard to the scale of any harm and the significance of the asset. Clearly the development would result in the loss of the non-designated assets, which is regrettable. However Officers do consider that there are clear benefits in the development of overall scheme such as restoring this brownfield site. Given the nature of the assets concerned it is considered that, on balance, any harm to the non-designated assets would be outweighed by the benefits of the proposal to the full extent of the site and an appropriately worded planning condition would be included in an approval in order to secure the mill building's recording.

### **Residential Amenity**

- 4.27 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 127(f) of the NPPF which encourages the creation of places which are safe, inclusive and accessible, promoting well-being '*with a high standard of amenity.*' As the application is in outline form, layout and the consequent impact on neighbouring properties will be a matter for future consideration. However, given the land available and the applicants anticipated mix of detached and semi-detached houses, there is no reason to think that an acceptable layout that respects existing properties cannot be achieved on the site. Furthermore, the indicative layout plan generally demonstrates that acceptable separation distances could be achieved between the existing and proposed dwellings in order to ensure that a good level of amenity is maintained.
- 4.28 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and provided comments in regards to air quality and noise. The EHO has

advised that the submitted Air Quality Assessment (AQA) predicts that impacts arising from the development would not result in unacceptable risks from air pollution. The EHO has therefore recommended conditions are attached to any permission granted in relation to the demolition and construction phase through a Construction Environmental Management Plan.

- 4.29 In respect of noise across the site, the submitted AQA advises that this is dominated by road noise from traffic on Selby Road and there is also the industrial area beyond the rail track. The EHO also noted on site that noise from the mill operations to the south of the railway line were indistinguishable from the traffic noise from the M62 and local road network and hence no further request is made for a BS4142:2014 assessment.
- 4.30 It has also been highlighted in the EHO response that the eastern area of the site is subject to noise from the A19 to varying degrees. The EHO has recommended that in order to adequately protect the residents from noise a scheme is put forward to protect the new residential properties from traffic and pumping station noise specifically and that a Construction Environmental Management Plan (CEMP) condition is required.
- 4.31 The comments, concerns and objections from existing adjacent residents in regards to noise and general disturbance, are material considerations but as the application includes an indicative layout plan, other than the access details, none of the other specifics of the scheme are under consideration at this stage. The matters raised are matters that will be considered at RM stage.
- 4.32 Subject to acceptable detailed plans at Reserved Matters stage and conditions attached to any permission granted, Officers consider that the proposal would not result in any significant impact on neighbouring properties in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 (k) of the Core Strategy and the provisions of the NPPF.

### **Highway Impact**

- 4.33 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition paragraph 109 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 4.34 Objections from neighbours refer to through traffic onto Croysdale Terrace and the impact on residents along this lane. An access is shown linking the proposal site to Croysdale Terrace but this is to facilitate pedestrian and cycle traffic only and the outline proposal is to consider means of access only and that the site plan is indicative. Further objections from neighbours advise that the levels of vehicle activity would be too much for one access. Objections relating to the state of Croysdale Terrace should be reported to the Highways Section but if the road is not adopted then residents would be responsible for its maintenance and repair and therefore a civil matter.

- 4.35 A Transport Assessment was submitted (now updated following comments from NYCC Highways) with the proposal which measures the impact of the development traffic on the local highway network, including detailed modelling of key junctions. The junctions modelled are as set out in the scoping discussions held with North Yorkshire County Council (NYCC) Highway Officers. This also includes access options including public transport, cycle routes and pedestrian facilities.
- 4.36 The design includes a new junction onto Selby Road which would be sited between and opposite Carlton Close and the Village Hall car park. In addition a 2m wide pedestrian access would continue within site. Due to unresolved matters in regards to the access, a further re-consultation was sent to the County Highways Officer (NYCC). This Officer stated that there should be no private drives taken from the main access. Amendments have however, been made to the access, which are now deemed to be acceptable and which would not have an adverse impact on the highway network or compromise highway safety. As such the proposal is acceptable in highway terms and accords with Policies T1, T2 and ENV1, in addition to the NPPF.

### **Ground Conditions**

- 4.37 Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 4.38 Following comments from the Contaminated Land Consultant (CLC) on the Phase I Preliminary Risk Assessment (PRA) which advised that the submitted information did not provide risk assessment with risk classifications to show potential risks from each contaminant pathway. A Stage 2 Geo-Environmental Report dated 8<sup>th</sup> June 2019 was submitted. The application site has been divided into five districts: Area A-former corn mill and underground tank; Area B-rough ground with railway tracks, ash deposited; Area C-office building, including pond and electric substation; Area D-dense woodland, historic pond; Area E-fields (undeveloped). Targeted sampling has been carried out in these distinct areas, thirty trial pits were excavated, four cable percussive boreholes drilled to circa 9m depth and eight window samples which were analysed for metals, inorganics, speciated PAH (poly aromatic hydrocarbons – ashy deposits); TPH (total petroleum hydrocarbons – oil/fuel deposits);, phenols and asbestos. Elevated determinants were subject to leachability analysis and visually contaminated material for TPH and BTEX (petrol and diesel deposits).
- 4.39 All areas except C contained various levels of a mixture of contaminants including asbestos, lead and arsenic. However a Contamination Remediation Statement is included within the ARP Stage 2 Geo-Environmental Report. Remedial measures refer to 0.6m clean cover soils (underlain by a break layer) to soft Areas A and B, removal of below ground tank and associated impacted material from Area A, 0.6m clean cover soils in soft areas on Area D and either removal of topsoil from Area E or retention in POS areas only (subject to arsenic bio-accessibility). Further sampling and testing is recommended within building footprints of the existing mill

following demolition. The Remediation Statement may need to be revised, depending on this further investigation/sampling.

- 4.40 The CLC's comments advise that the Stage 2 Geo-Environmental Report is compliant and agrees with the recommendations and conclusions. But adds that further sampling to be carried out following the demolition of the Mill; in addition removal of fuel tank (and verification that remaining soils are clean) and bio-accessibility analysis will need to be carried out. This further investigation will need to be submitted for approval before the relevant condition can be fully discharged and then the remediation statement (amended if necessary) can be submitted for final approval from the planning authority. Conditions are recommended ensuring a more in-depth Preliminary Risk Report is submitted for review and designed in accordance with the appropriate technical guidance. Subject to appropriate conditions, the proposals are considered to be acceptable and in accordance with paragraph 178 (a) of the NPPF with respect to contamination.

### **Ecology**

- 4.41 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 planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF.
- 4.42 Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 4.43 The application site is not a formal or informal designated protected site for nature conservation; known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 4.44 The application is accompanied by a Bat Survey Report undertaken by Wardell Armstrong and dated 17<sup>th</sup> July 2017.
- 4.45 Yorkshire Bat Group has advised there are no objections to the development which concurs with Yorkshire Wildlife Trust who recommend a number of conditions. These relate to the control of Himalayan Balsam; plans to ensure no impact on reptiles and design and management of habitats to be left on site. In addition, Mitigation, Compensation and Enhancement as referred to in the Bat Survey Report which would be conditioned, particularly design of light sensitive lighting scheme; installation of bat boxes and woodland management and culvert design.
- 4.46 A Breeding Bird Survey Report (July 2017) accompanies the proposal which identifies various breeding birds observed on the site. The report makes

recommendations for ecological enhancement through the provision of at least twenty bird nest boxes as well as a single Barn Owl pole mounted nest box sited within the retained woodland area, which would be secured by condition. It is considered that such conditions would provide net gains in relation to biodiversity which will be further enhanced by a strategic landscape proposal around the site.

4.45 As such the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

### **Flood Risk, Drainage, Climate Change and Energy Efficiency**

- 4.47 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. Criterion d) of Policy SP15 (SDCS) applies in respect of ensuring development is located which avoids flood risk areas. Footnote 50 in relation to paragraph 164 states that an assessment is required for sites of 1ha or more, particularly where (in this instance) development would introduce a more vulnerable use.
- 4.48 A neighbour objection received in regard to the impact of the proposed development on the existing sewage system is noted.
- 4.49 The full extent of the application site is situated within Flood Zone 1, and therefore being at low risk in regards to flooding. The submitted Flood Risk Assessment (FRA) advises that surface water would be incorporated within the site and storage would be via a below ground concrete storage tank, situated to the southern end of the site and below the larger area of Public Open Space. Due to the site topography and shallow connection points, a pumped system would be required for both foul and surface water. Part of the existing woodland rendered unstable by rooting into remains of the former bone mill located in this area would be removed to accommodate the tank. The FRA adds that in the unlikely event that overland flood flows result, flow would be routed via the site roads to the low points within the site; area of Public Open Space and watercourse.
- 4.50As infiltration is not an option, surface water would discharge into Sleights Drain (with foul water discharging to the public sewer in Croysdale Terrace) and the Internal Drainage Board's (IDB) consent would be required for this. The IDB have also made a number of recommendations with regards to surface water and in respect of the water flow for permeable and impermeable areas.
- 4.51 Following the submission of an updated FRA, the Sustainable Urban Drainage Officer (SUDs) advises that matters relating to urban creep and designing for exceedance (flow routing) have been addressed in principle. The SUDs officer advises however that the proposed grit/oil interceptor is unlikely to meet adoption requirements and that the details would need to be approved by the Local Authority. A condition requiring surface water drainage details is referred to in the response. Therefore Officers consider the proposal acceptable in regards to flood risk and drainage providing appropriate conditions are attached to any permission granted.

4.52 With respect to energy efficiency, the supporting Energy Statement demonstrates that the proposed enhanced fabric specification reduces average Energy Demand on the site by a total of 11.36% over the 2013 Building Regulations. In order to comply with the specific requirements of Policies SP15 and SP16 of the Core Strategy which require that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources or improved energy efficiency through design of building, a condition should be imposed in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy and the relevant advice in the NPPF.

### **Affordable Housing**

4.53 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (adopted on 25 February 2014) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of more than 10 units (or sites of 0.3 ha or more) the Council should negotiate for on-site provision of affordable housing up to a maximum of 40% of the total amount of new dwellings on all market housing sites.

4.54 A Viability Assessment has been submitted with the proposal which has been viewed by the District Valuation Surveyor (DVS) and shows an inadequate margin of profit due in part to the abnormal costs on this site, which currently equates to the provision of a null contribution. The applicant has however confirmed that they are agreeable to reassessing the level of affordable housing provision at Reserved Matters stage with a view to submitting a policy-compliant scheme. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and subject to the satisfactory completion of a Section 106 Agreement.

### **Public Open Space**

4.55 Policy RT2 of the Selby District Local Plan requires proposals for new residential development comprising 5 or more dwellings to provide recreational open space. Policy SP19 criterion e) (SDCS) is the relevant policy on open space which provides that development should incorporate new and existing landscaping. Policy RT2 (SDLP) criterion c) sets the threshold for the provision of open space and residential developments of 50 dwellings or more, provision within the site is normally required, unless there are deficiencies elsewhere within the settlement which allows for both on and off-site provision. The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement at the minimum standard of provision as suggested by the National Playing Fields Association (NPFA) of 2.4 hectares (ha) per 1,000 population would be required. The average occupancy rate being 2.5 persons per dwelling which equates to 60sqm of open space per dwelling to be provided on site albeit at this outline stage it is not possible to assess the amount of open space required.

- 4.56 With regards to existing provision Eggborough there is a current total of three areas of outdoor recreation space and the submitted plans indicate that the main area of ROS would be located to the southern corner of the site, adjacent to the A19 and adjoining the Pontefract railway; with a smaller area to the western corner, part of which fronts Selby Road. The total provision demonstrated equates to 9,216sqm (0.9216 ha). The plans are however indicative, therefore this could change significantly at Reserved Matters stage. It is considered however that the indicative layout demonstrates that a policy compliant level of POS could be provided on site.
- 4.57 Should the application be approved, POS would be secured and provided in perpetuity by way of a Section 106 Agreement which complies with policies RT2 and SP19.

### **Education, Waste & Recycling**

- 4.58 Concerns have been raised by a resident with regards to the existing capacity of the local school which the objector states has little potential for additional children.
- 4.59 Previously, funding for additional education facilities were secured through a Section 106 Agreement. The Community Infrastructure Levy (CIL) is a relatively recent tariff system which has replaced this method where local authorities charge on new development in their area by setting a charging schedule based on floor area.
- 4.60 With respect to Waste and Recycling a contribution of £65 per dwelling would be required and this would therefore be secured through a Section 106 Agreement. The Council's Waste and Recycling Officer in their response also makes recommendations in regards to the within site road layout. Such details would be further scrutinised at Reserved Matters stage.

### **Other Matters**

- 4.61 A number of objections and general comments have been submitted by neighbours surrounding and adjacent to the site.
- 4.62 One resident advises that there would be further pressure on the doctor's surgery which is only open in the morning. The surgery is indeed open between 8.30am and 12.45pm Monday to Friday. It is likely however that these hours are based on local demand and such comments are not a material consideration in regards to the principle of this development.
- 4.63 Objections from neighbouring residents which are critical of the indicative, submitted layout plan and retention of Bowman's Mill are duly noted. In addition, objections relating to overlooking are purely conjecture. A letter has also been received from a resident who is thrilled at the prospect of the Mill being retained. Unfortunately however, this is unlikely to form part of any future scheme as refurbishment would be too costly.

## **5. CONCLUSION**

- 5.1 The application site comprises a Brownfield site (with an associated Greenfield element) which is no longer in use, currently derelict and degrading. The site is located within the Development Limits of Eggborough which is a Designated Service Village (DSV) and would not result in external expansion of the settlement. Furthermore, a material consideration to this decision is that the development and remediation of this derelict site would provide wider public benefits, which go beyond the provision of housing.
- 5.2 Paragraph 119 of the NPPF highlights the importance of local planning authorities taking a proactive role in ensuring land suitable for development is brought forward. The proposed development, due to its location and scale would read as a natural extension to the village in part due to the existing surrounding residential sites and would result in an appropriate addition. Whilst in outline the proposal takes into consideration the impact on the immediate locality in terms of highway safety, which has been achieved. The proposal could, subject to an appropriate site layout, scale, appearance and landscaping, achieve a successful form of development which respects the local character and form. On this basis and subject to the submission of acceptable details, the principle of development is accepted.
- 5.3 The proposal would therefore accord with the overall aims of the Core Strategy and Local Plan in regards to achieving sustainable patterns of growth and the general principles relating to sustainable development contained within the NPPF.

## **6. Recommendation**

- 6.1 That the proposal is GRANTED subject to a Section 106 Agreement and subject to the following conditions:
01. No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.
- Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.
02. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission.
- Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

03. The development hereby permitted shall be begun before the expiration of one year 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 the interests of amenity having regard to Plan Policy ENV1.

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

0000-0003 Rev B - Location Plan as received on 18.05.2017  
001/Rev 2 – Access details (amended) as received on 03.06.2019  
Arboricultural Report & Arboricultural Assessment dated 05.05.2017  
Stage 2 Geotechnical Report (Ref: JBS/01r1 dated 08.06. 2018)  
Preliminary Ecological Appraisal (May 2017) prepared by Wardell Armstrong (November 2016)  
Bat Survey Report prepared by Wardell Armstrong (July 2017)  
Bird Survey Report prepared by Wardell Armstrong (July 2017)  
Flood Risk Assessment 70027703-FRA-001 Revision 1 dated 04.05.2017

Reason: For the avoidance of doubt.

05. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of historic interest.

06. Prior to construction, 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.

07. Prior to construction, 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.

08. 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.

09. 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.

10. No development shall commence in relation to approved reserved matters for any dwelling until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) The proposed highway layout including the highway boundary
- (b) Dimensions of any carriageway, cycleway, footway, and verges
- (c) Visibility splays
- (d) The proposed buildings and site layout, including levels
- (e) Accesses and driveways
- (f) Lining and signing
- (g) Traffic calming measures
- (h) All types of surfacing (including tactiles), kerbing and edging.

(2) Full highway construction details including:

- (a) Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) Cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) Kerb and edging construction details

(3) Details of all proposed street lighting.

The development of each individual plot shall thereafter only be carried out in full compliance with the approved drawings and details.

Reason: In accordance with policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. Development shall not commence in respect of each of the approved reserved matters phases until a Construction Management Plan to include the following:

- Hours of construction working
- On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- On-site materials storage area capable of accommodating all materials required for the operation of the site
- Mitigation and monitoring in respect to the construction works relating to that part of the site including any construction works to its access.

The approved plan shall be implemented throughout the construction phase of that part of the site to which the plan relates.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of highway safety and the general amenity of the area.

12. Development shall not commence in relation to the approved reserved matters until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- A swept path diagram which shows that waste collection vehicles will be able to turn safely.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of highway safety and the general amenity of the area.

13. No development shall take place on site until a Method Statement for the removal and eradication of from the site to include the following:

- Location(s) of Himalayan Balsam
- Methods to destroy and eradicate Himalayan Balsam

has been submitted and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is imposed in accordance with policies ENV1 (SDLP) and SP19 (SDCS) and in the interests of biodiversity.

14. No development shall take place on site until details of a hard and soft landscaping scheme to provide for the following:

- Structural screen planting to boundaries with A19 and the railway, with the option to incorporate an acoustic barrier as necessary.
- Protect and enhance hedgerows to the northeast boundary incorporating rural boundary fencing treatment where appropriate (rather than close boarded fencing).
- Street trees, soft landscape and Public Open Space (POS) along key access roads (the current strategy is not adequate). Sufficient space should be given to accommodate soft landscape and larger street trees.
- Retention and rebuilding of the garden brick boundary wall and entrance feature along Selby road frontage and Croysdale Terrace

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate species, plant and tree sizes and proposed numbers/densities and shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner. Any plants or trees which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is imposed in accordance with policies ENV1 (SDLP) and SP19 (SDCS) and in the interests of the visual amenities of the area.

15. The applicant shall install a three pin 13 amp electrical socket in the garage of each dwelling which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: In the interests of sustainable development

16. The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Sockets should also have a weatherproof cover and an internal switch be provided inside the property to enable the socket to be turned off.

Reason: In the interests of sustainable development.

17. No development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a scheme to protect the new residential properties from traffic noise. The scheme shall detail the noise levels to affect the properties and the mitigation measures to be employed to reduce the noise to acceptable levels. The agreed scheme shall be implemented throughout the life of the development.

Reason: In the interests of neighbour amenity.

18. No development, including demolition, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

The construction of the development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. Measures may include, but would not be restricted to:

- i) On site wheel washing,
- ii) restrictions on use of unmade roads,
- iii) agreement on the routes to be used by construction traffic,
- iv) restriction of stockpile size (also covering or spraying them to reduce possible dust),
- v) targeting sweeping of roads,
- vi) minimisation of evaporative emissions and prompt clean up of liquid spills,
- vii) prohibition of intentional on-site fires and avoidance of accidental ones,
- viii) control of construction equipment emissions and proactive monitoring of dust.
- ix) The plan should also provide detail on the management and control processes.

Reason: To protect the amenity of the area, the environment and local residents from noise, vibration and pollution.

19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme to control odour and noise from the pumping stations to be located on the site. The scheme shall detail the odour and noise emissions from the pumping stations, impact on residential properties and mitigation to be implemented.

The agreed scheme shall be implemented throughout the life of the development.

Reason: In the interests of sustainability and residential amenity.

20. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage design should demonstrate that the surface water run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reasons: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

21. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by WSP - Report 70027703-FRA-001 Revision 1 dated 04/05/2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

22. The development hereby permitted shall be implemented in strict accordance with the mitigation measures specified in pages 21-22 of Section 4.5 (Mitigation, Compensation and Enhancement) of the submitted Bat Survey Report prepared by Wardell Armstrong (July 2017) and pages 29-32 of Section 4 of the Preliminary Ecological Appraisal (May 2017) prepared by Wardell Armstrong (November 2016).

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.

23. The development hereby permitted shall be implemented in strict accordance with the mitigation measures specified in pages 15-16 of Sections 5 & 6

(Mitigation, Compensation and Enhancement) of the submitted Breeding Bird Survey Report prepared by Wardell Armstrong (July 2017).

Reason: To ensure that all wild birds are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the requirements of the National Planning Policy Framework (NPPF).

24. Prior to occupation of the dwellings hereby approved, details of a reduction of energy consumption of 10% across the development as a whole shall be secured through a combination of a 'fabric first' approach and renewable or low-carbon energy sources; and agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and maintained and retained thereafter.

Reason: In the interests of sustainability, climate change; improving resource efficiency and carbon reduction through reduced energy consumption.

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

Reason: In the interests of the residential amenities of the area and in order to comply with Policy ENV1 of the Selby District Local Plan.

## **INFORMATIVES**

**Foul Drainage** - A mains connection has been proposed for foul drainage disposal. The applicant/agent is advised that, prior to determination, it is necessary to ensure there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission.

**Surface Water** - No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

Surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

**Outfall** - The landowners consent will be required for the construction of a new outfall structure and consent from the IDB would be required should surface water

be discharged to a watercourse and would be restricted to 1.4 litres per second per hectare or greenfield run-off.

**Himalayan Balsam** - It is an offence under Section 14 of the Wildlife and Countryside Act 1981 to allow Himalayan Balsam into the wild. Due to the rapid invasion of this species and potential harm to indigenous species a suitable method of control and eradication will be required. If the eradication involves the use of chemicals close to a waterway, you are advised to contact the Environment Agency before undertaking any such works:  
[www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

## **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.

## **Financial Issues**

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

## **Background Documents**

7.5 Planning Application file reference 2017/0542/OUTM and associated documents.

## **Contact Officer:**

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## **Appendices:**

None