



Report Reference Number: 2019/1159/FUL

To: Planning Committee
Date: 5 February 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1159/FUL	PARISH:	Hambleton Parish Council
APPLICANT:	Selby District Council	VALID DATE:	19th November 2019
		EXPIRY DATE:	14th January 2020
PROPOSAL:	Erection of 2 No semi-detached and 1no detached 2 bed single storey dwellings		
LOCATION:	Land Off Station Road Hambleton Selby North Yorkshire		
RECOMMENDATION:	GRANT subject to the completion of an appropriate Section 106 Agreement		

This application has been brought before Planning Committee as the applicant is Selby District Council.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site comprises an area of Greenfield land immediately adjacent to an existing area of housing off Station Road in Hambleton and Church Close. The adjacent properties on Church Close are a mix of low height, small, standard terraced bungalows to the southeast and stepped terraced blocks of three bungalows to the east. The site is otherwise surrounded by a mix of (majority terraced) traditional, two storey dwellings to the west side of Back Lane and the immediate south, fronting Main Road. The Village Hall is located to the north side of Station Road. Existing properties surrounding the site are built dominantly from brick, bungalows and the Village Hall modern in style.

The Proposal

- 1.2 The proposal is for the erection of 2 semi-detached and 1 detached 2 bed single storey dwellings affordable homes. The houses would be constructed of red brick

and dark grey roof tiles. The dwellings would be of simple design with front gable features.

Relevant Planning History

- 1.3 The following historical application is considered to be relevant to the determination of this application.

CO/1978/14812: Erection Of Nine Bungalows, Address: Station Road, Hambleton: Permitted 21 June 1978

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

Concerns regarding the visibility splays at plot 1. The garage of the neighbouring property blocks visibility splays and therefore can't support the proposed car parking arrangements for plot 1. Recommend that the applicant reassesses the site and sees if a more suitable parking arrangement, which is not restricted on visibility, can be found. In addition visibility splays on two areas will be affected by the proposed vegetation.

Members will be updated at Committee.

2.2 Yorkshire Water Services Ltd

Makes comments and recommends conditions.

2.3 Selby Area Internal Drainage Board

No comments received.

2.4 Conservation Officer

The site is located close to a Grade II Listed Building, 22 Main Street, Hambleton. Although the listed building faces a different direction, there are direct views between the site and the listed building and the site is viewed in context with the listed building. The site therefore forms part of the setting of the listed building and has the potential to impact upon the significance of the designated heritage asset.

- No objections to the principle.
- The proposed development is for single storey bungalows with projecting gables. No other buildings of this style in the area. (There is also a concern regarding the structure on the corner cannot find details of this, however it has a close proximity to the listed buildings and its curtilage listed structures, the scale, form and design should reflect the scale of outbuildings on the opposite side of the road).
- Boundary treatments, the proposed brick piers, low wall and fence on top arrangement is also not traditional and is quite fussy detailing. To the front and side, the boundary should be a low brick wall with traditional detailing. To the rear there could be close boarded fencing.
- Material samples needed -the brick should be a red and brown mix to blend in with the area.

It is advised that further works are carried out on the design to improve it and make it more traditional and sympathetic to the setting of the listed building.

2.5 Contaminated Land Consultant

Comments awaited and Members will be updated at Committee.

2.6 Waste and Recycling Officer

External storage is shown for 3 x wheeled bins. The Council recently approved a change to the current recycling service and will shortly be moving to a wheeled bin system. This will require external storage for 4 x 240 litre wheeled bins in total - 1x refuse, 1x green waste, 2 x recycling.

2.7 Parish Council

No comments received.

Publicity

2.8 The application was advertised by Site Notice and Neighbour Notification Letters. 3 letter of representation and a petition signed by 22 people has been received. Main grounds of objection summarised as follows:

- Not needed-Already enough housing in Hambleton
- Infrastructure insufficient (schools full, water and sewage provision to capacity, public transport limited)
- Loss of amenity green space
- Loss of parking for the village hall (which doesn't have enough)
- Traffic problems on the bend in the road
- Developer should pay for grassed area beside the hall to be surfaced to compensate for parking loss
- Bedrooms to the bungalows are at the front and may give rise to complaints of noise and disturbance from activities at the hall

3 SITE CONSTRAINTS

Constraints

3.1 The application site lies within the development limits of Hambleton, a designated service village. There is a Grade II Listed Building (No. 22 Main Road - The Villa) situated to the west corner of Back Lane/Main Road. The site is located within Flood Zone.

4 POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning 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.
- 4.5 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).”

Selby District Core Strategy Local Plan

- 4.6 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
 - SP18: Protecting and Enhancing the Environment
 - SP19: Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- RT1: Recreation Open Space
 - ENV1: Control of Development
 - ENV2: Environmental Pollution and Contaminated Land
 - T1: Development in Relation to Highway
 - T2: Development including creation of a new access

5 APPRAISAL

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

- 1) The principle of the development
- 2) The impacts of the proposal on:
 - Historic Assets and Character and form of the locality
 - Highway Safety
 - Residential Amenity
 - Affordable Housing
 - Contamination
 - Nature Conservation and Protected Species
 - Flood Risk and Drainage

Principle of the Development

- 5.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) 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.
- 5.3 The application site is situated within the defined Development Limits of Hambleton which is defined as a Designated Service Village (DSV) in the Core Strategy. Policy SP2A(a) of the Core Strategy states DSVs "have some scope for additional residential and small scale employment growth" adding proposal "for development on non-allocated sites must meet the requirements of Policy SP4.
- 5.4 Policy SP4(a) sets out that in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits. In Designated Service Villages (DSV's) this includes; conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land.
- 5.6 The site appears to be an area of informal open space and has the characteristics of a small village green. It is also partially utilised as informal parking for adjacent properties and on a regular basis by people visiting the village hall opposite. The area of land has no formal status and is not designated in the Local Plan as an area of recreation open space. Moreover it was previously included as part of the application site of the adjacent bungalows and was shown on the approved layout with housing. As this development has been implemented it means there is an extant consent on the site for housing development which could be completed at any time. The site cannot therefore be considered to be public open space. The proposal makes use of greenfield land within the development limits of a DSV and therefore conforms to the forms of development considered acceptable in principle within Development Limits of Designated Service Villages identified within SP4(a) of the Core Strategy.

Historic Assets and Character and form of the locality

- 5.7 Policies ENV1 and ENV24 of the Selby Local Plan, Policies SP18 and SP19 of the Core Selby Strategy and the NPPF require proposals to take account of their impacts on heritage assets. Whilst in considering proposals which effect a listed building regard has to be made of S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.8 In terms of the impact of the development general on the character and appearance of the locality, relevant policies in respect to design and the impacts on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan, and Policies SP19 "Design Quality" and SP4(c) of the Core Strategy. Significant weight should be attached to Local Plan policy ENV1 as it is consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 124 to 131.

Heritage Assets

- 5.9 The Heritage Assets consist of 22 Main Road located on the north side of the A63 on the corner of the junction with Station Road. This is a Grade II Listed Building. In accordance with the NPPF paragraph 128 the Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. A Heritage Statement has been submitted which describes the house as early-mid C19 and gives architectural detail from the listing. The Statement assesses the contribution which setting makes to the significance. 22 Main Road follows an established pattern of frontage dwellings facing the main road with its intrinsic value being the architectural features of the frontage which makes positive contribution of the setting of the house and its curtilage. Paragraph 193 of the NPPF sets out that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."
- 5.10 The application site is in close proximity to the Listed Building and although it faces a different direction, there are direct views between the site and the listed building and the site is viewed in the context of the listed building. The site therefore forms part of the setting of the listed building and has the potential to impact upon the significance of the designated heritage asset.
- 5.11 The Heritage Statement submitted by the applicant concludes that the setting of the building is already considered to be compromised to such a degree that the site contributes little to the status of the house. The proposed development is located on the opposite side of Station Road, a local unclassified road and the development will not obscure or detract from any important views. The rear elevation of the building would remain visible from along station road. Its architectural value would not be affected by the proposed development; there is no threat to any part of the structure as a result of the proposed build. On this basis the Heritage Statement concludes that the proposed development would not harm the setting of the historic asset.

- 5.12 The Council's Conservation Officer comments that the gabled form of these dwellings are uncharacteristic of the immediate area around the listed building. To the west, the south and the north east there are simple traditional two storey terraces built from a red and brown mixed brick which contributes to the character and local distinctiveness of the area. To the east and the north there are single storey and bungalows, however the style of these are also very simple and flat fronted with no projecting gables. In addition some concerns are raised about the boundary treatments (sections of 1.8m high brick piers, low wall and fence on top, 1.2 m high picket fencing picket fencing, sections of 11.5m & 1.8m high close boarded fencing) are fussy and should be simplified.
- 5.13 Whilst the form of the bungalows does not reflect the more traditional dwellings nearer the listed building, it is considered, these do have some impact on the setting of the listed building. However, this is considered to be less than substantial given the variety of built form in the area including other nearby bungalows and the village hall. This harm would be reduced if the materials reflect the material used on the traditional red and brown mixed brick of the listed buildings and nearby traditional buildings to the west (rather than the lighter buff brick to the east) and provided the boundary enclosures are amended to be more sympathetic and appropriate to the character of the area.
- 5.14 Materials can be secured by way of condition and the applicant has agreed to using an appropriate brick and tile and providing samples. In terms of the boundary details, amendments have been received. The revisions remove the brick and fence wall to a simple 1.8m close boarded fence at the rear and sides where it is set back from the boundary edge. These elements are considered acceptable. The details of the boundary frontage are not shown on the plan. A condition will therefore be needed requiring these details to be submitted and approved. It is noted from discussions that a low brick wall is not suitable due to the likelihood of people sitting on it. Close boarded fencing is also not considered suitable due to being out of keeping with the character of the area. The frontage boundary should more appropriately be simple low picket fencing or simple slender low rail fencing.
- 5.15 Subject to the above mentioned conditions the impact on the setting of the heritage assets is considered to be less than substantial harm. The NPPF sets out at paragraph 196 that "where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal".
- 5.16 In this case the public benefits are the provision of three affordable housing units for people specifically in Hambleton. The basis of this scheme has been to focus on the established housing need specifically in Hambleton which has shown a requirement for 2 bedroom housing. It has also been shown that there is a need to provide housing for those with a mobility need or chronic illness/progressive disability. This reaffirms Selby District Council's requirement to provide the appropriate housing to meet the need. This application would provide housing to meet the special needs of people on the waiting list and would free up the existing housing for others on the waiting list. The public benefits of the provision are considered to be significant and to outweigh the less than substantial harm to the setting of the listed building.

Character and appearance of the area

- 5.17 The development would result in the loss of an open green space within the built up area. The concerns of local residents in this respect are acknowledged. However,

the site does have an extant consent and has never been part of any planned recreational provision, either formal or informal for the area.

- 5.18 The site is mainly open grass but has some trees to the south boundary adjoining the rear garden of the dwellings. The application is accompanied by an Arboricultural survey. This shows the site contains 14 trees consisting of close grown individual trees close to the southern boundary and two relatively small trees close to the northern boundary. Species diversity at the site is consists of Ash, Elder, Holly, Hornbeam, Leyland Cypress, Prunus, Rowan and Sycamore. None of the trees are protected by any TPO,s and the site is not within a conservation area. Of the surveyed trees, 2 are considered to be category 'B' which is good quality and value with a significant life expectancy and should be retained if possible and incorporated into the design. The remainder are category 'C' which could be retained but are of low or average quality.
- 5.19 However, not all the trees referred to in the report are within the red line area. Trees 11-14 which includes one of the 2 category 2 trees are to the south of the red line between the bungalows and the properties fronting High Street. These would not be affected by the development. Only one of the trees that is within the red line site area is category B, a hornbeam, and this would need to be removed as it would be too close to the dwelling on plot 3. A tree within the north part of the site and a further small 3 trees on the rear boundary, all category C would be removed to facilitate Plots 1 and 2. Four other small trees on the rear boundary are shown to be retained.
- 5.20 Overall the C category trees are not considered to be of such high quality as to require retention. Moreover, they don't contribute significantly to the character or appearance of the area but provide more screening function to the dwellings on the south side of the site. Removal of the trees proposed is considered acceptable subject to a condition requiring protection of the remaining boundary trees during development. The removal of the B category tree together with the other trees within the site would result in a small negative impact on the streetscene and the visual amenity of the area.
- 5.21 It is noted that there is a small are of land remaining within the redline area which would remain outside of the garden areas. Potential exists to provide some replacement planting here which would in time give a green backdrop to the development and contribute positively to the street scene. A condition could be imposed requiring the submission of a landscaping scheme to be agreed. Subject to this, and its satisfactory implementation, it is considered the proposal would have a neutral impact on the character and appearance of the area with respect to trees.
- 5.22 In terms of design the dwelling units are simply designed bungalows and the design, character and form reflects similar bungalows on Church Close. The materials can be secured by conditions to ensure they are sympathetic to the surrounding development. Overall, the scheme is considered to take account of the character of area, in terms of its height, scale, form and type. The boundary treatment and planting should also be conditions to ensure the hedgerow is planted to soften the appearance within this open context.
- 5.23 As such the proposals are considered to comply with Policy ENV1 and ENV 28 of the Local Plan and SP18 and SP19 of the CS and with the NPPF.

Highway Safety

- 5.24 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off site highways works may be required. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.25 The Highway Authority initially raised some concerns about the development not meeting requirements for pedestrian inter visibility splays for plot 1 due to the neighboring garage which blocks visibility. The applicants have responded by moving the driveways to create a 2m x 2m pedestrian visibility splay to mitigate the problem and provided further information on vehicle speeds road radius bends. Highways also raised concerns about the visibility across two corners of the site due to boundary treatments reducing visibility. Amended plans have been received and the comments from the highway authority on the revised scheme are awaited. An update will be given to Members at the meeting.
- 5.26 Residents have raised concerns about the loss of parking. The frontage of this site has no boundary and the informal wide surfaced edge has been used for casual overflow parking for visitors to the village hall. The success and popularity of the use of the hall and loss of this convenient area of parking is acknowledged. However, this site is not formally parking provision for the hall and could be developed at any time. The highway authority raised no objections to the proposal and it would not be appropriate to withhold permission on this site because a different site lacked sufficient parking at peak times.
- 5.27 The scheme is considered acceptable in terms of road safety standards and subject to compliance with the recommended conditions, the development is considered acceptable in terms of road safety and would not conflict with Policies ENV1 (2) and T1 of the Local Plan.

Residential Amenity

- 5.28 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.29 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing/overbearing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.30 It is noted that no objections have been received in relation to impacts on residential amenity particularly in terms of the relationship to properties fronting Main Road, Station Road or Church Close.
- 5.31 Plot 1 is positioned close to 20 Main Road with a gap of only 10 metres between rear elevations. However, given the proposed dwelling is single storey only, it would

not give rise to overlooking of the rear windows or private amenity space of the dwellings. Moreover, there is a high wall already in place which will be maintained. The front of the dwellings would face the street and would not overlook the private amenity space of any other dwellings.

- 5.32 The dwellings are small single storey only with pitched roofs and given their size form and position they would not result in an overbearing or overshadowing impact on other nearby dwellings. Overall although modest in size they would provide a satisfactory level of amenity for future occupants. Local respondents have raised concerns about the bedrooms being at the front of the house and the potential for complaints of noise from the village hall which could then curtail the activities.
- 5.33 However, bedrooms are not uncommon at the front of houses and the level of activity at the hall is not considered to be of significant detriment in terms of noise and disturbance to residential amenity. Moreover, modern double glazing or acoustic glazing could minimize the levels of noise. The lead Environmental Health Officer has been consulted and an update will be given at Committee.
- 5.34 Overall, subject to the above and no issues raised by the Council's Environmental Health Officer, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area or surrounding properties and that a good standard of residential amenity, would be achieved within the development in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

Affordable Housing

- 5.35 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 5.36 This scheme is for 100% affordable housing units. Therefore subject to a Section 106 Agreement to ensure that the units implemented are 'Affordable' and remain in perpetuity as such, the proposal is considered acceptable in respect of affordable housing policy.

Contamination

- 5.37 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by the Council's Contaminated Land Consultant. The comments of the consultant are awaited and Members will be updated at Committee.
- 5.38 Subject to the advice of the consultant and appropriate conditions which may be recommended, the proposals would be acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Nature Conservation and Protected Species

- 5.39 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and advise within the NPPF.

- 5.40 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration. The application site is not a formal or informal designated protected site for nature conservation itself or is known to support any populations of protected species or species or habitats of conservation interest.

Flood Risk, Climate change and Drainage

- 5.41 The application site is located in Flood Zone 1 and therefore has low probability of flooding. As such a Sequential flood risk test is not required. The application details that existing foul sewer will accommodate foul flows and the surface water generated by the proposal will be discharged into mains sewer. Options for soakaways or discharge to a watercourse have been investigated and found unsuitable. No objections are received from the water bodies subject to conditions.
- 5.42 In terms of climate change then the Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.43 On this basis no further details are required and the proposed scheme therefore accords with Policies SP15 and SP19 of the Core Strategy.

6 CONCLUSION

- 6.1 Subject to the above consultation responses awaited from the Highway Officer, Environmental Health and the Contaminated Land Consultant, the scheme is considered acceptable in principle being the development of a Greenfield site within the development limits of a designated service village and would be consistent with the aims of Policies SP1, SP2 and SP4 of the Core Strategy.
- 6.2 The development would result in less than substantial harm to the setting of the heritage asset but it is considered that the public benefits of the scheme outweigh the harm. The scheme is also acceptable in terms of the impacts on the character and appearance of the area, and impact on residential amenity. Furthermore the proposal is acceptable in terms of its impact on flood risk, drainage, nature conservation and protected species, land contamination and affordable housing.

7 RECOMMENDATION

- 7.1 This application is recommended to be **Granted** subject to no issues being raised by the Highway Officers, Environmental Health Officer and the Contaminated Land Consultant and the completion of a S106 Agreement to ensure the dwellings are Affordable Housing and retained in perpetuity for such purpose and subject to the following conditions;

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

Reason:

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, notwithstanding the details in the application form:

To be inserted later

Reason:

For the avoidance of doubt.

03. No development shall start above slab level until details of the details of the external materials 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.

04. Notwithstanding the application details, full details of the boundary treatment for the dwellings shall be submitted for the written approval of the local planning authority and thereafter only the approved details shall be implemented.

Reason

IN the interests of visual amenity and to protect the setting of a Grade II Listed Building and in order to comply with Policy ENV1 and ENV24 of the LP

05. Before the dwellings are occupied, Waste and re-cycling bins shall be provided in accordance with the minimum requirement of 4 x 420 litre wheeled bins in total (1 x refuse, 1 x Green waste, 2 x recycling)

Reason

In the interests of providing adequate provisions for the collection and removal of waste for re-cycling

06. The site shall be developed with separate systems of drainage for foul and surface water on and offsite. Surface water shall be restricted to a maximum rate of 3.5 (three point five) litres per second.

Reason

In the interest of satisfactory and sustainable drainage.

07. Before the start of any works above slab levels on the dwellings, a landscaping scheme shall be submitted for the written approval of the Local Planning Authority to include replacement tree planting within the area of land to the rear of plot 3. The approved scheme shall be carried out no later than the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason:

To ensure that the appearance of the development is satisfactory.

08. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 any potential 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.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/1159/FUL and associated documents.

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Appendices: None