

**Officer Update Note  
Planning Committee – 4<sup>th</sup> March 2020**

**Item 5.1**

APPLICATION NUMBER:	2019/1074/FUL	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr Richard Walls	VALID DATE: EXPIRY DATE:	17th October 2019 12th December 2019
PROPOSAL:	Retrospective application for the subdivision of an existing dwelling into 2 no. units and retention of a two-storey rear domestic extension		
LOCATION:	The Old Barn Sweeming Lane Little Fenton Leeds North Yorkshire LS25 6HF		
RECOMMENDATION	REFUSE		

Two letters of representation (dated 27/02/2020 and 28/02/2020) have been submitted to the Local Planning Authority by the applicant following the publication of the agenda raising issues with the content of the officer report. It is understood that these have been circulated to Members for consideration prior to the meeting. The officer's report sets out the full assessment of the application and the content of the two letters does not alter that assessment of the application.

**Item 5.3**

APPLICATION NUMBER:	2019/0311/FUL	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr Andrew Cook	VALID DATE: EXPIRY DATE:	30th April 2019 25th June 2019
PROPOSAL:	Proposed conversion of and extension to a stable/garage block to create a residential property, erection of a detached garage, erection of stables and creation of manege		
LOCATION:	The Byre Sweeming Lane Little Fenton Leeds North Yorkshire LS25 6HF		
RECOMMENDATION	MINDED TO GRANT		

Further Letter

A further letter of representation has been submitted since the publication of the agenda, which objects to the application and expresses a view that the applicant has circumnavigated the planning system to get a dwelling within the open countryside.

Confirmation of the outstanding consultation response from the Environment Agency on the flooding level for standing advice purposes has not been received.

#### Incorrect location/site plan

The location plan submitted with the application isn't correct as the red line application site does not show access to the highway. This is required to be amended to form a valid application. The applicant doesn't control this access and only has a right of access over this land.

The applicant will need to serve notice on the land owner, sign certificate B on the application form, and the Local Planning Authority will be required to re consult based on the amended red line for 21 days. This all needs to occur before a decision is taken on the application.

#### Amendment to Condition

Condition 6 should be updated to read (additional word underlined):

*"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 any other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.*

*Reason:*

*In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan."*

Two additional informatives should be attached to any planning permission granted:

*"INFORMATIVE:*

*This grant of planning permission does not include the provision of any outdoor lighting. Should the applicant wish to erect any outdoor lighting in the future, this would need to subject to a further application for planning permission."*

*"INFORMATIVE:*

*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 runoff."*

### Item 5.6

APPLICATION NUMBER:	2019/0513/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	The Estate Of R F Dean (Deceased)	VALID DATE: EXPIRY DATE:	29th May 2019 24th July 2019 (Extension of Time to 6 <sup>th</sup> March 2020)
PROPOSAL:	Proposed erection of three detached dwellings following demolition of existing dwelling		
LOCATION:	Hilahgarth Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF		
RECOMMENDATION:	GRANT		

There has been a further letter on the application from a neighbour (7 Northfield Court) raising issues relating to drainage system capacity and a further letter from Andy Graham (acting on behalf of the Parish Council. The issues raised have been considered by Officers and there is no change to the position noted in the Report on drainage, design or trees matters and thus no change to the recommendation.

### Item 5.7

APPLICATION NUMBER:	2018/1243/OUTM	PARISH:	Hambleton Parish Council
APPLICANT:	K Parkin & Sons	VALID DATE: EXPIRY DATE:	19th February 2019 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		

**There were errors with regards the timing for both conditions 02 and 03 – the changes of which are underlined and in bold. Condition 06. Has also been amended from 50db to 55db (at the request of the agent) which is the nationally recognised limit. In addition, the numbering of the conditions were incorrect in the planning agenda. For clarity all the conditions are listed below with the correct numbering shown in bold, where applicable.**

- 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 **three** 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 **two** years 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 **55 dB** LAeq (16 hour) between 0700 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.

- 08.** 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.

- 09.** 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.

- 10.** 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.

- 11.** 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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).

**18.** 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.

- 19.** 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:
- (i) 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.

- 20.** 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).

- 21.** 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.

**22.** 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.

**23.** 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.

**24.** 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.

## Agenda Item 5.8

APPLICATION NUMBER:	2017/0736/REMM	PARISH:	Church Fenton Parish Council
APPLICANT:	Strata Homes	VALID DATE: EXPIRY DATE:	13th July 2017 12th October 2017
PROPOSAL:	Reserved matters application relating to appearance, landscaping, layout and scale for erection of 50 dwellings of approval 2015/0615/OUT for outline application to include access for a residential development		
LOCATION:	Land South Of Main Street Church Fenton Tadcaster North Yorkshire		
RECOMMENDATION:	GRANT SUBJECT TO COMPLETION OF A DEED OF VARIATION TO S106		

Two further objections have been received.

One raising concerns about the drainage system in Church Fenton nearing capacity.

A further letter has been received from Sarah Chester raising concerns that, having read the agenda and the recommended reasons for refusal, that flooding is not central to the officer's rationale for refusal. In summary she points out that;

1. The FRA from the outline application is out of date and an updated one should now be provided.
2. The Legal opinion she provided has not been given sufficient regard or weight.
3. The previous FRA makes several references to no development within flood zone 2.
4. The ability to install attenuation tanks in an area of land prone to flooding is not addressed in the reserved matters application.
5. The impacts of 4 above on subsidence risk is not known
6. There are no details of a sequential test on public access and consider this has not been passed.
7. Request that either the committee decline this on the basis of the flood risk classification or defer the decision until such time as an independent sequential test has been carried out.
8. The officers suggested condition requiring finished floor levels to be approved goes against the condition on the outline consent requiring there to be no ground raising in flood zone 2.

**Recommend minor amendment to the reasons for refusal indicated below (see underlined words);**

1. The design details of this reserved matters submission would, due to the lack of integration with the quality and characteristics of its surroundings, the use repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging fail to have regard to the local character, identity, the context of the village and the historic surroundings, and would also fail to contribute to enhancing community cohesion through high quality design. The details would therefore conflict with the aims of Policies ENV1 of the Local Plan and with Policy SP19 of the Core Strategy and with the NPPF.
  
2. The design details of this reserved matters submission would due to the lack of integration with the quality and characteristics of its surroundings, the use of repeated standard house designs at odds with the quality, variation and characteristics of the surrounding development and a layout dictated by roads, parking arrangements and garaging, would be harmful to the setting of the Church of St Mary, other nearby listed buildings and would diminish the established historic links between them. The details submitted would therefore fail to have the “Special regard” required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would conflict with the aims of Policies SP18 and SP19 of the CS and with the NPPF.

**Item 5.9**

APPLICATION NUMBER:	2018/1075/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Swanhome Developments Ltd	VALID DATE: EXPIRY DATE:	11 <sup>th</sup> December 2018 17 <sup>th</sup> January 2020
PROPOSAL:	Proposed demolition of existing farm buildings (as previously approved), the erection of 3 no. dwellings and associated works and the conversion and extension of an outbuilding to form garaging.		
LOCATION:	Yew Tree Farm Main Street Thorganby York North Yorkshire YO19 6DA		
RECOMMENDATION:	APPROVE		

Since the Officers Report was written a minor typo has been amended, at page 211 para 5.55 which should continue to mention further advised conditions “...Investigation of land contamination; Submission of a remediation scheme; and verification of remedial works”. Please note this has been included in the consultation response summary on page 202 and at page 215 of the agenda as conditions 11 and 12.

In considering all of the above, this information this is not considered to alter the assessment made.