



Report Reference Number 2017/0443/REM

Agenda Item No: 8.1

**To:** Planning Committee  
**Date:** 7 February 2018  
**Author:** Mr Keith Thompson (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0443/RE M 8/62/282A/PA	PARISH:	Church Fenton Parish Council
APPLICANT:	KMRE Group	VALID DATE: EXPIRY DATE:	17 May 2017 12 July 2017
PROPOSAL:	Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)		
LOCATION:	Land Adj To Station Mews Church Fenton Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee due to there being more than 10 objections to the proposal.

The application was deferred at the December planning meeting for a site visit which will have been undertaken before this meeting (6 February). Revised plans have been received and the Committee will be updated on any comments received on the re-consultation at the meeting as the Consultation will not be completed in advance of the deadlines for the completion of this Report. Amended plans were submitted by the applicant to improve the separation distance between the gable wall of Plot 5 and the rear of 17 Fieldside Court.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

1.1 The application site comprises a rectangular shaped parcel of grassed field that lies

adjacent to houses and is outside the development limits of Church Fenton.

- 1.2 The eastern perimeter has a timber panel fence circa 1.7m high and a hedge, the northern and western perimeters have a post and rail fence some 1.2m high and the southern boundary has a timber panel fence 1.6m high.
- 1.3 Church Fenton Railway Station lies a short walk from the site to the west.
- 1.4 Vehicular access to the site would be taken off Station Road via Station Mews.

### **The proposal**

- 1.2 The application is submitted for Reserved Matters relating to appearance, landscaping, layout and scale of 5 no dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

### **Relevant Planning History**

- 1.3 Application Reference 2016/0505/OUT was permitted 08.09.2016, which granted outline planning permission for the erection of 5 new dwellings on the site, with access agreed and all other matters reserved. The Outline consent includes a series of conditions on contaminated land, surface water drainage, waste/recycling provision, highway works and piled development and included indicative plans showing that the site could be developed for 5 units.

## **2.0 CONSULTATION AND PUBLICITY**

The application was advertised in the local press as a departure from the Development Plan, neighbour notification letters were sent and a site notice was erected.

Amended plans have been received changing the house type for plot 5 by reducing the size and moving it further away from the shared boundary with Fieldside Court gardens. The publicity on these plans expires on 25<sup>th</sup> January 2018 and Members will be updated on the comments made as a result of the consultation at the meeting.

There have been previous objections to the development citing the following concerns:

- Principle of development;
- Overlooking of houses on Station Mews and Fieldside Court;
- Affect light to houses in Fieldside Court;
- Consultation has not been wide enough;
- Overdevelopment of the site;
- Out of character with the village;
- Houses would affect views from the existing properties;
- Contaminated land report has not reviewed rumours of previous contamination of the site;
- Surface water run off concerns;
- Cause noise pollution, dirt and dust issues;

- Insufficient parking provision; and
- Flood risk concerns.

#### 2.1 NYCC Highways

No objection and no conditions recommended, although there are highways conditions on the outline consent pertaining to access design and the outline consent agreed the access point.

#### 2.2 Yorkshire Water

No comments received on the application.

#### 2.3 Selby Area Internal Drainage Board

No objection (A surface water condition is on the Outline permission).

#### 2.4 Church Fenton Parish Council

Initial comments on the scheme noted an “Objection” to the development on the basis of the following grounds:

- Overdevelopment,
- Loss of amenity to residents in Fieldside Court,
- Parking a problem,
- Out of character.

### 3.0 **SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The application site lies outside the defined boundary of Church Fenton with access to the site taken through Station Mews from Station Road. The site is located adjacent to the defined village development boundary.
- 3.2 The site is within Flood zone 1 which is a low probability of flooding.

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

- 3.3 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.
- 3.4 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**

3.5 The relevant Core Strategy Policies are:

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

### **Selby District Local Plan**

3.6 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)".

The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development

### **Other Documents**

Church Fenton Village Design Statement February 2012.

## **4.0 APPRAISAL**

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

1. Principle of development
2. Scale, Layout and External Appearance
3. Landscaping
4. Impact on Residential Amenity

### **Principle of Development**

4.2 Objections have been received with regards to the location of the development and being located outside defined development limits. The application site was subject to an outline approval for the development of 5 dwelling with all matters except access reserved granted in September 2016 under Application Reference 2016/0505/OUT. Therefore, the principle of development and the access approach for the development has been established through the outline permission and only the reserved matters noted in the description of development can be considered at this stage by Members.

## **Scale, Layout and External Appearance**

- 4.3 The application has been submitted with scale, layout and external appearance being sought for approval.
- 4.4 Plot 5 would be two storey unit, with the remaining plots being 3 storeys units. Within the 3 storey units the ground floors would include living and dining spaces and integral garage space. The first and second floors (for plots 1-4) would occupy four bedrooms and bathrooms
- 4.5 The houses would be constructed using red brick walls and grey tile roof and there would be on-site parking to the front of each property and garden space to the front and enclosed garden to the rear.
- 4.6 The site lies adjacent to a group of houses on Station Mews to the south which contains three pairs of semi-detached houses two storey high. There is a larger housing estate located to the east of the site which comprises semi-detached, detached and a terrace of houses. The houses immediately adjacent to the site on Fieldside Court include two storey and three storey semi-detached houses. The submitted cross section plans indicate that the proposed height of the three storey plots would not be taller than these three storey houses (nos. 7, 9, 17 and 19).
- 4.7 The Church Fenton Village Design Statement refers to the Fieldside Court development and describes the development of the houses and density. It is considered that it would be appropriate in this case to accept a design that relates to the immediate setting rather than impose the style of houses on Main Street which were each developed one at a time and using a mix of materials. The houses surrounding the site are post 2000 and the proposed design, scale and appearance of the houses proposed in this scheme would not conflict with the design of development of houses nearby.
- 4.8 It would be reasonable and necessary to seek to see samples of materials prior to commencement of development and this can be secured by condition.
- 4.9 Objections received refer to the lack of parking spaces on the site and for each plot. These comments are noted, but each plot (excluding plot 5 which has off street parking) indicates an integral parking space through provision of a garage and two off street parking spaces for each house providing a total of three parking spaces for each plot. This is considered sufficient for a four bedroom dwelling. Car parking dimensional requirements are 4.8m x 2.4m and the hardstanding for each dwelling would permit two spaces using these dimensions.
- 4.10 Given the mixed character of the area and the noted context it is considered, that the proposed scale, layout and external appearance of the dwellings would be sympathetic to the locality where similar scale and external appearance of house are evident. There would be adequate space about the dwellings for future occupiers to enjoy.
- 4.11 As such subject to the agreement of the materials the scale, layout and external appearance of the proposed development is considered to be acceptable in accordance with Policy SP19 of the Core Strategy Local Plan, Policy ENV 1 (4) of

the Local Plan and the advice contained within the NPPF which seeks good quality design in new development.

### **Landscaping**

- 4.12 The landscaping plan indicates soft landscaping to each property with grassland to the front and to the rear. There is an existing hedgerow along part of the eastern perimeter of the site that butts the rear gardens of houses on Fieldside Court and a hedge next to plot 5.
- 4.13 In terms of views from the countryside to the north west of the site the boundary treatment proposed includes a 1.8m high vertical timber fencing which mirrors the type of fencing on the perimeter of the adjacent estate at Station Mews. A hedge is also proposed to be planted on Plot 3 northern boundary to provide an enclosure to the rear garden in addition to a vertical close boarded fence. The principle of this type of landscaping would be acceptable and the species and size of planting and its lifespan can be secured by condition.
- 4.14 Taking into account the above policies it is concluded that the proposal is considered acceptable and is in accordance with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan and national planning policy guidance as set out in the NPPF.

### **Impact on Residential Amenity**

- 4.15 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 4.16 The application is submitted for the development of the site for 5 dwellings. There would be 4 units that are three storey and a two storey house at Plot 5.
- 4.17 The site layout plan indicates that the separation distances from the row of houses on plots 1-3 would be circa 21m from the front elevation of the houses to the rear elevation of the houses on Fieldside Court directly facing them.
- 4.18 The boundary treatment which includes hedging and fencing at the rear of the houses at Fieldside Court would offer screening of the rear gardens and the separation distance is considered an acceptable distance to ensure no adverse overlooking, overshadowing or oppressive from these houses.
- 4.19 Revised plans have been received for the house on Plot 5 which has been reduced in scale to a two storey house and moved further away from the shared boundary with Fieldside Court, as a result of discussions during the life of the application. This dwelling would be set off the red line boundary by circa 5.6m. The separation distance from the gable wall of the house to the rear elevation of the adjacent house at 17 Fieldside Court would be circa 15.8m which is considered an acceptable separation distance for this type of relationship.
- 4.20 Plots 1, 2 and 3 would have a first floor balcony which is open on two sides. The balcony to Plot 3 would have side views towards Plot 4 and it would be necessary

to seek a privacy screen on the side elevation to protect privacy of the first floor bedroom window. This can be secured by condition.

- 4.21 Plots 1 and 2 balconies would overlook of gardens to the new dwellings, with plot 2 facing the rear garden of plot 1, and plot 1 facing the adjacent rear garden of the house on Station Mews (no. 6). For the same reason above, it would be reasonable to impose a condition to secure a privacy screen to the side of these balconies to prevent overlooking between the new dwellings.
- 4.22 An objection refers to noise, dust and dirt being an issue as a result of the development. The Outline approval has a construction method statement condition attached which includes a requirement for the developer submitting measures to control the emission of dust and dirt during construction. It is considered that any noise disturbance from the construction of the dwellings can be managed under separate Environmental Health legislation should it be considered to raise a nuisance.
- 4.23 As such, subject to conditions on the outline consent and proposed conditions for this reserved matters stage, it is considered that the proposed layout of the dwellings would result in a development which would provide a good standard of amenity for occupiers of the dwellings and not adversely impact on residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Other Matters**

- 4.24 Objections refer to the principle of development that has already been established through the Outline Consent, and thus the principle of development cannot be revisited in this application.
- 4.25 It is considered that a right to a countryside view is not a material consideration in determining this application.
- 4.26 Objections that refer to access, flood risk, contamination and drainage have been resolved in the Outline application with conditions where appropriate attached to that permission. These are matters not for consideration in this application.
- 4.27 The application was advertised by site and press notice and neighbour notification letter of properties whose land touches the application site. It is considered that this depth of publicity was adequate to notified local residents of this application.
- 4.28 An objection received disputes the position of the boundary hedge on the eastern perimeter of the site that butts Fieldside Court gardens and claims that the existing hedge is not included within the site ownership. The agent confirmed that the survey shows that the hedge is on the applicant's side of the existing timber fence. No evidence has been received to the contrary.

### **Legal Issues**

- 5.1 Planning Acts  
This application has been determined in accordance with the relevant planning acts.

## 5.2 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.

## 5.3 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.

## **Financial Issues**

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

## **6.0 CONCLUSION**

6.1 The application site was subject to an outline approval with access agreed and other matters reserved in 2016 (reference 2016/0505/OUT). Therefore the principle of development and the access has been established through the outline permission and only the reserved matters noted here can be considered at this stage.

6.1.1 The reserved matters details for the appearance, scale, layout and landscaping details are considered to be acceptable. The details ensure that the proposal would not result in a significant or detrimental impact on the residential amenity of surrounding properties or on the character or appearance of the area.

6.1.2 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained with the NPPF.

## **7.0 RECOMMENDATION**

The application is recommended to be APPROVED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Site Location Plan 3304(1)001
- Site Layout plan 3304(1)002 REV Q
- Site Sections 3304(1)005 REV B
- Site Landscaping Plan 3304(1) 006 REV D
- Type C Plans 3304(1)003 REV B
- Image 1 3304(1)001 REV B
- Image 2 3304(1)002 REV B
- Image 3 3304(1)003 REV B
- Image 4 3304(1)004 Rev B

Reason



For the avoidance of doubt

02. Prior to the commencement of development, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. Development shall not commence until a scheme detailing species and size of planting to be carried out on the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

04. The development shall not be brought into use until a scheme for privacy screening to the balconies of plots 1, 2 and 3 has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be maintained for the lifetime of the development.

Reason:

In the interests of amenity in accordance with Policy ENV1 of Selby District Local Plan.

**Contact Officer:**

Keith Thompson, Senior Planning Officer  
Selby District Council  
[kthompson@selby.gov.uk](mailto:kthompson@selby.gov.uk)

**Appendices:**

None

**This page is intentionally  
blank.**