



Report Reference Number 2018/1243/OUTM

To: Planning Committee
Date: 4th March 2020
Author: Mandy Cooper (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1243/OUTM	PARISH:	Hambleton Parish Council
APPLICANT:	K Parkin & Sons	VALID DATE:	19th February 2019
		EXPIRY DATE:	21st May 2019
PROPOSAL:	Outline application for the erection of a residential development and associated infrastructure with all matters reserved		
LOCATION:	Bar Farm 46 Main Road Hambleton Selby North Yorkshire YO8 9JH		
RECOMMENDATION:	GRANT subject to completion of a Section 106 relating to Affordable Housing; Recreational Open Space, Waste and Recycling		

This application has been brought before Planning Committee as part of the proposal is situated in the open countryside and therefore the proposal represents a Departure from the Development Plan and Officers are recommending the granting of permission contrary to the plan. There are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is currently used in connection with a working arable farm and comprises some 0.83 hectares of hardstanding with a number of large outbuildings. It is situated to the western edge of the settlement on the north side of Main Road.
- 1.2 There are two existing dwellings (No. 48 – ‘Barmead’ and No. 46 – Bar Farm, Main Road) which are situated to the frontage, between which is a range of both single and two storey traditional brick and pantile farm buildings, with a further group of (mostly) portal framed buildings toward the northern boundary. The application site also includes a portion of the garden area associated with number 48 Main Road.
- 1.3 Adjoining the site to the north are the rear gardens of properties on Kingston Drive and rear gardens of dwellings on The Willows adjoin to the east. To the south is Main Road, where the indicative access to the site is shown and to the west are vast open fields. Fronting Main Road to the south side, are a number more modern residential properties.

- 1.4 Existing boundary treatment comprises a high conifer hedgerow (varying in height from 2.5 – 3m) with other trees in the mix and which form part of a Tree Preservation Order (TPO) adjoining to the east. There is a mix of timber fencing and conifer hedge to the north; the south boundary adjacent to Main Road is a mix of wall, hedgerow with mature trees interspersed; the north western corner has a mix of low vegetation and a number of mature trees; with the west boundary being mostly open and which adjoins open fields.

The Proposal

- 1.5 The proposal is for outline permission with all matters reserved for the erection of up to 21 dwellings (accompanying Design & Access Statement advises that the site could yield up to 25). An indicative layout plan has been submitted which demonstrates how the site could accommodate up to 21 dwellings.

Relevant Planning History

- 1.6 Other than the planning permissions for two dwellings (CO/2004/1069 & 2004/1524/FUL) and which abut the site boundaries to the south and sit within the farm complex; there are no historical applications considered to be relevant to the determination of this application:

2. CONSULTATION AND PUBLICITY

- 2.1 Hambleton Parish Council** - If permission is granted, Hambleton Parish Council urge North Yorkshire County Council Highways to recognise the serious impact that this development and the previous developments granted along Main Road will have on the traffic through the village. Hambleton Parish Council requests a condition that an absolute MAXIMUM of 21 houses, as suggested in the plan, be put into any permission granted for the site. In addition, Hambleton Parish Council, ask for a condition that 'Permitted Development Rights' will not be allowed to apply until after each individual dwelling is subject to first occupation.
- 2.2 NYCC Highways** – Further to amended plan confirm that Highway Authority's previous recommendations are unchanged. It is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as highway maintainable at public expense. Therefore as long as the applicant is aware of the above, the Local Highway Authority recommends that the following Conditions are attached to any permission granted: detailed plans of road and footways for both residential and non-residential; discharge of surface water; visibility splays; Closing of existing access and submission of a Construction Management Plan.
- 2.3 SuDS And Development Control Officer (Re-consultation)**– Whilst the report still falls short of expectations for outline planning, the information is now factually correct and we can consider conditioning the application. Please note that at reserved matters or discharge of conditions stage, should the requirements of the LLFA not have been approved as part of a planning application, the applicant is exposed to the risk of being unable to discharge the relevant planning conditions.

- 2.4 Yorkshire Water Services Ltd** – Advise that If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure including separate systems for foul and surface water; no piped discharge of surface water and evidence that other means of surface water drainage (other than to public sewer) are not reasonably practicable. The developer is proposing to discharge surface water to "SUDS" and it is noted that the Design and Access Statement suggests that soakaways are likely to be practical in this location. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, may curtilage surface water discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.
- 2.5 Selby Area Internal Drainage Board** - The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site. Percolation tests required and should water discharge to a watercourse then rates restricted to 1.4 litres per second per ha or greenfield run-off.
- If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield run-off. No obstructions within 7 metres of the edge of a watercourse are permitted without Consent from the IDB.
- 2.6 County Ecologist** – Aside from bats and the presence of nesting birds within some of the buildings on site there are no other ecological features of significance which will be affected by the proposed development.
- 2.7 Environmental Health** - No further comments. The proposed residential development is in close proximity to the A63 and there are concerns that future occupants may be subject to unacceptable levels of noise. In view of this a condition requiring a noise assessment should be included in addition to a Construction Environment Management Plan (CEMP).
- 2.8 Landscape Consultant** - The applicant has provided a revised 'Indicative Site Layout 737/01 B' to further clarify the potential for POS within the site and treatment of the rural west boundary. The POS indicated seems to fall below what I would expect for 21 dwellings. No objection to the principle of development and comments remain the same as previous consultation response dated 21st March 2019 as below:

“The site adjoins open arable fields to the west side and is clearly visible on approach to the village along Main Road from the west. The Design and Access Statement suggests that open space facilities would be provided in

the form of equipped play and informal amenity space. The application includes an Indicative Site Layout plan for 21 dwellings. No objection to the principle of the Application subject to provision of the following being secured at Reserved Matters stage by appropriate condition or legal agreement and to include a detailed hard and soft landscaping scheme; tree and hedge protection for those to be retained and planting of a native hedgerow to western site boundary.

Detailed hard and soft landscaping scheme.- Details (and amount) for the Public Open Space and arrangements for ongoing maintenance and management, in perpetuity.-

Tree protection measures for trees and hedgerows to be retained (including TPO trees to the east side).-

The western site boundary adjoining open countryside should be a rural boundary fence planted with native hedgerow (not 1.8m close boarded fence). Soft landscape works should include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme”/.

- 2.1 Waste and Recycling Officer** - In larger new developments that create new roads the layout has to safely accommodate vehicles making waste collections each week. In order to prevent risks associated with collection vehicles reversing, it is recommended that developments are designed to enable the collection vehicle to continue in a forward direction wherever possible. This avoids the need for large turning heads which waste site area and attract car parking. If the layout has other merits and reversing is necessary, this should be kept to a minimum with the route being straight, safe and easy to navigate. If the vehicle has to turn, this should preferably be completed in a single U turn. Sharp bends should also be avoided, especially where buildings are placed close to the road. Designers of new layouts should bear in mind the likelihood of street parking and the need for clear passage for collection vehicles. To allow safe access, all roads and other areas that are to be used by the collection vehicle must be designed to withstand the full weight of the heaviest vehicle used, which is 26 tonnes when fully loaded. Collection vehicles will not access private drives or use them for turning and so a bin presentation point will need to be provided in all of the areas accessed by a private drive. The presentation point must allow for unobstructed access to containers and waste collection vehicles should be able to gain access to within 10 metres. The presentation point should be large enough to accommodate 2 x 240 litre wheeled bins per property one week and 3 x 55 litre kerbside recycling boxes per property the following week. All development layouts should allow for the largest vehicle used by Selby District Council to be accommodated. The dimensions are as follows: Length 10 metres; Width 2.8 metres; Height 5.8 metres. Weight when fully loaded 26 tonnes Finally as there are more than 4 properties, the developer will be required to purchase the waste and recycling containers for this development.

PUBLICITY

- 2.9 The application was advertised by way of site and press notices and direct neighbour notification. Five letters have been received as a result of publicity. Three letters are from the same household and each letter includes precisely the same comments as the other two. Comments of which are summarised below:

Residential Amenity

- Certain houses on submitted plan would overlook our property (4 The Willows) and other properties
- Increase in noise levels and disturbance due to position of five of the properties which should be re-located to west side of development
- Would affect the outlook of existing gardens of surrounding properties
- Increase in noise and light pollution from the Main Road which the barns currently deflect

Highways

- Traffic often exceeds 50mph close to the entrance of this site
- Another junction on Bar Lane would be dangerous

Ecology and Protected Species

- Would affect wildlife such as Hedgehogs which are now listed as a priority species due to their decline and suggest mitigation with information included
- Bats are also known to be present in the barns which are a protected species
- No concerns other than potential impact on bat colony residing in the farm buildings
- Do not see this development as being required in light of huge number of new houses being built to east side of village

Other Matters

- Impact of more development on local infrastructure, school, traffic levels - due to access directly off A63
- Almost half of development is on Greenfield land
- Suggests the applicant to stick within the development limits
- Not sustainable as there are virtually no employment opportunities in Hambleton
- Bus service is one bus per hour and only up until 5.50pm meaning virtually all journeys are made by private car
- Takes up good agricultural land

3 SITE CONSTRAINTS

- 3.1 The site is situated partially within and partially outside the Development Limits of Hambleton as defined in the Local Plan. Hambleton is a Designated Service Village (DSV) as identified in the Core Strategy.
- 3.2 The site lies in Flood Zone 1.
- 3.3 There are no Listed Buildings within the site or its vicinity. The site is not located within a Conservation Area.
- 3.4 There is a Tree Preservation Order (TPO) adjoining part of the eastern site boundary within 'The Willows.' There are no other statutory designations within or in close proximity 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)."

4.6 Selby District Core Strategy Local Plan

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

4.7 Selby District Local Plan

The relevant Selby District Local Plan Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- CS6 Development Contributions-Infrastructure
- RT2 Open Space Requirements
- T1 Development in Relation to Highway
- T2 Access to Roads

4.8 Other Policies/Guidance

- Five Year Supply Guidance Note for Applicants January 2017
- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- Strategic Housing Market Assessment 2019

5. APPRAISAL

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

- Principle of Development
- Design, Scale & Visual Impact
- Residential Amenity
- Highways
- Flood Risk/Drainage
- Ecology
- Affordable Housing
- Recreational Open Space/Landscaping
- Waste & Recycling
- Contamination

Principle of Development

5.2 Approximately half of the application site is located outside, but immediately adjacent to, the defined development limits of Hambleton (which is a Designated Service Village as identified in the Core Strategy) and is therefore located within the open countryside in policy terms and this should be the starting point for assessing the principle of development.

5.3 Based on the latest assessment, the Council has a confirmed five year housing land supply. Although the fact that the Council has a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of this positive five year housing land supply position is that the relevant policies for the supply of housing in the Core Strategy (SP5) are considered up to date and the balance as regards a presumption in favour of sustainable development does not apply and the development plan is considered to accord with the NPPF.

5.3 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.

- 5.4 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. This advice is consistent with the guidance in paragraph 11 of the NPPF.
- 5.5 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.
- 5.6 Policy SP2 A b) states that there is scope for limited amounts of residential development within development limits of secondary villages. Part (c) of the same policy states that *"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."* The proposal would include demolition of all the existing farm buildings but part of the proposal does not meet policy SP2A(c) as it is situated outside of the Development Limits; is not for rural affordable housing, the application should therefore be refused unless material considerations indicate otherwise.
- 5.8 Policy SP4 a) 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). Point b) of the same policy advises however that development must improve the appearance of the area and *"must relate sensitively to the existing character and form of the village."* 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 boundary line forming the application site to the west follows the natural line of the farmstead, beyond which lies open agricultural fields. On this basis, the proposal site does not project abnormally but instead concludes naturally and organically where the current development within the site ends.
- 5.9 The proposed site is unallocated in the Core Strategy, a large proportion of which is situated within the Development Limits of Hambleton. In the settlement hierarchy Hambleton has been identified as a Designated Service Village, where there is (amongst other things) scope for additional residential development to support rural sustainability. The site cannot be classified as previously developed land in the definition given in the NPPF Annex due to its agricultural status. There are a large extent of existing farm buildings, some of which are of a significant scale, along with large areas of hardstanding. Therefore the development would not introduce built form into an area that is currently open or undeveloped and would result in a visual change to what is currently present but which would be less intrusive in regards to views from the open countryside, particularly from the west approach. Additionally, the western boundary of the application site follows the natural boundary to the farm and therefore the development site does not encroach beyond the existing natural form. Furthermore, the submitted Planning Statement advises that the farm business

will cease in the not too distant future as the applicant has now retired with no-one planning to take over the company.

- 5.10 Whilst the development site does not strictly accord with the Development Plan, it is considered that the proposal offers an acceptable alternative use which is a material consideration and that the site is suitable for redevelopment in light of the above factors.

Design, Scale & Visual Impact

- 5.11 Relevant policies in respect of design and the impacts on the character of the area include ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 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 that plans should set out a clear design vision in order that applicants have a fixed vision of 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).
- 5.12 The submitted application is outline with all matters reserved for future consideration. 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 properties are predominantly two-storey, with a mix of terraced, semi-detached and detached dwellings most of which are arranged around an access taken from Main Road. The scheme would provide a good mix of tenure, the majority being two and three bedroom dwellings of which there is the greatest requirement for market housing (Selby District Strategic Housing Market Assessment 2019).
- 5.13 An indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate up to 21 dwellings with provision for internal access roads and parking. This has been revised to show dense (depth of 5-10m) tree and hedge planting to the outward facing boundaries and provision of open space to the northwest corner of the site.
- 5.14 The revised indicative layout plan shows a mix of four house types with detached and semi-detached dwellings illustrated. There are no elevations provided but the density is relatively low so there is scope to modify the proposed development. The accompanying Design & Access Statement advises that the details are reserved for future consideration. Therefore limited significance should be given to the layout at this stage. It also states however that the site is constrained by its relationship with the adjacent dwellings and existing trees.
- 5.15 Approximately 110m west of the application site is a large belt of mature poplar trees which partially screen the site when approaching Hambleton from the west on the A63/Main Road. However, there is no existing screening to the northwest boundary of the application site where there are currently three large agricultural buildings (approx. 9m high to ridge & 7m to eaves) which adjoin the northern boundary of the site. These are highly visible from the A63. The south west corner and part of the south frontage of the site however are relatively well screened from the road by existing mature trees and hedgerows.
- 5.16 The indicative layout plan has been amended to include a densely planted boundary hedge/tree planting to the part of the southern, northwest corner and along the full extent of the western boundary in accordance with the Landscape Architect's

requirements. This would aid in softening the transition from the open countryside into the village and ensure the new dwellings would integrate well within the village itself, which would ultimately improve upon the visual impact of the site as it currently stands.

- 5.17 On the basis of the above, it is considered that with the inclusion of the dense landscaping shown on the indicative plan, that a successful scheme can be achieved in accordance with policies Policies ENV1 and ENV2 of the Selby District Local Plan; policy SP8 of the Core Strategy along with the relevant guidance within the NPPF.

Residential Amenity

- 5.18 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 but an indicative plan has been submitted, therefore it requires some consideration.
- 5.19 Indicative distances between rear gardens are shown to be at a minimum of 18m and less where the proposed properties are inclined toward the existing dwellings to the east. There is also a 2-3m high wall and fence, in addition to a high (majority) conifer hedge which varies in height between 2.5m and 4m to the east boundary of the site. Should the layout plan form the basis for a reserved matters application, it is considered that an acceptable relationship could be achieved between the existing and proposed dwellings. In addition, the housing would replace large agricultural buildings which due to their proximity to the northern boundary which clearly cause some overshadowing to the rear gardens of the adjoining properties. New dwellings in this location would have some benefit to the adjoining residents.
- 5.20 It is considered that an attractive form of development could be achieved at the reserved matters stage in terms of layout, scale, appearance and residential amenity, which would not result in any significant detrimental impacts on the character and appearance of the area in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

Noise/Air Quality

- 5.21 Policy ENV2 (SDLP) states development which would give rise to or would be affected by unacceptable levels of noise nuisance will not be permitted without satisfactory remediation or measures to prevent noise nuisance are incorporated as part of the scheme. Policy SP19 (k) states that development should not contribute or be put at unacceptable risk from (amongst other things) noise and air quality. Paragraph 180 a) (NPPF) advises that development should aim to reduce to a minimum potential adverse impacts resulting from noise from new development.
- 5.22 The Council's Environmental Health Officer (EHO) has been consulted on the proposal and provided comments in regards to air quality and noise. The EHO has advised that there is the potential, due to the close proximity of the site to the A63 that future occupants could be subjected to unacceptable levels of noise and recommends a condition requiring a noise assessment to include mitigation measures. Additionally, the EHO advises a further condition for the demolition and

construction phases of the development. It is the developer's responsibility to ensure such matters are addressed in any subsequent application.

- 5.23 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, none of the specifics of the scheme are under consideration at this stage. The matters raised are matters that will be considered at reserved matters stage.
- 5.24 Subject to acceptable detailed plans at reserved matters stage and the inclusion of conditions recommended by the EHO, Officers consider that the proposal would not result in any significant impact on future occupants or neighbouring properties in accordance with Policy ENV2 of the Selby District Local Plan and SP19 (k) of the Core Strategy and the provisions of paragraph 180 a) of the NPPF.

Highways

- 5.25 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 advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.26 The indicative access demonstrates a typical hammerhead design with individual and shared private drives off; in addition to a group of six parking bays fronting three pairs of semi-detached properties to the northeast corner.
- 5.27 The Highway Officer (HO) has commented on the proposal and raises no objections but refers to the requirements that any street which is being developed for more than six dwellings shall be capable of being laid out to a minimum standard, so that the street can be constructed and adopted as a highway maintainable at public expense. The HO recommends conditions relating to detailed plans of the road and footway layout; visibility splays; prevention of surface water onto the public highway; closure of the existing site access and a construction management plan. Given this is an outline consent and access is not being considered it would be unreasonable to condition all of these aspects at this stage. A number of the suggested conditions have been included and on this basis, the proposal complies with policies ENV1, T1, T2 and Core Strategy Policy SP15 and the advice within the NPPF.

Flood Risk/Drainage/Climate Change & Energy Efficiency

- 5.28 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.

Flood Risk

- 5.29 The application site is situated in Flood Zone 1, which comprises land assessed as being low risk and having a less than 1:1000 annual probability of flooding. As such

a sequential flood risk test is not required. The application details that the existing foul sewer on Main Road would accommodate foul water and the surface water generated by the proposal would be discharged into the existing soakaway on site. The proposed increase in hardstanding would have a negligible impact on the surface water generated on site, since the area where the proposed building and extensions are to be located already comprise of an impermeable surface.

Drainage

- 5.30 The Local Lead Flood Authority (LLFA) in their response initially objected to the proposal on the basis of insufficient evidence that the site could be drained satisfactorily. Following correspondence between the LLFA and the agent, revisions to the Drainage Statement have now been submitted. This advises that whilst the site is technically Greenfield being used for agriculture, there are significant areas of hardstanding (concrete) and a large extent of built development in respect of the existing agricultural buildings. The amended statement makes it clear that the proposed residential development would first look to utilise soakaways for the disposal of surface water. If proven to be unsuitable, then other attenuation would be proposed. This could take the form of on-site storage tanks, over-sized pipework or off-site attenuation in the form of balancing ponds which could be adequately addressed through appropriate condition, requiring it to be dealt with as a reserved matter. Any future off-site attenuation can be conditioned as the adjacent land to the west is edged blue and is in the ownership of the applicant.
- 5.31 It is proposed that foul water would discharge to the existing main sewer and Yorkshire Water Services response simply states that conditions are to be included in any permission. These specify separate systems for drainage of foul and surface water, in addition to the submission of details (and approval) for surface water prior to discharge of surface water. The Internal Drainage Board simply state that the proposal would increase the impermeable area of the site and need to ensure that surface water systems has the capacity to accommodate any increase and that percolation tests should be undertaken to establish suitability of land for run off.
- 5.32 It is therefore considered that the proposals adequately address drainage at this stage and, subject to appropriately worded conditions and their implementation, the site can be properly drained in accordance with SDLP Policy ENV1, CS Policy SP19 and national policy contained in the NPPF.

Energy Efficiency

- 5.33 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 to ensure compliance with Policies SP15 and SP16 of the Core Strategy and the relevant advice in the NPPF.

Ecology

- 5.34 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. 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. The site does not, nor is it within 500m of any designation.

- 5.35 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.
- 5.36 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. A Preliminary Ecological Appraisal Report has however been submitted with the application which concludes that the site is of low ecological value.
- 5.37 A Bat Survey Report has been submitted with the proposal and there are 13 study buildings, where there was a potential of either, negligible, low or a moderate potential of bats. Day roosts for the Common Pipistrelle were found in buildings 3, 10 & 13. The roosts would be destroyed as part of the demolition work and on this basis a European Protected Species Mitigation Licence would be required and approved by Natural England before the demolition of the buildings. In terms of mitigation and compensation, replacement roosts would be incorporated into four of the new dwellings.
- 5.38 The Ecology Officer (EO) agrees with the conclusions of the Bat Survey Report and the Preliminary Ecological Appraisal Report and states that apart from bats and nesting birds there are no other ecological features of significance which would be affected by the development.
- 5.39 An objector has emphasised the importance of providing compensatory measures for protecting and enhancing areas suitable for hedgehogs advising that there are many features which can be included in new developments to encourage occupation. Officers are aware of their duties in regards to endangered and protected species as well as the ecological benefits to new development and the applicant is advised to consider this in a Reserved Matters application, in the event that this outline were approved.
- 5.40 On the basis of the above, mitigation and compensation would be secured by condition. As such the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

Affordable Housing

- 5.41 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 above the threshold of 10 dwellings. The amount of affordable housing on each site can however be

negotiated whilst taking into consideration any abnormal costs and its economic viability.

- 5.42 The agent has indicated that the applicant proposes to sell the site on for development and should outline permission be gained, a policy-compliant scheme for the provision of affordable housing would be included within the Reserved Matters but included in a Section 106 at the outline stage. 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.

Recreational Open Space/Landscaping

- 5.43 Policy RT2 (SDLP) and 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) requires proposals for new residential development comprising 5 or more dwellings to provide Recreational Open Space (ROS) at the rate of 60 sqm per dwelling. This can however, be provided on site; within the locality; elsewhere or through a financial contribution.
- 5.44 The amended plans, whilst indicative now show a densely planted strip of between 5 and 10m to the west, northwest and southwest corner boundaries and an area of ROS to the northwest corner of the site, with a much smaller area to the southwest corner.
- 5.45 When measured, the ROS equates to approximately 1154sqm which falls just short of the above requirements:

$$21 \text{ no. dwellings} \times 60\text{sqm} = 1260\text{sqm}$$

However, as previously stated, the layout plan is indicative and it is considered that the layout could be re-configured or the number of dwellings reduced to provide for the ROS requirements.

- 5.46 Having regard to the Design & Access Statement this suggests that open space facilities would be provided in the form of equipped play and informal amenity space, equivalent to the requirement of 60sqm per dwelling. Should the application be approved, ROS would be secured and provided in perpetuity by way of a Section 106 Agreement which complies with policies RT2 and SP19.
- 5.47 Existing trees and planting will be retained and enhanced as far as possible. The exact details are however reserved for subsequent approval. It is considered that it would be reasonably possible to retain the majority of existing trees whilst still developing the land. Additionally, there is a Tree Preservation Order (TPO) on the development situated immediately east of the application site and subject to conditioning a submission requiring a BS Tree Survey with any Reserved Matters proposal; the development is also considered to be acceptable in this regard, satisfying the relevant requirements of Policy ENV1 of the Local Plan.

Waste & Recycling

- 5.48 The Design & Access Statement states that each dwelling would have wheeled bins as well as recycling boxes for waste. These should be provided by the Developer through a commuted sum through a Section 106 agreement.

- 5.49 The Waste & Recycling Officer has provided general advice as regards the layout requirements for collection vehicles, including bin presentation points. Such details would be assessed and agreed at Reserved Matters stage.
- 5.50 In regards to Waste and Recycling a contribution of £65. per dwelling would be required which would be secured through a Section 106 Agreement. Further information would be required at Reserved Matters stage.

Renewable Energy

- 5.51 The specific requirements of Policies SP15 and SP16 of the Core Strategy require that 10% of total predicted energy should be from renewal, low carbon or de-centralised energy sources or improved energy efficiency through the design of buildings. A condition can be imposed in order to facilitate this and ensure compliance with Policies SP15 and SP16 of the Core Strategy and the relevant advice in the NPPF.

Contamination

- 5.52 Policy ENV2 (SDLP) states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. 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.
- 5.53 A Phase 1 Preliminary Risk Assessment accompanies the application which advises that as the site is currently used for agricultural purposes, with asbestos sheeting and some chemical storage, it is likely that there are fuel, oil and chemical deposits around the site. This would mean that further investigative research would be required prior to any works being undertaken.
- 5.54 The Contaminated Land Consultant's (CLC) response advises that the submitted Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The CLC adds that an intrusive site investigation is needed and would advise that the proposed site investigation works are acceptable. If contamination is found, appropriate remedial action would be required to make the site safe and suitable for its proposed use and would recommend relevant conditions to be included in any approval, on this basis.
- 5.55 On the basis of the above, it is considered that subject to the implementation of conditions to ensure the CLC's requirements are addressed, the site would be acceptable for residential use and therefore the development would be in accordance with Policy ENV2 of the Selby District Local Plan and paragraph 178 of the NPPF.

6 CONCLUSION

- 6.1 The majority of the site comprises a number of large farm buildings; most of which are located within the Development Limits of Hambleton which is a Designated Service Village (DSV). The proposal is a Departure due to a limited expansion

beyond the Development Limits but which would form part of the farm curtilage and would not physically encroach beyond the natural farm boundary, into the adjacent open countryside.

- 6.2 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, small extension to the village, in part due to the adjacent surrounding residential sites and the natural boundaries of the farm complex. In addition the development of the site would result in a visual improvement to the existing built form provided by the large agricultural buildings and would therefore result in an appropriate form of development.
- 6.3 Whilst the submission is in outline the proposal takes into consideration the potential impact on the immediate locality and the redevelopment of the land is capable, subject to an appropriate means of access, site layout, scale, appearance and landscaping, of achieving a successful form of development which would respect and enhance the local character and form. On this basis and subject to the submission of satisfactory details, the development is considered to be acceptable.

7.0 RECOMMENDATION

That the proposal is GRANTED subject to a Section 106 Agreement relating to Affordable Housing; Recreational Open Space and Waste and Recycling and subject to the following conditions:

01. No development shall commence until details of the access, 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 plan listed below:

737/02 – Location Plan

Reason: For the avoidance of doubt.

05. The total number of dwellings authorised by this permission shall not exceed 21 and any reserved matters application(s) submitted pursuant to Conditions 1 and 2 shall be limited to this maximum in total.

Reason: In the interests of the amenity of the adjoining residential properties, having had regard to Policy ENV1 of the Selby District Local Plan.

06. Prior to commencement of any of the demolition and construction phases a written scheme for protecting the proposed noise sensitive development from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed development shall not exceed 50 dB LAeq (16 hour) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of this scheme shall be permanently retained and maintained throughout the life of the development. The scheme must also ensure the internal environment of each dwelling is protected from noise. The scheme shall ensure that the building envelope of each dwelling is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved should not exceed 35dB LAeq (16 hour) inside each dwelling between 0700 hours and 2300 hours and 30dB LAeq (8 hour) and 45dB LAmax in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained throughout the life of the development. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To protect the residential amenity of future occupants of the development and in accordance policy with the NPPF and Selby District Council Policies SP19 and ENV2.

07. No development in relation to both demolition and construction phases shall commence until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and Environmental Health. The submitted details shall include but not be limited to the following:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. control and mitigation of vibration, noise, dust and other airborne pollutants during demolition and construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition and construction of the Development shall be completed in accordance with the approved details unless any variation has been approved in writing by the Local Planning Authority

Reason: To protect residential amenity during the demolition and construction phase of development.

14. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to the greenfield runoff rate for all events up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

15. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

16. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

17. The development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996).

Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform

subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties.

18. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

19. Prior to development, 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 and approved in writing by 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 and proposed) including buildings, crops, livestock, woodland, pets, service lines and pipes
 - Adjoining land
 - Groundwater and surface water
 - Ecological systems
 - Archaeological sites and ancient monuments
- iii) An appraisal of remediation options and proposal of the preferred options

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management for Land Contamination, CLR 11.'*

Reason: To ensure that risks from land contamination for future users of the land and neighbouring land is 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.

20. 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) shall be submitted and approved in writing by the Local Planning Authority. The scheme shall 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 following remediation.

Reason: To ensure risks from contamination for future users of the land and neighbouring land are minimised, together with 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.

21. Prior to occupation, 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 submitted and approved in writing by the Local Planning Authority.

Reason: To ensure risks from contamination for future users of the land and neighbouring land are minimised, together with controlled waters, property and ecological systems.

22. 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.

23. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the following documents:

- Bat Survey Report by Curtis Ecology (Ref: CE 0494) Dated 01.10.2018
- Preliminary Ecological Appraisal Report (Ref: CE 0493) Dated 26.08.2018

Reason: To ensure that all Bats and 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. The plans and particulars submitted in accordance with the requirements of condition 1 requiring the submission of landscaping details shall include:-

- a plan showing the location of, and allocating a reference number to, the adjacent Tree Preservation Order No: (No: 7/1995) and each existing tree on or adjacent to the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, (within the crown spread of any retained tree or of any tree on land adjacent to the site) (within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree);
- details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: The Council is under a statutory duty when considering planning applications to consider the effect which development will or may have on trees. There are trees subject to a Tree Preservation Order adjacent to the site and these contribute to the character and appearance of the area. It is considered that the above details are required in accordance with policy ENV1 of the Selby District Local Plan and are necessary to enable the Council to consider the effect of the proposed development on these trees.

25. Notwithstanding the details required for condition 24 above, no development shall take place until a scheme for tree protection measures for trees adjacent to the site (to the east) and subject to Tree Preservation Order (No: 7/1995) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837:

2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.

- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hard standings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees before any construction works commence in accordance with the requirements of policy ENV1 of the Selby District Local Plan.

26. No part of the development hereby permitted shall be commenced until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provisions for wildlife including habitat corridors, which should be incorporated into the site layout and detailed design with details of how those features will be retained and managed in the long term. Such features shall be provided for within one month of the completion of the development and thereafter be retained in perpetuity.

Reason: To ensure that adequate mitigation and enhancement measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

27. No development shall take place on site until a planting scheme to provide for a native hedgerow and tree planting to the south and west boundaries (at a depth between 5-10m to the west and north west boundaries) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate species, plant 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 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: In accordance with policies ENV1 and SP19 and because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

28. No construction works shall take place on site outside of the hours of:

- 8am to 6pm Monday to Friday,
- 9am to 1pm Saturday and not 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.

29. 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.

30. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason: In the interests of providing a sustainable form of development and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

INFORMATIVES

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

SURFACE WATER DISCHARGE TO WATERCOURSE

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits and Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

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 2018/1243/OUTM and associated documents.

Contact Officer: Mandy Cooper (Principal Planning Officer)

Appendices: None