



**Report Reference Number:** 2017/0866/FUL (8/14/26AE/PA)

**Agenda Item No:** 7.4

**To:** Planning Committee  
**Date:** 10 January 2018  
**Author:** Jenny Tyreman (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

<b>APPLICATION NUMBER:</b>	2017/0866/FUL	<b>PARISH:</b>	Kelfield Parish Council
<b>APPLICANT:</b>	Mr C Hargreaves	<b>VALID DATE:</b> <b>EXPIRY DATE:</b>	23 August 2017 18 October 2017
<b>PROPOSAL:</b>	Proposed conversion of existing outbuilding to a dwelling (Use Class C3)		
<b>LOCATION:</b>	Villino 3 Lakeside Mews Riccall Lane Kelfield York North Yorkshire YO19 6RE		
<b>RECOMMENDATION:</b>	APPROVE		

This application has been brought before Planning Committee as the proposal is contrary to Criterion 1 of Policy H12 of the Selby District Local Plan, but there are material considerations which would justify approving the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 1.2 The application site comprises a brick built outbuilding forming a garage associated with the residential property to the west, 3 Lakeside Mews. To the north of the application site is Riccall Lane with open fields beyond, to the east and west of the application site are residential properties and to the south of the application site is a nursing home.

- 1.3 The application site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

### **The Proposal**

- 1.4 The application seeks planning permission for the conversion of an existing outbuilding into a single dwelling.
- 1.5 The proposed conversion would be facilitated by alterations to fenestration in the north, south, east and west elevations of the building, the insertion of roof lights in the east and west roof slopes and the insertion of a chimney projecting out from the west roof slope. No extensions are proposed as part of the conversion.
- 1.6 The proposed dwelling would benefit from a vehicular access onto Riccall Lane to the east, via an existing access track, and would have an area of hardstanding for turning and parking to the south of the building and an amenity area to the east of the building.

### **Relevant Planning History**

- 1.7 The following historical applications are considered to be relevant to the determination of this application.
- An outline application (reference: CO/2003/0745) with siting and means of access included, for the erection of a garage for storage of vehicles in association with nursing home was Approved on 11 August 2003.
  - An application (reference: CO/2003/1152) for the proposed erection of a detached double garage was Approved on 13 November 2003.
  - A reserved matters application (reference: CO/2004/1084) for the erection of a garage was Approved on 10 May 2005.

## **2. CONSULTATION AND PUBLICITY**

*(All immediate neighbours were informed by letter, a site notice was erected and eight statutory consultees notified)*

- 2.1 **Parish Council** – No objections.
- 2.2 **NYCC Highways** – No objections, subject to a condition requiring details of access, turning and parking.
- 2.3 **Ouse and Derwent Internal Drainage Board** – No objections, subject to a condition that drainage works are agreed prior to commencement of development.
- 2.4 **Yorkshire Water** – No response within statutory consultation period.
- 2.5 **Contaminated Land Consultant** – No objections, subject to four conditions relating to: (1) investigation of land contamination; (2) submission of a remediation scheme; (3) verification of remedial works; (4) reporting of unexpected contamination.

- 2.6 **North Yorkshire Bat Group** - No response within statutory consultation period.
- 2.7 **Natural England** – No comment.
- 2.8 **PSSC Canal And River Trust** – No comment.
- 2.9 **Neighbour Comments** – No letters of representation have been received as a result of the advertisement of the application.

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

#### **Constraints**

- 3.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 3.3 The application site comprises potentially contaminated land resulting from ceramics cement and asphalt works.

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

- 3.4 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.5 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. 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.

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

- 3.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development

- SP2 – Spatial Development Strategy
- SP5 – The Scale and Distribution of Housing
- SP9 – Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

### **Selby District Local Plan**

3.7 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- H12 – Conversion to Residential Use in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

### **Other Policies and Guidance**

3.9 Affordable Housing Supplementary Planning Document

## **4. APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing

### **The Principle of the Development**

4.2 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.

4.3 In terms of the Core Strategy, then Policy SP1 of the Core Strategy 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.

Alongside this Policy SP2A(c) 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. Given the scheme is a conversion and extension it can therefore be concluded that the principle of re-use of the building and extension to the existing building is in accordance with both Policy SP1 and Policy SP2A(c) of the Core Strategy.

- 4.4 In terms of the Local Plan, then as noted above the key Policy H12 on “Conversion to Residential Use in the Countryside” notes a series criterion for the consideration of scheme. Criteria (1) and (3) allow proposals for the conversion of rural buildings to residential uses provided it “can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality” and that the “building is structurally sound and capable of re-use without substantial rebuilding”. As such Policy H12 supports the principle of conversion of the building with appropriate extensions.
- 4.5 It is accepted that the scheme is contrary to Policy H12 of the Local Plan, but it is considered to be in compliance with the approach of the Selby Core Strategy. It is considered that the limited weight should be attached to the Local Plan, and greater weight should be attached to the approach of the Core Strategy in considering the scheme. Then in considering the approach of the NPPF this should be a material consideration is accordance with Paragraph 38 (6).
- 4.6 This includes consideration of the scheme in the context of Paragraph 55 of the NPPF is particularly relevant to the application and states that:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as [amongst other things]:-
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”
- 4.7 As such, Paragraph 55 thus supports re-use of redundant or disused buildings, which is consistent with the Core Strategy but is significantly different to that taken in the Local Plan and Policy H12 as it does not require the more onerous tests set out in H12 (1).
- 4.8 The applicant has stated within the submitted Planning Statement that the building is structurally sound and capable of re-use without substantial re-building. The existing outbuilding was granted outline planning permission under application reference CO/2003/0745 in August 2003, followed by reserved matters granted

under application reference CO/2004/1084 in May 2005. The materials used in the external construction of the existing building are clamp bricks for the walls and clay pantiles for the roof. From a site visit and inspection of the building, the building can be considered to be structurally sound and can be re-used without substantial re-building in accordance with Criterion (3) of Policy H12. Furthermore, following the submission of amended plans, the proposed re-use would take place within the fabric of the building and would not require extensive alteration, re-building and/or extension in accordance with Criterion (4) of Policy H12.

- 4.9 It is considered that the policies in the Development Plan, as noted above, pull in different directions given the approach in the Core Strategy and the guidance within the NPPF which is a material consideration. As such it is considered that the Development Plan is not neutral (when applying the approach of the High Court decision *R v Rochdale Metropolitan Borough Council ex parte Milne* (2000). Sullivan J) and as such the starting point as per 38(6) is that schemes should be refused 'unless material considerations indicate otherwise'.
- 4.10 In this case given that Policy H12 is inconsistent with the Core Strategy (as part of the development plan) and the guidance in the NPPF, it is considered that limited weight can be given to Policy H12 and as such it is essential that the benefits of the development outweigh any conflict such that notwithstanding the conflict with the development plan the material considerations indicate that planning permission should be granted. Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 55 of the NPPF and. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan.

#### Sustainability of the Development

- 4.11 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 55 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with one of the exceptions set out within Paragraph 55 of the NPPF.
- 4.12 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

#### Economic

The proposal would provide jobs during the conversion and internal works and through local spending by new residents within the local villages and within the District.

## Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

## Environmental

The proposals would re-use a redundant or disused building and would lead to an enhancement of the immediate setting in compliance with Paragraph 55 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above and would represent sustainable development. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 4.13 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Selby District Local Plan, the Core Strategy and the NPPF.

## **Design and Impact on the Character and Appearance of the Area**

- 4.14 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside. The application site comprises a brick built outbuilding forming a garage associated with the residential property to the west, 3 Lakeside Mews. To the north of the application site is Riccall Lane with open fields beyond, to the east and west of the application site are residential properties and to the south of the application site is a nursing home.
- 4.15 Criterion (5) of Policy H12 requires that “ The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character and appearance of the area or the surrounding countryside”.
- 4.16 The proposed conversion would be facilitated by alterations to fenestration in the north, south, east and west elevations of the building, the insertion of roof lights in the east and west roof slopes and the insertion of a chimney projecting out from the west roof slope. No extensions are proposed as part of the conversion.

- 4.17 The proposed dwelling would benefit from a vehicular access onto Riccall Lane to the east, via an existing access track, and would have an area of hardstanding for turning and parking to the south of the building and an amenity area to the east of the building.
- 4.18 Given the location of the application site between existing dwellings to the east and west and a nursing home to the south, and taking into account the nature of the works to facilitate the conversion and provide ancillary facilities such as the access, turning and parking areas and amenity space, it is considered that the proposal would not have any significant impact on the character and appearance of the area or the surrounding countryside, in accordance with Criterion (5) of Policy H12. However, it would be considered reasonable and necessary to remove permitted development rights for development within the curtilage of the dwellinghouse, including extensions and outbuildings, in the interests of the visual amenities of the area.
- 4.19 Subject to the aforementioned condition, it is considered that the proposal would not have a significant or detrimental impact on the character and appearance of the area or the surrounding countryside, in accordance with Policy ENV1 (1) and (4) and H12 (5) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

#### **Impact on Residential Amenity**

- 4.20 To the north of the application site is Riccall Lane with open fields beyond, to the east and west of the application site are residential properties and to the south of the application site is a nursing home.
- 4.21 The proposal involves the conversion of an existing outbuilding into a single dwelling. The proposed conversion would be facilitated by alterations to fenestration in the north, south, east and west elevations of the building, the insertion of roof lights in the east and west roof slopes and the insertion of a chimney projecting out from the west roof slope. No extensions are proposed as part of the conversion.
- 4.22 Given the nature of the proposed development, the resultant dwelling would not have an oppressive appearance when viewed from any neighbouring properties or result in overshadowing of neighbouring properties, by comparison to the existing situation. Furthermore, taking into account the location of new windows and roof lights within the building and the relationship and separation distances to neighbouring properties, it is considered that the proposal would not result in any significant adverse effects of overlooking to any neighbouring properties.
- 4.23 The existing and proposed dwelling would benefit from a sufficient level of amenity space commensurate with the character of the area.
- 4.24 Having regard to the above, it is considered that the proposal is acceptable in terms of its impact on residential amenity in accordance with Policies ENV1 (1) and (4) and H12 (7) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained with the NPPF.



## **Impact on Highway Safety**

- 4.28 The proposed dwelling would benefit from a vehicular access onto Riccall Lane to the east, via an existing access track, and would have an area of hardstanding for turning and parking to the south of the building. North Yorkshire County Council Highways have reviewed the proposals and have raised no objections, subject to a condition requiring details of access, turning and parking.
- 4.29 Having regard to the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), H12 (7), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

## **Flood Risk and Drainage**

- 4.30 The application site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 4.31 Paragraph 104 of the NPPF states that "Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments." As such, given the proposal does not involve any extension to the building and simply involves a change of use, a sequential test would not be required to be undertaken in line with the advice contained within the NPPF and NPPG.
- 4.32 A Flood Risk Assessment has been submitted with the application which states that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. The Flood Risk Assessment is considered to be acceptable subject to an appropriate condition.
- 4.33 The application form states that foul sewage would be disposed via mains sewer and surface water would be disposed of via mains sewer. Yorkshire Water and the Ouse and Derwent Internal Drainage Board have been consulted on the proposals. The Ouse and Derwent Drainage Board note that surface water is to be disposed of via mains sewer but is unaware of any Yorkshire Water sewers in the vicinity. The Ouse and Derwent Drainage Board have advised that if the applicant is able to identify such an asset and intends to discharge into it, they would need to produce written evidence of the asset owners consent along with confirmation that the sewer has sufficient capacity to handle the discharge. Alternatively, the applicant would need to identify an alternative asset, get the relevant permissions and ensure the asset has sufficient capacity to handle the discharge, or else propose an alternative method of surface water disposal. As such, the Ouse and Derwent Drainage Board recommend a condition that drainage works are to be agreed prior to the commencement of development. In addition, Officers consider that conditions in relation to drainage for foul and surface water should be attached to any permission granted.

## **Nature Conservation and Protected Species**

- 4.34 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.35 An Ecological Appraisal for Bats undertaken by Bagshaw Ecology, dated April 2017, has been submitted with this application. The survey states that a desk based study found the surrounding area to provide a suitable habitat for bats, with good terrestrial connectivity to and from the site. The survey continues to set out that the outbuilding is in good condition with no gaps in the brickwork and roof tiles well sealed. Further, there is no separate roof void and the interior is lined with felt. No bats or signs indicative of bats were observed within the building and the survey concludes that there is negligible potential for roosting bats. The survey does not recommend any further surveys or mitigation measures.
- 4.36 It is noted that there is a large pond approximately 60 metres to the east of the application site. The submitted Planning Statement sets out that this is within the applicant's ownership and is used as a commercial fishing lake, which is well stocked with coarse fish and as such is highly unlikely to provide a suitable habitat for Great Crested Newts.
- 4.37 There are no other known constraints with respect to nature conservation or protected species which would be impacted by virtue of the proposals.
- 4.38 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

## **Land Contamination**

- 4.39 The application is supported by a screening assessment form. This has been assessed by the Council's Contaminated Land Consultant who raises no objections subject to four conditions relating to the investigation of land contamination, the submission of a remediation scheme, verification of remedial works and reporting of unexpected contamination.
- 4.40 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

## **Affordable Housing**

- 4.41 Policy SP9 of the Core Strategy outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

- 4.42 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

### **Legal Issues**

#### 4.43 Planning Acts

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

#### 4.44 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.

#### 4.45 Equality Act 2010

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

### **Financial Issues**

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

## **5. CONCLUSION**

- 5.1 The application seeks planning permission for the conversion of an existing outbuilding into a single dwelling.
- 5.3 Having assessed the proposal against the relevant policies, it is considered it is acceptable in terms of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, land contamination and affordable housing.
- 5.4 Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 55 of the NPPF. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan and the approach as set out in the Core Strategy.

## **6. RECOMMENDATION**

This application is recommended to be APPROVED 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 plans/drawings listed below:

AHLM/01 – Location Plan

AHLM/02/A – Proposed Site Plan

AHLM/03 – Existing Garage Plan and Elevations

AHLM/04/A – Proposed Ground Floor Plan

AHLM/05/A – Proposed First Floor Plan

AHLM/06/A – Proposed Elevations

Reason:

For the avoidance of doubt.

03. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of visual amenity having had regard to Policy ENV1 of the Selby District Local Plan.

04. The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 8 August 2017.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

05. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

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

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

07. Unless otherwise approved in writing by the Local Planning Authority, 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 building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- vehicular and cycle parking
- vehicular turning arrangements
- manoeuvring arrangements

INFORMATIVE:

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

Reason:

In accordance with Policy ENV1, T1 and T2 of the Selby District Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

08. 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. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

- ii. an assessment of the potential risks to:
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
  - an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason:

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

09. 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 prepared and is subject to the approval in writing of 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 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.

10. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be 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.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning

Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that 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.

**Contact Officer:**

Jenny Tyreman  
Senior Planning Officer

**Appendices:**

None