



Report Reference Number: 2019/1234/FUL

To: Planning Committee
Date: 5 February 2020
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APPLICATION NUMBER:	2019/1234/FUL	PARISH:	Camblesforth Parish Council
APPLICANT:	Selby District Council	VALID DATE:	25th November 2019
		EXPIRY DATE:	20th January 2020
PROPOSAL:	Erection of a terrace of three 2-storey affordable homes		
LOCATION:	Land Off Oaklands Crescent Camblesforth 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 a small area of greenfield land and an area of a block of garages within an existing area of housing on Oaklands Crescent in Camblesforth. The housing surrounding the site to the north, east and south is single storey detached dwellings. Directly west of the site are two storey semi-detached dwellings.

The Proposal

- 1.2 The development would be for the erection of a terrace of three x 2-storey affordable homes with parking to the front. The dwellings would each have three bedrooms and the buildings would be set in a stepped configuration in red brick with dark grey roof tiles.

Relevant Planning History

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

2019/0939/: Demolition of block of 6 garages, Oaklands Crescent, Camblesforth, Selby, North Yorkshire. Permitted 17 October 2019

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

No objections subject to conditions.

It should however be noted that some of the red line boundary is within the highway and as such the area concerned will need to be stopped up and a stopping up order is needed. (This can be addressed outside the planning process). If addressed, the gully and any drainage apparatus would need to be relocated. Wayleave agreement also may be needed with any utility companies which have apparatus in the area.

Second consultation on amended plans:

- Highway extent still does not reflect the records of NYCC.
- Notes no longer an intention to top up.
- Gully needs relocating

2.2 Yorkshire Water

Makes comments and recommends conditions. Some matters to be covered by Building Regulations.

2.3 Selby Area Internal Drainage Board

No comments received.

2.4 Contaminated Land Consultant

The site has previously been used as garages. A potential for made ground to be present on site was identified via the desk top study (Phase 1 report), with the contaminants of concern including metals, free cyanide, soluble sulphate, asbestos, phenol and polycyclic aromatic hydrocarbons, along with carbon dioxide and methane gas. The phase 2 investigation revealed only 1 exceedance of the assessment criteria for marginally elevated lead. All other contaminants were within acceptable limits. Ground gas monitoring was also carried out and no hazardous levels of gas were detected. The report recommends that a clean cover layer should be provided in the proposed garden areas in order to remove the contamination in the near surface soils and also break the pathway with the contamination in the soils beneath the clean cap. More detail regarding this is required, including a detailed design and verification plan. Planning conditions are recommended.

2.5 Waste and Recycling Officer

Comments about increased level of storage requirements. Concerns regarding external storage for Plot 2 being to the rear. Residents can move bins forward without bringing them through the house.

2.6 Parish Council

No comments received.

Publicity

2.7 The application was advertised by Site Notice and Neighbour Notification Letters. No letters of representation have been received.

3 SITE CONSTRAINTS

Constraints

3.1 The site is within the Development Limits of Camblesforth which is defined as a Secondary Village in the Selby District Core Strategy Local Plan. The site is located in Flood Zone 1 and within a source Protection Zone (3). There are no protected trees within or immediately adjacent to the site.

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 (CS)

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 (LP)

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:
 - 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 Development Limits of Camblesforth. Core Strategy Policy SP2 sets out the spatial strategy for the district and states that the majority of new development will be directed towards the towns and more sustainable villages. Camblesforth is defined as a Secondary Village. Policy SP2b states that limited amounts of residential development may be absorbed inside the Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policies SP4 and SP10.
- 5.4 Policy SP4 states that in order to ensure that development on non-allocated sites contribute to sustainable development and the continued evolution of viable communities, residential development will be acceptable in principle within the development limits of the Designated Service Villages if the proposal constitutes conversion, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion / redevelopment of farmsteads). In all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations.
- 5.5 The remaining area next to the garages comprises a small area of greenfield that could be described as amenity open space (although it is not designated as such in the Development Plan). Saved Policy RT1 of the Local Plan states that: Proposals which would result in the loss of existing recreation open space and allotments will not be permitted unless:
- 1) The use has been abandoned and the site is not required to remedy an existing deficiency for recreation or allotment use elsewhere in the locality; or
 - 2) Alternative provision of at least the equivalent size, accessibility and quality is made within the locality to serve the needs of the existing community; or
 - 3) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- 5.6 The preamble to the policy states that:
- "Important recreation open space in the form of sports pitches, children's play space and allotments has been identified on the proposals map. The omission of such a designation does not undermine the value of other recreation sites to which this policy will still apply". The loss of the open space need to be justified and weighed against other material considerations, including the delivery of affordable dwellings.
- 5.7 The open space is currently maintained by Selby DC but does not benefit from any facilities and is not directly overlooked by the surrounding houses. It is tucked away at the end of a cul-de-sac and is not readily accessible to the general public. There are no footpath links through to other parts of the housing estate which would encourage access to the site. The existing residents of Oaklands Crescent generally have both large front and rear private gardens therefore the open space has limited use/value due to its size and proximity of the surrounding properties

which includes bungalows to the north. It appears that this area of open space is disused.

- 5.8 The proximity of a significant area of Recreational Open Space, which can be accessed from Mill Lane close to the junction with Oaklands Avenue. These facilities includes a mixture of play equipment for younger/older children, picnic seating, cycle parking plus a large fenced off football pitch. It's also worth noting the facilities can be access from Oaklands Crescent without the need to a cross road. This play park includes play equipment and a football pitch and therefore provides opportunities for both formal and informal play in close vicinity of the application site.
- 5.9 On the basis of the above, it would appear that the criteria of RT1 of the Local Plan are met. The site comprises in part an area of former garages (previously developed land) and a small area of greenfield land which is located within a residential cul-de-sac. On this basis, the proposal is considered appropriate as it represents the filling of a small gap within an existing housing estate and its development would comply with SP2 and SP4 of the Core Strategy.

Layout, Scale & Appearance

- 5.10 Relevant policies in respect of design and the impacts on the character of the area include policy ENV1 of the Selby District Local Plan and policy SP19 of the Core Strategy. Section 12 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It further states at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 The immediate surrounding area is a mix of single storey detached and semi-detached bungalows, semi-detached dwellings and rows of linked terrace blocks of 3 or 4. The proposed development of this two storey terrace of three would not therefore be out of context with the character and appearance of the area. The site has a narrow frontage and the stepped configuration fits in with the site and the street scene. The houses will be constructed of red brick and dark grey roof tiles. Traditional brick detailing introduced into the elevations will enhance the connection with the neighbourhood architectural style.
- 5.12 Boundary treatment would be black railings 900mm high to the frontage with more solid close boarded timber fencing to the divisions between the gardens at the rear. The north front garden boundary would be brick wall and piers with timber close boarded fencing between the piers. Overall, the scheme is considered to take account of the character of area, in terms of its height, scale, form and type. The materials indicated are appropriate but the details should be secured by condition to ensure they reflect the surrounding context. The scheme is therefore in accordance with policies ENV1 of the Local Plan and SP19 of the Core Strategy.

Highways

- 5.13 Policy in respect to highway safety and capacity is provided by Selby District Local Plan Policies ENV1(2), T1 and T2 and Core Strategy Policy SP15. Policy 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 relates to the 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.

- 5.14 Issues have been raised by highways in relation to part of the site being within the highway and the need to stop up part of it and address the gullies and utilities. Amended plans were received which don't quite match up with the NYCC records. It is anticipated that this matter can be resolved prior to determination and does not affect the overall assessment in relation to road safety issues. Revised plans have been received which address these issues and appear to be acceptable. The highway authority have been re-consulted and an update will be given to Members at the meeting.
- 5.15 Notwithstanding the above, the highway authority does not raise any concerns regarding road safety and the scheme provides satisfactory arrangements and amount of car parking. The scheme is considered acceptable in terms of road safety standards and subject to compliance with the recommended conditions, the development is considered acceptable and would not conflict with Policies ENV1 (2) and T1 of the Local Plan.

Residential Amenity

- 5.16 Policy in respect of residential amenity is provided by SDLP policy ENV1. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.17 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.
- 5.18 Taking the impact of each plot in turn, Plot 1 will cause some overshadowing of the rear elevation and garden area of the dwelling to the west due to it not aligning with the side of the existing house and its projection further back into the site. However, this would only be in the early morning when the sun is low. The house will still receive sunlight the remainder of the day. There would be no windows on the first floor side elevation to overlook this dwelling. Distances from the rear elevation to towards the bungalows on Oaklands would be more than 21 metres. So even though there are first floor windows which would overlook the gardens, the distance is considered acceptable and would not result in an unacceptable loss of residential amenity. Due to the size, scale and position and orientation there would not be an overbearing impact. Overall Plot 3 is considered acceptable in terms of the impact on the residential amenity of the surrounding dwellings.
- 5.19 Plot 2 would have limited impact on the surrounding dwellings being the centre of the proposed terrace of three. It would not overshadow or be overbearing on the existing residential dwellings nearby. The distance from the rear elevation to the nearest bungalow would be 21 metres. First floor windows would look towards the rear gardens of the bungalows but at this distance would be not result in a

materially harmful loss of residential amenity. Overall Plot 2 is considered acceptable in terms of the impact on the residential amenity of the surrounding dwellings.

- 5.20 Plot 3 is positioned nearer to the boundary due to the staggered arrangement of the terrace and the shape of the site. Initially it was considered to be too close to the boundary of the bungalow on Oaklands with just over 2 metres from the rear boundary and within 17 metres of the main rear elevation. This house also has a rear extension including a conservatory which is within 6 metres of the boundary. Although the rear elevation is offset at an angle to the bungalow to the east, and the first floor rear bedroom window has been positioned on the site, views would still be afforded from over the private rear garden, the conservatory and the principle rear elevation windows of the bungalow from close quarters. Normally 21 metres is the minimum acceptable distance between new dwellings. However, amended plans have now been received which pull the terrace slightly forward by 1.2m and also move the rear bedroom windows further forward along the side elevation. Minimum distances can now be achieved and the dwelling is not considered to have a materially harmful impact on the nearby dwellings. Plot 3 would cause some overshadowing of the gardens at the end of the day due its position due west. However, this is not considered to be materially harmful to the overall level of residential amenity enjoyed by the occupants.
- 5.21 As such the development is considered acceptable with respect to residential amenity and would not conflict with the aims of policies ENV1 of the LP and SP1 and SP19 of the CS.

Affordable Housing

- 5.22 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 5.23 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

- 5.24 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 then Council's contaminated land consultant.
- 5.25 The site has previously been used as garages. A potential for made ground to be present on site was identified via the desk top study (Phase 1 report), with the contaminants of concern including metals, free cyanide, soluble sulphate, asbestos, phenol and polycyclic aromatic hydrocarbons, along with carbon dioxide and methane gas. The phase 2 investigation revealed only 1 exceedance of the assessment criteria for marginally elevated lead. All other contaminants were within acceptable limits. Ground gas monitoring was also carried out and no hazardous levels of gas were detected. The report recommends that a clean cover layer should be provided in the proposed garden areas in order to remove the contamination in the near surface soils and also break the pathway with the contamination in the soils beneath the clean cap. More detail regarding this is required, including a

detailed design and verification plan. Planning conditions are recommended requiring these to be submitted.

- 5.26 The proposals are therefore acceptable with respect to contamination subject to appropriate conditions and in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Nature Conservation and Protected Species

- 5.27 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area. Policy SP15B of the CS seeks to achieve sustainable development and sets a number of criteria which should be taken into consideration. These policies should be given significant weight as they are consistent with the NPPF.
- 5.28 The application has not been accompanied by an Ecological Assessment as this is not required given the scale of the development and the site itself. The site is an open small area of concrete hardstanding with very recently demolished garages and an area of public open mown grass. As such it is not considered that the development would harm nature conservation interests. There are no trees or vegetation on the site other than the cut grass and therefore there are no ecological impacts would be expected.
- 5.29 The development is considered acceptable in terms of nature conservation and would not impact upon protected species or habitats.

Flood Risk, climate change and Drainage

- 5.30 The site is located within Flood Zone 1 as noted in the Environment Agency's flood mapping, which is defined as having a low risk of flooding. There is no requirement for a Sequential Test to be undertaken as a result. An outline drainage strategy has been provided with drawings. Foul drainage is intended to discharge to the public foul sewer in Oaklands Crescent west of the site. Surface water flooding is low risk with no measures required. In terms of drains and sewers there is currently an existing foul sewer pipe running through the western section of the site from south to north, close to the site boundary. There is also a surface water sewer running through the northern end of the site from west to east and extends out of the site boundary. The history of flood for the area does not currently suggest that the area suffers from existing sewer systems.
- 5.32 The proposed plots will have surfaces sloping away from the building envelope meaning any exceedance from the new drains will be directed towards the highway and adjacent shrubbery on the boundary. The water authority raises no concerns subject to conditions.
- 5.33 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.

- 5.34 It is consider that the proposals are acceptable with respect to flood risk, and drainage and comply with policies ENV1 of the Local Plan and Policy SP15 of the Core Strategy.

6 CONCLUSION

- 6.1 In this respect it is noted that the scheme is intended to meet the demonstrable, objectively assessed housing needs of members of the local community. The proposed development would provide much needed single storey affordable housing within the community for residents in Camblesforth. The development is acceptable with respect to the impacts on the character and appearance of the area and would not be harmful to road safety, contamination, flood risk, drainage and nature conservation or protected species. Subject to minor amendments to satisfy the highway authority in relation to ownership and to the layout to improve residential amenity, approval is recommended subject to a S106 to secure the houses are implemented and retained in perpetuity as affordable housing and subject to conditions the scheme is acceptable subject to conditions and Informatives having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations.

7 RECOMMENDATION

- 7.1 This application is recommended to be Granted subject to 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 into the Decision Notice)

Reason:

For the avoidance of doubt.

03. Waste and re-cycling facilities shall be provided in accordance with details to be agreed with the Council, upon agreement the scheme shall be implemented prior to the occupation of the dwellings.

Reason:

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

04. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with policy T1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

05. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with policy T1 and in the interests of highway safety.

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a). The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E5.
- b). Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In accordance with policy T1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

07. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - a. Relocation of any highway drainage.

(ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason

In accordance with policy T1 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

08. The development shall not be brought into use until the following the relocation of any highway drainage have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 07.

Reason

In accordance with policy T1 and in the interests of the safety and convenience of highway users.

09. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 02 have been constructed in accordance with the submitted drawing (Reference: Site Layout Plan: drawing number 2430.05.254). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason

In accordance with policy T1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

Reason

In the interest of satisfactory and sustainable drainage.

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

Reason

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. 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.

14. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVES

Highways

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

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 2019/1234/FUL and associated documents.

Contact Officer: Fiona Ellwood (Principal Planning Officer)
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Appendices: None