

**MISSION STATEMENT**

***To Improve the Quality of Life  
For Those Who Live and Work in The District***

13 June 2006

Dear Councillor

You are hereby invited to a meeting of the **Planning Committee** to be held in **Committee Rooms 1 and 2**, Civic Centre, Portholme Road, Selby on **Wednesday 21 June 2006** commencing at **4.00 pm**.

The agenda is set out below.

1. **APOLOGIES FOR ABSENCE AND NOTICE OF SUBSTITUTION**

To receive apologies for absence and notification of substitution.

2. **DISCLOSURE OF INTEREST**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. **MINUTES**

To confirm as a correct record the minutes of the proceedings of the meeting of the Planning Committee held on 24 May 2006 (pages 6 to 13 attached).

4. **CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

5. **SITE VISITS**

1. 8/42/76D – Land adjacent to Rose Cottage, Silver Street, Whitley (pages 14 to 18 attached).
2. 8/19/1238C/PA – Land adjacent to 13 Cedar Crescent, Selby (pages 19 to 28 attached).

6. **PLANNING APPLICATIONS RECEIVED**

Report of the Head of Service – Planning and Economic Development (pages 29 to 64 attached).

7. **URGENT APPEAL DECISIONS**

The Principal Planning Officer will inform Members, if necessary, of any appeal decisions made.

8. **APPLICATIONS TO BE DETERMINED BY THE COUNTY COUNCIL ON WHICH THE VIEWS OF THE DISTRICT COUNCIL ARE REQUESTED** (pages 65 to 67 attached).

9. **PRIVATE SESSION**

It will be recommended that in accordance with Section 100(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 2 and 3 of Part 1 of Schedule 12(A) of the Act.

10. **PLANNING ENFORCEMENT**

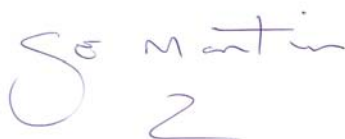
Report of the Head of Service for Legal and Democratic Services (pages 68 to 78 attached).

**REPORTS FOR INFORMATION**

1. **LIST OF PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

Applications which have been determined by Officers under the scheme of Delegation.

A copy of this report is available in the Members' Room



S Martin  
Strategic Director  
13 June 2006

## **DISCLOSURE OF INTEREST – GUIDANCE NOTES:**

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

## **DATES OF FUTURE MEETINGS OF THE PLANNING COMMITTEE**

<b>Date</b>	<b>Deadline</b>
12 July 2006	29 June 2006
19 July 2006	6 July 2006
16 August 2006	03 August 2006

## **MEMBERSHIP OF THE PLANNING COMMITTEE** **18 MEMBERS**

### Conservative

D Bain-Mackay  
J Cattanach  
I Chilvers  
J Mackman (Vice Chair)  
D McSherry  
C Lunn  
W Norton (Chair)  
C Pearson  
D Peart  
F Ryan

### Labour

G Croston  
D Davies  
B Marshall  
W N Martin  
S Shaw-Wright  
R Wilson

### Independent

R Sweeting

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Please note the deadline for registering to speak at Committee is **3.00 PM Monday 19 June 2006**

# Items for Planning Committee

21<sup>st</sup> June, 2006

<b>File Number:</b>	<b>Site Address:</b>	<b>Case Officer</b>	<b>Page</b>
<b>Site Visits</b>			
8/42/76D/PA 2006/0547/FUL	Land adjacent to Rose Cottage, Silver Street, Whitley	Elton Phakhati	14
8/19/1238C/PA 2006/0398/FUL	Rear, 13 Cedar Crescent, Selby	Sarah Hill	19
<b>Applications Received</b>			
8/19/1626/PA 2006/0425/FUL	Providence Mill, Holme Lane, Selby	Tim Poupard	29
8/57/153G/PA 2005/1461/FUL	Phase 2, Low Street, South Milford (STM1)	Paul Edwards	53

## DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Planning Committee held on 24 May 2006, in the Rooms 1 & 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

832	Minutes
833	Chair's Address to the Planning Committee
834	Site Visits
835	Applications Received
836	Urgent Appeal Decisions
837	Planning Enforcement

Present: Councillor W Norton in the Chair.

Councillors: D Bain-Mackay, J Cattanach, I Chilvers, G Croston, Mrs D Davies, Mrs J Dyson (for J Mackman), B Marshall, N Martin, C Lunn, C Pearson, D McSherry, Mrs F Ryan, S Shaw-Wright, R H Sweeting and R Wilson.

Officials: Head of Service for Planning and Economic Development, Senior Solicitor, Principal Planning Officer, Senior Planning Officers, Committee Administrator, Democratic Services Assistant.

Public: 15  
Press: 0

### 830 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillors J Mackman, D Peart and M Patrick.

Substitute Member was Councillor Mrs J Dyson (for J Mackman).

### 831 DISCLOSURE OF INTEREST

Councillor Norton declared a personal interest in application no 8/33/167A/PA and Councillor N Martin declared an interest in item no 8/64/125D/PA as a Member of the Conservation Area Committee.

832

MINUTES

**RESOLVED:**

**That the minutes of the proceedings of the meeting of the Planning Committee held on 26 April 2006 be confirmed as a correct record and be signed by the Chair.**

833

CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair addressed the Committee with regard to the start time of the Planning Committee and put three suggested times forward;

2pm  
3pm  
4pm

After consulting each Member the favoured start time was confirmed as 4pm.

The Chair informed Members that there was a presentation, taking place by Redrow Homes at the Town Hall on the Debut style of houses.

834

SITE VISITS

**8/79/187B/PA**

**Ardgay, Main Street, Appleton Roebuck.**

Resubmission for Reserved Matters for the erection of five detached dwellings and associated works.

The Senior Planning Officer informed Members that there were no updates to the report.

Public Speaker – Mr Hutton – Objector

Mr Hutton addressed the Committee raising the following concerns:

- Size of the dwellings
- Effective on the surrounding area
- Character and form of the proposal
- Access to and from the site

Public Speaker – Mr Phillips – Parish Council

Mr Phillips raised objections on behalf of the Parish Council regarding the proposed development, it was too large for the site and would have an adverse effect on the character of the village.

The Parish Council also raised concerns over highways issues.

Public Speaker – Mr Lister – Applicant

Mr Lister asked Members to support this application, the proposal would be an asset to the village by improving the site and making available good quality family houses.

Following the site visit, concerns were raised as to the siting of the proposed dwellings, and it was felt that the dwelling to the front of the site would be overbearing and would adversely affect the amenity of the adjoining properties and therefore moved a recommendation that the application be refused,

**RESOLVED:**

**That the application be refused on the grounds of over-development and loss amenity to surrounding properties.**

**Tree Preservation Order – 14/2005  
34 Leeds Road, Selby.**

A Tree Preservation Order 15/2005 relating to three trees (a group of Crataegus, Laburnum and Malus) situated on the western boundary of Norfolk House, Selby was served on all of the parties on the 9 December 2005.

Members felt that following the site visit the trees in question held little value and therefore would not confirm the proposed order.

**RESOLVED:**

**That the Tree Preservation Order not be confirmed.**



PLANNING APPLICATIONS RECEIVED

Consideration was given to the schedule of planning applications submitted by the Head of Service for Planning and Economic Development.

**RESOLVED:**

**That the applications set out in the agenda be dealt with as follows:**

1

**- 8/33/167A/PA  
Lodge Farm, 51 Main Road, Hambleton.**

Councillor W Norton having declared a personal interest in this item left the chamber and took no further part in the debate.

The Clerk to the Planning Committee informed Members that both the Chair and the Vice Chair to the Board were now absent.

Therefore, under paragraph 5.12 of the current Constitution, a nomination would be needed from the Members present to deputies as the Chair to reside over business.

A nomination was received for Councillor S Shaw-Wright and on being put to the vote was carried.

Proposed erection of 11 No 2 and 3 bedroomed bungalows and 3 and 4 bedroomed houses with associated garages and parking on land off Richardson Court.

Public Speaker – Mr Bell – Objector

Mr Bell objected to the design of the development and felt that 2 storey properties were not suitable as they would overlook existing bungalows.

Also there would be problems with parking on the development.

**RESOLVED:**

**That subject to the Developer entering into an obligation under a Section 106 of the Town and Country Planning Act 1990 to secure provision of a commuted sum of £12,045.00 for off-site recreation open space in lieu of the provision of recreation open space on the site, permission be approved.**

Councillor W Norton re-entered the Chamber and resumed the Chair.

2 - 8/19/435D/PA  
**Bridge Wharf, Ousegate, Selby.**

Proposed erection of 2 buildings to provide 19 No apartments with undercroft parking; café/restaurant/wine bar to ground floor and formation of public pizza and riverside viewing area.

The Principal Planning Officer updated Members on the application. A letter had been received from the agent which urged Members to support the proposal strongly recommending that the application be moved forward as a matter of urgency. The Councils Legal Section were seeking a valuation on the land and were in negotiation with regard to the land swap.

Public Speaker – Mrs J Hubbard – Agent

Mrs Hubbard urged the Committee to support this application, it had been ongoing for 6 years and needed to move forward or the scheme could fail. It would be more beneficial if the development was all one modern block and would work with Officers with regard to the roof design and materials.

Following a short debate Members agreed the following recommendations:

**RESOLVED:**

**That the Committee, give its unequivocal support to the proposed overall footprint which in turn relates to the scale and massing of the composite scheme seen by the committee in December 2005 accepting in general terms the suggested materials.**

**In addition accept the applicants to discuss with Allen Todd Associates their views on a composite scheme. In doing so accept the willingness of the other landowner involved in the application to enter an agreement not to implement the scheme already approved for the old filling station site prior to November 2007.**

**The issue around the land exchange is referred to the Councils Legal Section.**

3 - 8/57/153G/PA  
**Phase 2, Burley Grange, Low Street, South Milford.**

Resubmission of previously refused application 8/57/153F/PA for the erection of 73 dwellings on land off Low Street, South Milford.

The Principal Planning Officer updated Members with regard to the application, the amended scheme had not been referred to the Parish Council as the amendments were in relation to the boundary with Burley Close. Residents of Burley Close had been re-consulted and the Case Officer had met with a number of them. No objections were received from any of these residents.

The Parish had been sent a copy of the plan on Friday 19 May 2006 prior to Committee for their information.

The scheme, which was now proposed improves the situation for residents on Burley Close compared to the scheme which already has consent and could be implemented.

Members raised concern that the Parish Council had not been consulted and felt that the application should be deferred for consultation and moved this as a recommendation, on being put to the vote this motion was lost.

Members were then requested to vote on whether to continue the debate, on being put to the vote this motion was carried.

Public Speaker – Mr P. Torrible – Agent for the Objectors

Mr Torrible addressed the Committee on behalf of the objectors.

Although they did not object to the principle of the development of STM/1A. However, they strongly objected to the fact that provision of access had not been made to STM/1B.

Mr Torrible referred to his detailed and comprehensive letter, which all Members had received and read.

In conclusion he felt the Officers report was flawed and that the recommendation could not, be justified by the Officer.

Public Speaker – Mr J Snowball – Parish Council

The Parish Council asked Members to defer this application to enable the Parish Council to comment, local opinion was very important, as it

was the people who had to live with this scheme.

Public Speaker – Mrs J Hubbard – Agent

Mrs Hubbard confirmed that this item should have been heard by the Committee in April 2006 and asked Members not to defer the application, The scheme before Members had been agreed by Officers and I urge you to approve.

Members considered the application but felt it was very important that the Parish Council be consulted and moved a recommendation that the application be deferred. On being put to the vote the amendment was carried.

**RESOLVED:**

**That the application be deferred pending consultation with the Parish Council.**

- 4 - **8/84/100C/PA**  
**Lingcroft, Main Street, Bilborough.**

Resubmission of previously withdrawn application 8/84/100B/PA for erection of 1No 3 bedroom detached dwelling

**RESOLVED:**

**That permission be granted subject to the conditions contained within the report.**

- 5 - **8/24/33C/PA**  
**Red House, Long Drax Village, Selby.**

Erection of a detached building to be used as boarding kennels for dogs.

**RESOLVED:**

**That this item was withdrawn**

6. - 8/64/125D/PA  
Marlborough House, Main Street, Ulleskelf, Tadcaster.

Proposed erection of 2No dwellings following the demolition of existing derelict barn, on land at Marlborough

**RESOLVED:**

**That permission be granted subject to the applicant entering into a Section 106 Agreement, in respect of Recreation Open Space and the conditions set out within the report.**

835

URGENT APPEAL DECISIONS

None received.

836

PRIVATE SESSION

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, in a view of the nature of the business to be transacted, the meeting be not open to the press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs of part 3 of Schedule 12A to the Act.**

837

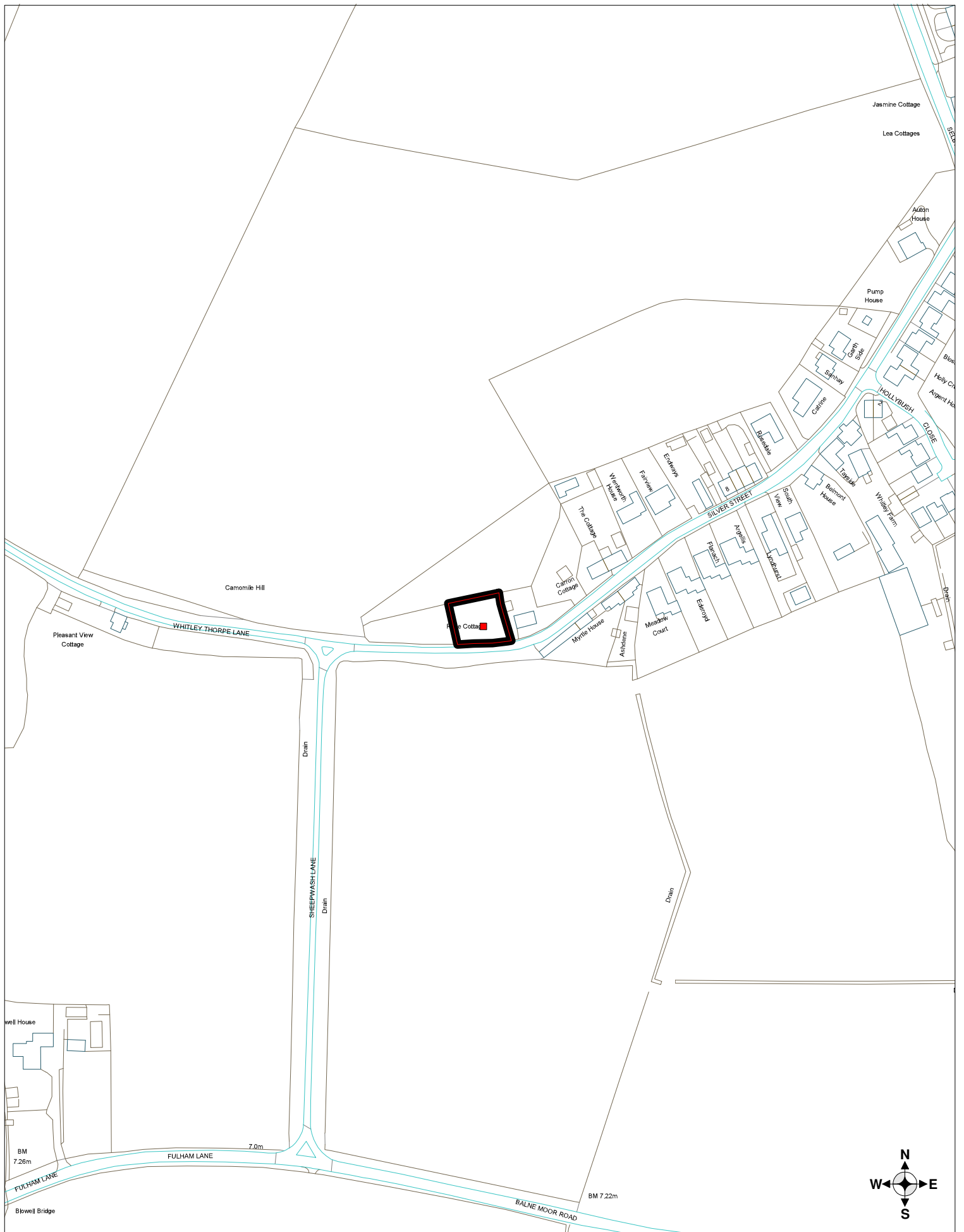
PLANNING ENFORCEMENT – COLTON AND MONK FRYSTON

Members were asked to consider the reports of the Principal Planning Officer regarding Planning Enforcement issues.

**RESOLVED:**

**That no further action be taken.**

The meeting closed at 6.10pm.



# APPLICATION SITE

**Item No:** 2006/0547/FUL

**Address:** Land adjacent to Rose Cottage, Silver Street, Whitley

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<b>APPLICATION NUMBER:</b>	8/42/76F/PA 2006/0547/FUL	<b>PARISH:</b>	Whitley Parish Council
<b>APPLICANT:</b>	Mr Fred Shaw	<b>VALID DATE:</b>	2 May 2006
		<b>EXPIRY DATE:</b>	27 June 2006
<b>PROPOSAL:</b>	Application for amendment to previously approved application 8/42/76D/PA for the erection of a dwelling to amend siting		
<b>LOCATION:</b>	Land Adjacent To Rose Cottage Silver Street Whitley Goole North Yorkshire		

## DESCRIPTION AND BACKGROUND

Consent is sought for a variation of the previously approved application. The four bedroomed two storey dwelling with attached double garage is currently under construction (work now stopped). A complaint was received by the enforcement section that the dwelling was being built in the wrong location within the site. The enforcement officer visited the site and took measurements and found that the dwelling was being constructed 10 metres further west than the approved plans. The applicant was advised that any further work he carried out was at his own risk but was invited to make a retrospective application to potentially remedy the situation. However he was also informed that it was likely that consent would be refused, for the reasons set out later in the report. An application was duly made and hence the application that is before Members.

### SITE HISTORY

In 1989 an outline planning permission (8/42/76/PA) for the erection of a dwelling on land adjacent to Rose Cottage was refused and later on in that year a Planning Inspector dismissed an appeal (8/42/76A/PA) on the grounds that the proposal would be an inappropriate development in the Green Belt.

In February 2005 an outline planning permission (8/42/76B/PA) was refused on the grounds of inappropriate development in the Green Belt. After consultations with the Planning Department an outline planning application (8/42/76C/PA) for the erection of a dwelling was submitted in March 2005 and subsequently approved in May 2005.

In November 2005 an application (8/42/76D/PA) to erect a 4-bedroom house with integral garage and means of access on land adjacent to Rose Cottage was approved and in March 2006 an application (8/42/76F/PA) for an amendment to the previously approved application (8/42/76D/PA) for the erection of a dwelling to relocate access was approved.

The latter applications were approved because they were within the development limits of Whitley and outside the Green Belt and therefore complied with Policies ENV1, H6 and T2.

Consent is sought for a variation to the previously approved application. The dwelling is currently under construction (work now stopped). A complaint was received by the enforcement section that the dwelling was being built in the wrong location within the site. The enforcement officer visited the site and took measurements

## **CONSULTATIONS**

Parish Council

Object to the proposal for the following reasons:

The footings have been laid beyond the agreed limit line, which was marked on the previous applications

An approval would send a wrong message that applicant can disregard conditions in approved applications. The footings should be re-sited in accordance with the original approved plans.

Highways

Have no objection in principle to the proposal following the amendments being made to reduce the embankment between the new property and Rose Cottage and that internal turning facilities should be provided for the new dwelling and a 2m-site boundary visibility at the new access.

Neighbours

The immediate residents were consulted by letter and a site notice was displayed on the 11th May 2006 to notify the wider members of the public. No representations have been received.

## **POLICIES AND ISSUES:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications must be determined in accordance with the Development Plan unless material considerations prove otherwise. The Development Plan consists of the Regional Spatial Strategy for Yorkshire and the Humber published on the 1st December 2004, the North Yorkshire Structure Plan (Alteration No. 3) adopted in 1995 and the Selby District Local Plan adopted on the 8th February 2005.

The relevant Local Plan Policies are GB2, GB4, H9 and T2 as well as PPG2 - Green Belts.

The development limits of Whitley as defined in the Selby District Council Local Plan are 30 metres west of the gable wall of Rose Cottage such that the majority of the proposed dwelling as has been built is beyond the development limits. The new siting is largely outside the development limits and within the Green Belt. This application varies from the previous approvals in that the siting has been moved 10metres away from the originally approved siting therefore being located outside of development limits within the Green Belt.

Key Issues



#### i) Principle of development (appropriate development in the Green Belt)

The critical issue to consider is whether the site is located inside or outside the 'development limits' of Whitley and also hence within the Green Belt or not. PPG2 and policies GB2, GB4, H9 and T2 of Selby District Local Plan are relevant.

PPG2 (Green Belts) states that one of the reasons for including land in Green Belts is to safeguard the countryside from encroachment. It goes on to say that construction of new buildings within the Green Belt is inappropriate unless it is for a number of limited purposes. These categories include limited extensions or replacement of existing dwellings and limited infilling within villages. PPG2 does not support the construction of new dwellings within the Green Belt such as this except in very special circumstances. The construction of a new general-purpose dwelling does not fall into any of the categories of appropriate development and the proposal is therefore in conflict with PPG2.

Policies GB2 and H9 of the Selby District Local Plan state that development in the Green Belt (GB2) and outside development limits (H9) will not be permitted except "for new buildings justified in connection with the needs of agriculture or forestry, including agricultural or forestry workers' dwellings". The applicant has not put forward any agricultural/forestry grounds for the development as required by GB2 and H9 therefore there are no special circumstances sufficient to override the presumption against inappropriate development in the Green Belt (as required by PPG2). It is considered that the proposal is contrary to policies GB2 and H9 of Selby District Local Plan.

#### Visual Amenity

The development encroaches into the open countryside and would further extend the current linear development. The 3-metre hedge maintains the rural unbuilt approach for visitors coming to the village from the west along Whitley Thorpe Lane. The proposal would introduce modern residential development to this part of the countryside; which would be harmful to the openness of the Green Belt by virtue of its siting, scale and mass.

#### Highway Issues

Although the applicant has failed to show any reduction in the embankment between the new property and Rose Cottage to provide improved forward visibility and turning facilities, these matters could be secured by conditions.

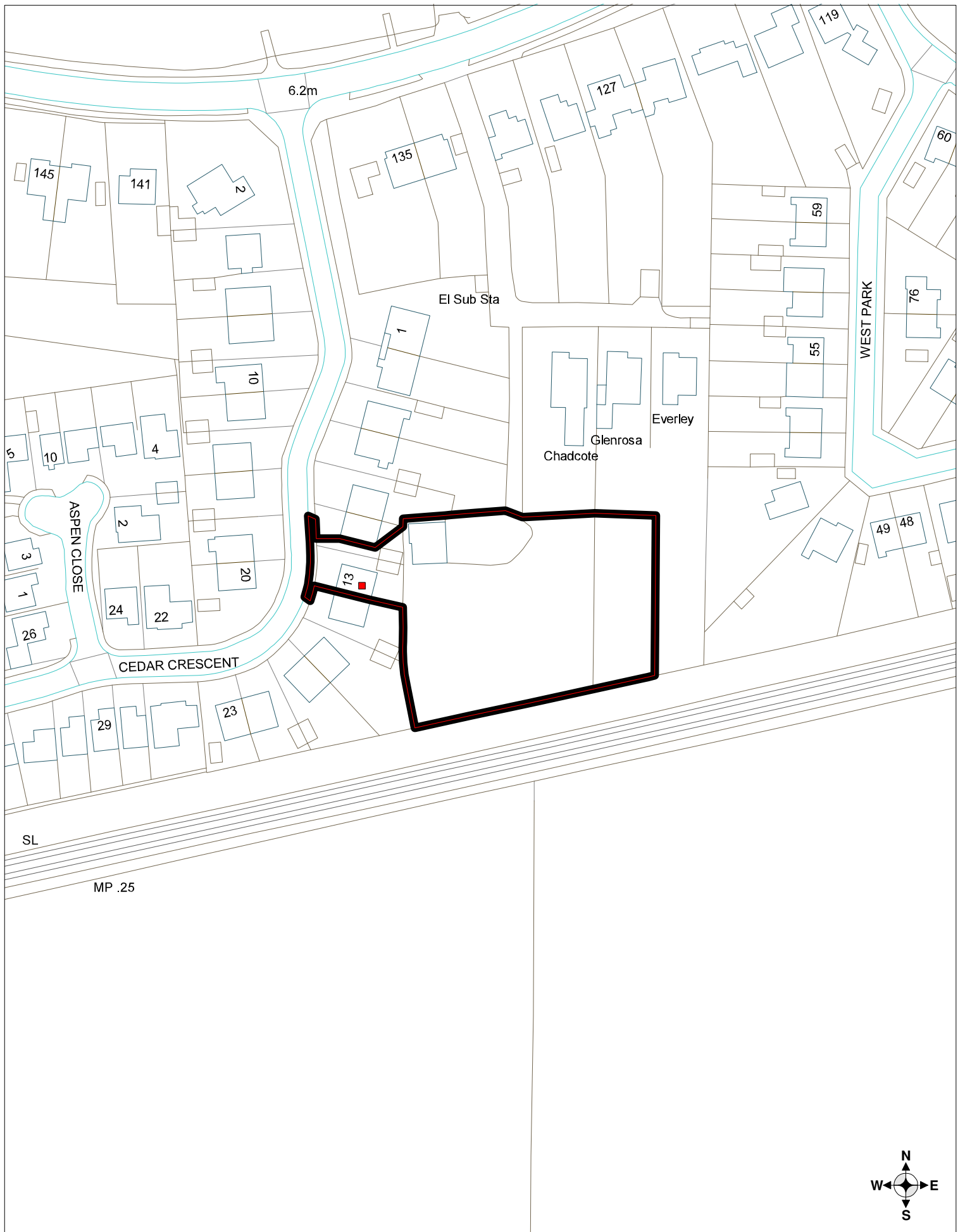
#### **CONCLUSION:**

The proposal has been assessed against the Selby District Local Plan policies ENV1, GB2, GB4, H9 and T2 and material considerations including third party representations. It is considered that there are no special circumstances to sufficiently justify the approval of this inappropriate development within the Green Belt. The siting of the new dwelling would be outside the development limits and within the Green Belt, which would materially affect the openness of the area and would be harmful. The proposal is contrary to PPG2 and policies GB2, GB4, H9 and T2 of the Selby District Local Plan. It is considered that consent should be refused and enforcement action taken in order to secure its demolition and the land returned to its former condition.

#### **RECOMMENDATION:**

This application is recommended to be Refused for the following reasons and enforcement action taken in order to secure its demolition and the land returned to its former condition:

01. The proposal is situated within an area, which forms part of the Green Belt and is outside the development limits of Whitley. The proposal is contrary to PPG2 and policies GB2, GB4 and H9 of the Selby District Local Plan
02. The proposal represents inappropriate development in the Green Belt, and by reason of its overall impact would diminish the openness of the Green Belt and result in urbanisation of the locality, contrary to Policies GB2, GB4 and H9 of the Selby District Local Plan and Central Government policy advice set out in PPG2 "Green Belts".



# APPLICATION SITE

**Item No:** 2006/0398/FUL

**Address:** Land to the rear 13 Cedar Crescent, Selby

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<b>APPLICATION NUMBER:</b>	8/19/1238C/PA 2006/0398/FUL	<b>PARISH:</b>	Selby Town Council
<b>APPLICANT:</b>	Church Hill Developments Ltd	<b>VALID DATE:</b>	29 March 2006
		<b>EXPIRY DATE:</b>	28 June 2006
<b>PROPOSAL:</b>	Erection of fourteen dwellings and associated works following demolition of 13 Cedar Crescent on land to the rear		
<b>LOCATION:</b>	13 Cedar Crescent Selby North Yorkshire YO8 4JW		

## DESCRIPTION AND BACKGROUND

The application seeks planning permission for the erection of fourteen dwellings and associated works following the demolition of 13 Cedar Crescent.

The front part of the site is currently occupied by a semi-detached bungalow known as 13, Cedar Crescent, and two single storey brick built garage structures used for domestic purposes, with the area surrounding the garages being untidy at present. The remainder of the site forms part of the residential curtilages to the properties Chadcote and Glenrosa, which front onto Leeds Road. The existing bungalow on Cedar Crescent would be demolished to create a new adopted access into the site. The access would be created onto Cedar Crescent, which is a quiet estate road within the heart of the residential area of Selby. The other half of the semi (no. 15) would remain following cosmetic work to the exposed end elevation.

The site is considered to be a brownfield site, forming the combined residential curtilage to three existing dwellings. With a site area of 0.35 hectares, the development would result in a density of 40 dwellings per hectare. The proposal would attract a developer contribution of £13, 062 in lieu of recreational open space, but is not of such a size that provision could be reasonably made on site. The development would not attract any form of contribution in relation to affordable housing due to the size of the site and size of the development.

The site is bounded to the north by large detached residential properties, to the west by small semi-detached bungalows, to the east by two-storey semi-detached properties, and to the south by a railway line.

The boundaries of the site consist of a high Leylandii hedge to the western, eastern, southern and half of the northern boundaries. A Leylandii hedge also runs partly through the upper middle part of the site. A post and rail fence lies behind the hedge to the western boundary, adjacent to 13, Cedar Crescent.

In 2002, outline planning permission was granted for the erection of two dwellings on land to the rear of Chadcotes (occupying a large part of the current site).

A planning application seeking permission for the erection of three dwellings on the adjacent site to the rear of the property 'Everley, Leeds Road, Selby', is also on this agenda. This scheme involves the erection of one pair of semi-detached dwellings, and

one detached dwelling. That proposal is in outline form, with siting and access being considered, therefore it is not possible at this stage to assess the full impact of the proposed development at Cedar Crescent, on the proposal for three dwellings adjacent.

## **CONSULTATIONS**

PARISH COUNCIL: Objects as the proposal is over development of the site and not appropriate for the location.

YORKSHIRE WATER: No objections subject to conditions.

COUNTY ARCHAEOLOGIST: No known archaeological constraints on the site.

DRAINAGE BOARD: No observations.

ENVIRONMENTAL HEALTH: No objections subject to conditions.

NETWORK RAIL: No objections, but gives a list of considerations when assessing the application.

COUNTY ECOLOGIST: General comments, but require bat survey to be submitted prior to determination. A bat survey was submitted and the Ecologist confirmed that there were no longer concerns raised.

HIGHWAYS AUTHORITY: No objections in principle, but amendments are needed to the internal highway arrangements. No comments had been received towards the amended plans at the time of writing of this report.

POLICE: General comments, but no objections or concerns.

TREE AND LANDSCAPE OFFICER: No objections. There are no trees of any value on the site, but it is desirable to retain those on the southern boundary (adjacent to the railway) in order to provide a buffer/screening of the site. Condition required to retain the conifer hedges around the site, with a maximum height of 2m. Also, a landscaping scheme is needed to focus on the southern and eastern site boundaries.

LOCAL RESIDENTS: A site notice was placed near to the site, and letters sent to neighbouring properties. Ten letters of objection were received, raising the following concerns:

- A 1.8m high wall should be erected to the rear of Chadcotes, not a fence.
- No access should be gained to the site for building works or when completed, from Leeds Road to Chadcotes.
- The telegraph pole serving the garage at Chadcotes should not be moved until an alternative means of serving the garage has been provided.
- Construction work not to begin until the screen wall and planting are finished.
- No dwellings of more than 2 storey to be built to be in keeping with the area.
- There will be a constant glare of headlights into the properties across the road from the new access.
- Concerns over who will occupy the flats.
- The road is not wide enough.
- The drains and sewerage system on Cedar Crescent cannot be used for another housing estate.

- Access should be from Leeds Road, not Cedar Crescent.
- There is no precedent in the area for 2 storey and terraced dwellings, or flats.
- The Leylandii hedge on the site should be retained.
- The site is not a brownfield site.
- The proposed terraced houses would overshadow our property.
- We would be subject to noise and dust during the prolonged building works.
- The road cannot cope with the extra heavy traffic.
- The development will increase the youth population of the area.
- The site is in a flood risk area.

A petition with a large number of signatures was received from the residents of Cedar Crescent, raising the following concerns:

- The existing road is very poor.
- The new access would be on a bend.
- Noise pollution.
- Overloading of present facilities.
- Road safety.
- Visual disturbance to the surrounding area.
- No precedent in the area for two and a half storey dwellings.

## **POLICIES AND ISSUES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined having had regard to the Development which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004, the North Yorkshire Structure Plan (Alteration No. 3) adopted in 1995 and the Selby District Local Plan adopted on 8th February 2005.

The site is located within the Development Limits for Selby, therefore policies ENV1, H2A, H2B, H4A, H6, RT2, T1 and T2 of the Selby District Local Plan are applicable.

The key issues to consider as part of this application are:

- i) Principle of the development
- ii) Character and form
- iii) Impact on residential amenity
- iv) Proximity to the railway line
- v) Access and highway safety
- vi) Drainage and flood risk
- vii) Developer contributions

### **i) Principle of the development**

Policies H2A and H2B state that residential development until the end of 2006 should be on brownfield sites within the Development Limits of settlements, and should be at a minimum density of 30 dwellings per hectare unless there is an overriding character to the surrounding area that would require a lower density. Planning Policy Statement (PPS) 3 provides backup for the requirement for a high density on the site.

The site forms the domestic curtilages to three dwellings and is therefore a brownfield site. The site lies within the Development Limits of Selby, and would result in a density of 40 dwellings per hectare. The character of the surrounding area is varied, ranging from large detached dwellings with large gardens, to small semi-detached bungalows and houses

with reasonable sized gardens for the property size. It is not considered that there is an overriding character to the area that would require a lower density on the site.

Taking the above into account, it is considered that residential development of the site is acceptable in principle.

ii) Character and form

The area surrounding the site is varied in terms of character and form. The site is surrounded by a mixture of single-storey and two-storey semi-detached dwellings, and large detached properties with large gardens.

Policy H4A requires housing developments to have a range of house types. The proposal seeks permission for the erection of one two-bedroom bungalow, two three-bedroom detached houses, five two-bedroom apartments, three four-bedroom detached houses and three four-bedroom terraced houses. The layout provides adequate private amenity space for each of the dwellings, and a small amount of amenity space for the apartments, whilst leaving adequate amenity space for the existing residential properties Chadcote and Glenrosa.

The height of the properties would not exceed two and a half storeys, and the use of dormer windows and roof lights has achieved a low roof height, in order to minimise the impact upon the character of the area. Whilst development above two storeys is not currently present within the immediate area, it is not considered that the proposal would be detrimental to the character of the area, as some of the properties on Leeds Road are taller than average two storey properties.

Single storey and one and a half storey properties are proposed closest to the existing bungalows near to the site, in order to create a gradual transition from single-storey on the edge of the site, to two and a half storey within, and to the rear of the site.

The dwellings surrounding the site are simple in design, many of which (especially along Cedar Crescent) having a standard traditional 'estate' type character. The design of the proposed dwellings are similar, being simple and in keeping with the character and appearance of the immediate area, but with a successful attempt to not create a bland uniform development.

It is considered that the demolition of 13, Cedar Crescent would result in no. 15 becoming a detached dwelling. It is considered that this would not detrimentally impact upon the general character of the area. No details of the proposed alterations to this property, to improve the appearance once the adjoining property has been removed, have been submitted, therefore it is proposed to require the details to be submitted in writing to the Local Planning Authority prior to the commencement of development.

The existing garages serving no's 11 and 13, Cedar Crescent would be demolished as part of the proposals. A new garage is proposed to serve no. 11, and would be positioned towards the rear of the dwelling. The garage would be designed and sited so as not to impact upon the general character and appearance of the area, and no objections have been received from either no. 11 or no.15 Cedar Crescent.

It is considered that the proposal would not detrimentally affect the character and appearance of the surrounding area, and is therefore considered to be acceptable.

### iii) Impact on residential amenity

Plots 1 to 8 and 14 have the potential to impact upon surrounding residential properties, due to their siting and proximity to the existing dwellings.

However, the distances between the various proposed dwellings and the existing dwellings, the positioning of windows and garages, the proposed boundary treatments and the orientation of the dwellings, have all been used to ensure that no loss of privacy or overshadowing would occur to the existing properties surrounding the site.

The design of the proposed dwellings adjacent to the site (currently the subject of a separate application) has not been submitted, therefore the potential impact of this part of the development cannot be assessed at this stage. Bedroom windows from plot 4 would face towards the rear gardens of the proposed dwellings on the adjacent site. However, details for the application on West Park would need to be submitted and approved separately.

The proposed access would run in close proximity to no's 11 and 15, Cedar Crescent. However, the proposal involves the creation of a 1.8m high timber screen fence to be erected along the side boundaries of no's 15 and 11, with the proposed access road. This would provide adequate screening from both noise and traffic along the road. The proposal has been assessed by the Council's Environmental Health section who have viewed the proposals as satisfactory subject to conditions.

### iv) Proximity to the railway line

The southern boundary of the site lies within close proximity of an existing railway line. A noise impact assessment has been submitted by the applicant to support the proposal. The assessment has been considered by the Council's Environmental Health Officer who has commented that the proposals are satisfactory, but conditions relating to the protection of the proposed dwellings from noise, and the submission of a vibration assessment are required in order to provide information additional to that already submitted.

Network Rail were consulted with regards to any impact of the development on the nearby railway line, and they have responded with no objections to the proposal.

### v) Access and highway safety

The proposal involves the creation of a new adopted access road onto Cedar Crescent. An existing semi-detached bungalow would be demolished to create sufficient space for the access.

The access has been assessed by the County Highway department, who have raised no formal objections but requested amendments to the internal layout of the site. The applicant has amended the plans to show the changes requested, but no formal comments had been received from the Highway section at the time of writing this report. The comments will therefore be presented verbally to the Planning Committee.

### vi) Drainage and flood risk

Concerns have been raised by residents that the existing drains cannot cope with additional development, and that the site lies within a flood risk zone. The Internal Drainage Board and Yorkshire Water have not raised concerns towards the planning application, but Yorkshire Water have commented that they are aware that the local public sewer network does not have capacity for any additional discharge of surface water, and it would therefore be a requirement of the developer, if permission is granted, to



demonstrate a suitable drainage proposal prior to development starting on the site. A condition requiring full details of disposal is proposed to be attached to the permission if granted.

The Environment Agency have been consulted on the issue of flood risk. The site is located within a flood zone 1, which is defined by the Environment Agency as a low risk area. There is no evidence to suggest that the site is at risk of future flooding or that development in this area would increase the risk of flooding in the area.

vi) Developer contributions

The site and the development are not large enough to require any form of provision in relation to affordable housing, or the provision of recreational open space on site. However, the development does trigger the payment of a commuted sum to be paid in lieu of recreational open space. The sum required would be £13,062 (£933 per dwelling) and would be achieved through a Section 106 legal agreement. The instruction for the Section 106 agreement was instigated prior to the introduction of the new Developer Contributions policy, therefore it is considered unreasonable to request further or increased payments in lieu of recreational open space or waste and recycling facilities.

**CONCLUSION:**

The proposal would provide a high density development on a brownfield site, with a good mixture of house types, as required by Local Plan policy. It is considered that the proposal would not cause harm to neighbouring properties by virtue of overlooking or overshadowing, or undue noise from vehicular movements due to adequate boundary treatment, and the orientation and design of the dwellings. Whilst there are no dwellings in the vicinity which are above 2 storeys in height, the two and a half storey properties would not appear out of character with the area, and have been positioned in order to minimise the impact on the surrounding area. The proposal is therefore considered to be acceptable, and in accordance with policies ENV1, H2A, H2B, H4A, H6, RT2, T1 and T2 of the Selby District Local Plan.

**RECOMMENDATION:**

This application is recommended to be Granted subject to the following conditions and the applicant entering into a Section 106 agreement in respect of a commuted sum of £13,062 in respect of Recreation Open Space:

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 Compensation Act 2004.

02. The development hereby granted shall be carried out in accordance with the details shown on the approved plans and specifications including the details shown on the amended plans dated 4th May 2006.

Reason

To ensure that the development is carried out in accordance with application as approved.

03. 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 dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

04. The conifer hedges that exist on the boundaries of the site shall be retained and maintained in perpetuity at a maximum height of 2m, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of adjacent residents.

05. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall particularly focus on the southern and eastern site boundaries, and shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

06. Construction work shall not begin until a written scheme for protecting the proposed noise sensitive development from noise has been 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 properties shall not exceed 50 dB LAeq (16 hours) 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 the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. Construction work shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved shall not exceed 35 dB LAeq (16hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) 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 as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason

In the interests of the amenity of the occupants of the dwellings to be built on the site.

07. Prior to commencement of the development, a survey shall be undertaken by a qualified Acoustic Noise and Vibration Specialist on the likely effects of vibration from rail traffic on the proposed residential development. The survey must take account of the proposed building construction, so that in addition to measurement of vibration levels at ground level, the vibration frequencies of rail movements and those of wall and floor structures of the proposed dwellings can be assessed. A report shall incorporate an appropriate scheme of mitigation and remedial measures, where appropriate, which shall be approved in writing by the Local Planning Authority prior to commencement of the development. The agreed scheme shall be carried out in its entirety prior to the occupation of any dwelling within the application site.

Reason

In the interests of amenity.

08. Any works necessary to carry out any part of the development hereby granted shall only be permitted between the following hours: Monday to Friday inclusive 0800 - 1800 Saturday 0800 - 1300 and not at all on Sundays and Public and or Bank Holidays. Such works shall include deliveries to and from the site (including deliveries by outside contractors or suppliers); any construction; demolition; highway and drainage works; erection and dismantling of scaffolding; site preparation/ excavations and any related off site works in the vicinity of the site.

Reason

For the avoidance of doubt and in the interests of protecting the amenity of existing residents in the vicinity of the site.

09. Any works to trees or hedgerows on the boundaries of, or within the site shall be undertaken outside of the bird nesting season, which runs from 1st March to 31st August. Any trees removed or cut within the bird nesting season must be checked by a qualified ecologist, and if birds are found to be present, tree/shrub removal removal must be delayed until the brood have fledged.

Reason:

In order to carry out the development in accordance with the Wildlife and Countryside Act 1981 (As Amended).

10. 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.

11. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The approval scheme shall be carried out in its entirety prior to occupation of the dwellings.

Reason:

To ensure that the development can be drained properly.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

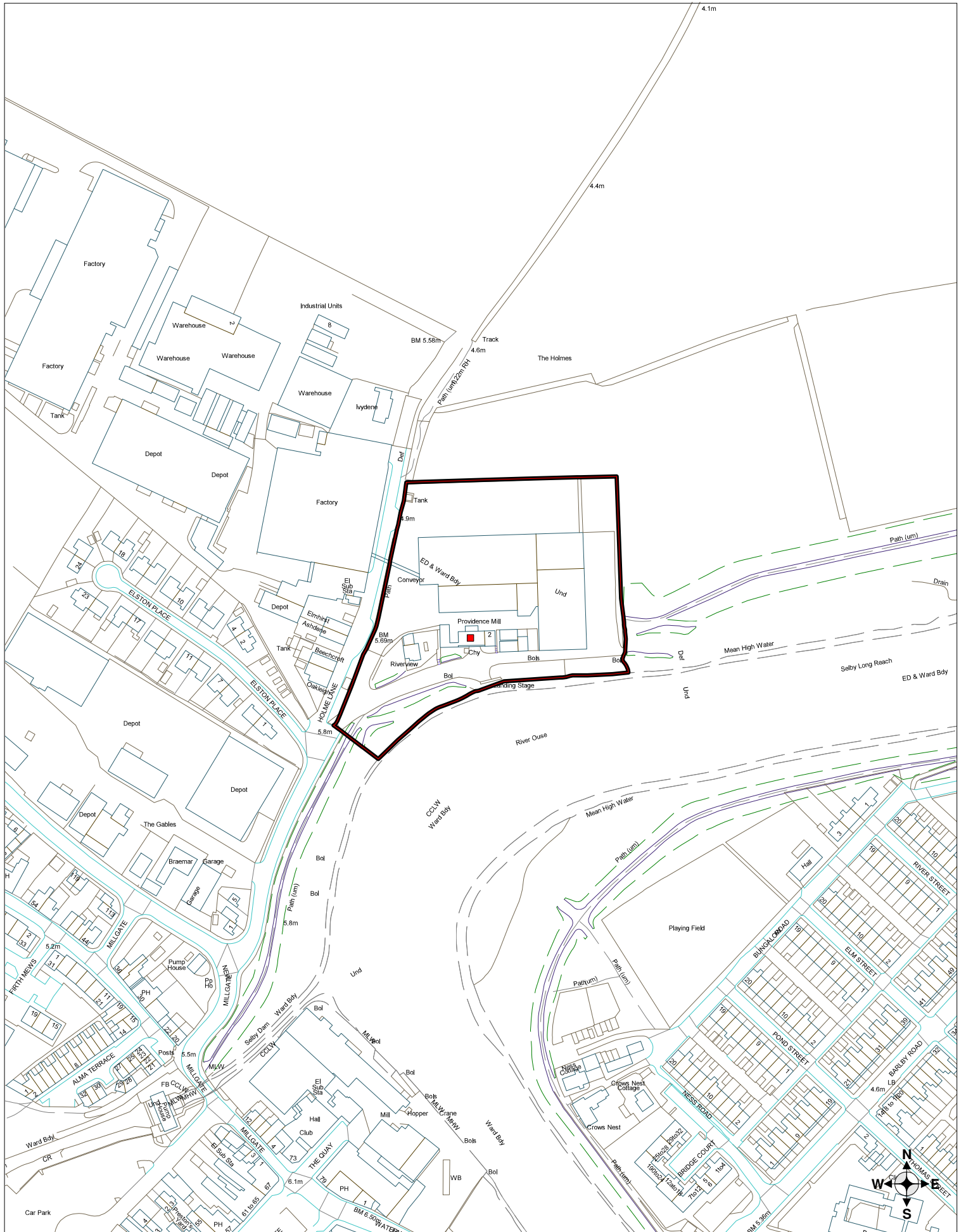
Reason:

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

13. Prior to the commencement of development, details of the external cosmetic works to no. 15 Cedar Crescent, to be carried out following the demolition of 13 Cedar Crescent, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be carried out within 28 days of the demolition being completed.

Reason:

In the interests of visual amenity and to ensure accordance with policy ENV1 of the SDLP.



# APPLICATION SITE

**Item No:** 2006/0425/FUL

**Address:** Providence Mill, Holme Lane, Selby

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<b>APPLICATION NUMBER:</b>	8/19/1626/PA 2006/0425/FUL	<b>PARISH:</b>	Selby Town Council
<b>APPLICANT:</b>	Redrow Homes (Yorks) Ltd	<b>VALID DATE:</b>	30 March 2006
<b>PROPOSAL:</b>	Erection of 123 residential dwellings and associated car parking and landscaping on land at Providence Mill		
<b>LOCATION:</b>	Providence Mill Holme Lane Selby North Yorkshire YO8 0EL		

## **1.0 DESCRIPTION AND BACKGROUND:**

- 1.1 This application seeks planning permission for the Erection of 123 residential dwellings and associated car parking and landscaping on land at Providence Mill, Holme Lane, Selby. Debut is a new residential concept developed in response to the Government and homebuyers pressure for more affordable housing in the UK.
- 1.2 **THE SITE CONTEXT:**  
The site lies close to the centre of Selby off Holme Lane with a river frontage to the Ouse. It is located close to Selby town centre, which is the main service/employment/leisure centre within the District, with good public transport links with other towns. The site is therefore extremely sustainable and well located for the development of homes that are affordable to first time buyers.
- 1.3 Providence Mill is located some 350m from Selby Town Centre within acceptable walking and cycling distances.
- 1.4 The site is 3.53 acres overall in area. It is a 'Brownfield' site mainly covered by warehouse buildings and hardstandings. It was previously used by Danish Bacon and more recently by various haulage and industrial activities. Heavy goods vehicles and other industrial traffic currently mix with the residential vehicles and pedestrians of the surrounding streets.
- 1.5 Providence Mill and the adjoining land at The Holmes form the Special Development Area identified by both Selby District Council and Yorkshire Forward for redevelopment and regeneration.

## **2.0 CONSULTATIONS:**

- 2.1 **WISTOW PARISH COUNCIL:**  
The Parish Council has no objection to the development but have queried if there is a S.106 agreement on this development for a commuted sum to Wistow Parish?

2.2 SELBY TOWN COUNCIL:

Selby Town Council has no objections to this application. The Town Council feels that whilst the style of dwelling proposed is not conventional, it will not be out of place in the proposed location.

2.3 The Town Council feels one of the biggest problems in Selby is the lack of breadth of houses available and this proposal addresses part of that problem in offering affordable homes particularly for first time buyers. Whilst the development will not take people off the housing waiting list, as that mostly consists of applicants for family homes, the young homebuyers of the town will appreciate this scheme.

2.4 SELBY AREA INTERNAL DRAINAGE BOARD:

The Selby IDB responded on the 24<sup>th</sup> April 2006 stating that they would place a holding objection until details of surface water discharge arrangements are agreed. The application indicates that discharge is to existing combined sewers. However, the Drainage Board would prefer to see surface water discharge disposed direct to the river via a pumping station which has been proposed to serve the whole of Holmes Lane development area, and which would also benefit existing properties that flooded in 2000 on Monk Lane. The Selby District Council adopted development brief includes a preference for a new pumping station to serve the needs of the whole Holme Lane development site. Therefore, the Drainage Board would request the Council's support to ensure that a pumping station is provided for the proposed developments in this area.

2.5 THE ENVIRONMENT AGENCY

Initially the EA responded on the 02 May 2006 and stated that the Agency objects to the development as presently submitted as a full topographic survey has not been submitted with this application. Details of the survey are crucial to fully determining the flood risks associated with this development. Therefore, the Agency cannot comment further on this application until this key information has been forwarded.

2.6 The EA subsequently responded on the 31 May 2006, stating that sufficient information has been submitted to remove its objections subject to conditions.

2.7 YORKSHIRE WATER SERVICES:

No objections to the scheme subject to conditions.

2.8 BRITISH WATERWAYS:

British Waterways have no objection to the scheme and have stated that the site is a somewhat dilapidated former mill adjacent to the River Ouse and any development is to be welcomed but will have an impact on the river corridor at this point. We support redevelopment of this site for high quality visually interesting uses, which address and respect the unique river frontage location.

2.9 The applicant proposes a novel mix of residential development which whilst it can be viewed from the river is set back from it, comprises attractive and varied

designs and is contained within a well-landscaped site. Public access to the river is retained and enhanced through provision of a riverside walk, public open space and additional planting, all of which we support.

- 2.10 The landscape concept drawing appears to be comprehensive and indicative drawings for the riverside walk show a high quality and innovative scheme. However we would wish to see details of the final location and appearance of the walkway and any additional planting. We would suggest that any significant planting within the flood bank will not be favoured by the Environment Agency and the applicant would be advised to take advice direct on this matter.
- 2.11 NORTH YORKSHIRE POLICE:  
Comments awaited.
- 2.12 NYCC HIGHWAYS DEPARTMENT:  
The County Council's Highways Section has no objection to the scheme subject to condition.
- 2.13 NYCC ARCHAEOLOGY:  
The Heritage Section responded on the 21<sup>st</sup> April 2006 and stated that the site is of industrial archaeological interest, as it contains Providence Mill and associated features. In addition, there is considered to be potential for earlier sub-surface archaeological remains relating to waterfront activity, although the nature and extent of any such remains is unknown due to a lack of previous archaeological work in this area. Consideration should, therefore, be given to the impact of any proposed development upon the mill and associated features, which are to be demolished, and the potential for hitherto unknown archaeological remains to survive below ground.
- 2.14 The Heritage Section advise, therefore, that additional information is requested from the applicant in support of the planning application, in the form of a desk-top archaeological study of the site and immediately surrounding area and an appraisal of the historic and archaeological interest of the mill complex. This would enable a better understanding and appreciation of the historical and archaeological background to the site and the industrial archaeological interest of the mill, and changes in land-use through time.
- 2.15 NYCC EDUCATION:  
North Yorkshire County Council responded on the 24<sup>th</sup> April 2006 stating that, based on the proposals for 41 2+ bedroomed dwellings at the site, no contribution would be sought for Selby Community Primary School. This figure was based on numbers at the present time, the school has a capacity of 350 places, with 242 pupils enrolled as of May 2005, however the forecast of pupils enrolled in 2008/2009 is 315, which leaves a surplus of 35 places in academic year 2009/2010, giving no shortfall of places and therefore an anticipated need for no new school places as the development would create an estimated 10 pupils from the housing.



#### 2.16 NYCC ECOLOGY:

Following a review of the ecological appraisal, NYCC Countryside Service has stated that the following: -

- The site still requires a comprehensive survey for bats and Great Crested Newts
- Support the appraisal's recommendations regarding breeding birds, which states that any work be carried out outside of the bird-breeding season
- Concerned that there is a lack of knowledge of what species are currently using the riverside habitat
- Support the recommendation that as far as practicable, the riverside Willow Carr be retained unmodified
- The ecological appraisal has many good suggestions on how to further enhance the development for wildlife.
- Recommend that the development makes links to the Selby Biodiversity Action Plan
- Concerned about the lack of reference to Sustainable Urban Drainage Systems (SUDS).

#### 2.17 NYCC LANDSCAPE ARCHITECTURE:

No objection to the proposals for residential development, but would strongly recommend that the condition for planting includes the need for proposals for planting on all four site boundaries to be in keeping with the local landscape character of this semi rural area i.e. species should be the same as those occurring locally. They would also recommend the retention of as many of the existing trees as possible to maintain the green corridor along the river and to provide some maturity in the residential landscape. Although a tree survey drawing was submitted showing the location of the trees and their condition, it did not provide the full details on the trees as set out in BS 5837:2005. This additional information would be useful in assessing the potential impact of the proposed access road on Category C trees.

#### 2.18 NYCC PUBLIC RIGHTS OF WAY:

The Area Public Rights of Way Officer stated that public footpaths are located within the development site. The information within the application acknowledges the public footpath located towards the southern boundary of the site, but does not appear to do so with the continuation of the public footpath along the western boundary. I can understand why it has not been included as it not the easiest path to find nor follow for those wishing to use it. It commences within the site proceeding generally northwards for approximately 46 metres.

2.19 The public footpath has a stated width of 1.22 metres, to which I would request that the surface of the footpath is set out to a width of no less than 1.22 metres using Eco Slab paving as identified within the Design Statement. The continuation of the public footpath within the western boundary of the site is not recorded within the site layout, therefore, we would ask that the layout details are amended to take account of this.

2.20 PRIMARY CARE TRUST:  
Comments awaited.

2.21 SDC ECONOMIC DEVELOPMENT UNIT:  
Comments awaited.

2.22 SDC PLANNING POLICY:  
The site falls within defined Development Limits. The site is designated as a Special Policy Area (Policy SEL/7A) in the adopted Selby District Local Plan (2005). There is also a Development Brief for the whole of this site (and the land to the west at the former Holmes Industrial Estate), which is adopted by the Council as Supplementary Planning Guidance (2005) and should be given the appropriate weight. Detailed comments are contained further in the report.

2.23 SDC LEISURE AND CULTURAL SERVICES:  
The Council's Tree & Landscape Officer states that the landscape information provided appears to be an indication of what the developer considers appropriate. It seems to focus on some detail with lack of reference to some main aspects of the landscaping.

2.24 SDC ENVIRONMENTAL HEALTH:  
The Environmental Health Section have reviewed the submitted Environmental Investigation Report for the above development and find that in general its findings and recommendations are to the approval of this department, therefore they have no objections subject to conditions.

2.25 SDC BUILDING CONTROL:  
No adverse comment, Building Regulation application is required.

2.26 NEIGHBOURS:  
The application was duly advertised on site by the means of a site notice and neighbouring properties have been written to directly; notice was also published in the local press.

The Council received 2 individual letters of objections from local residents and their objections can be summarised as follows: -

- Impacts on rights of way
- Overlooking to adjacent residential properties
- Design is out of keeping with character of the area
- Design more in keeping with Scandinavia than a Yorkshire market town

2.27 The Council also received 1 letter of comment to the scheme from a local business on Holmes Lane, stating that they have no objection to the development as it will tidy up the area, but raise concerns over the impact of noise and disturbance from their business to the new development.

2.28 In addition the Council have received formal representations from Bovis Homes (the developers of the remaining majority of the Holmes Lane residential allocation) stating that they have no objection to the form of residential development itself. Rather, this form of development is clearly supported by ODPM and, in their view, will service a niche market. Moreover, they see it is being wholly complimentary to the development of their site the subject of outline planning permission 2005/0336/OUT dated 24 June 2005. The issues that they raised related to traffic, access and planning contributions.

- The adopted development brief requires vehicular access to be taken from a combination of Holme Lane and Coupland Road, no more than 50 dwellings to be served of a single access and a bus route to be provided.
- Concerned about the access details that are being proposed and how this may impact upon Holme Lane and the access details they have approved under outline pp.
- Any approval that may be forthcoming makes appropriate provision for Redrow to contribute towards, inter alia, affordable housing, education, POS and community facilities as indeed Bovis Homes has via condition 12 on our outline approval.

## 2.29 PUBLIC EXHIBITION

The details of the proposed scheme were showcased at a public exhibition held at Selby Town Hall from 2pm to 8pm on Wednesday 24 May 2006. Following a meeting with Selby Town Council on 24 April 2006, the applicants decided to formally consult in more depth with the public to better understand their views and to enable them to explain their proposals in more detail. The applicants also wished to confirm for themselves that there was genuinely a need and demand for such accommodation within Selby Town.

Around 150 - 200 people visited the exhibition and completed responses to a questionnaires in 'attendance groups'. A total of 54no. questionnaires were completed, with responses as follows:

Do you believe there is a demand for the Debut type of housing in this area?		
Yes	No	Undecided
89%	-	11%

Do you support Redrow Homes' concept for affordable open-market housing?		
Yes	No	Undecided
100%	-	-

Age:						
Up to 21	21 - 30	31 - 40	41 - 50	51 - 60	61 - 70	Over 71
19%	33%	22%	7%	13%	6%	-

Living arrangements:	Own house	24%
	Private rented	19%

	With parents	52%
	Housing association	4%
	Other (tied to job)	2%

2.30 The response to 'occupation' was too wide to categorise. Examples included:

- Civil servants / Council employees
- Professional including engineers, surveyors, architect, financial / administration managers and assistants, benefits assistant, store manager, estate agents, IT analysts and engineers, secretaries, telesales operator.
- Skilled manual including joiner, mechanic / fitters, electrician, railway maintenance worker
- Others including clergy, cleaner, cook, laundry assistant, care workers,

### 3.0 POLICIES AND ISSUES:

3.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having had regard to the Development Plan which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004 the North Yorkshire Structure Plan (Alteration No.3) adopted in 1995 and the Selby District Local Plan adopted on 8 February 2005.

3.2 The site is allocated, under policy SEL/7A, for residential development, in the adopted Selby District Local Plan (adopted February 2005).

#### 3.3 SEL/7A:

Proposals for the development of land and redevelopment of premises within The Holmes Special Policy Area, as defined on the inset proposals map, should comply with the following guidelines: -

- 1) Residential or a mix of residential and B1 (light industrial/offices) would be most appropriate. Consideration may also be given to replacement employment uses consistent with highway and amenity considerations;
- 2) Two linked points of access if possible or at least a suitable single main access with second emergency access are required;
- 3) Access arrangements and on-site circulation should segregate residential and non-residential traffic as far as possible;
- 4) Proposals should enhance the amenity value of the river;
- 5) Proposals should provide safe pedestrian and cycle routes which can be linked to the town centre and adjoining areas;
- 6) All proposals should be subject to the provision of a landscaping structure within and around the site; and
- 7) An appropriate flood risk assessment in accordance with the requirements of PPG25.

3.4 The most relevant Policies in the adopted Selby District Local Plan are Policies H2A and SEL/7A. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

### 3.5 POLICY H2A

Policy H2A of the adopted Selby District Local Plan seeks to distribute new housing land development in and around the three market towns of Selby, Tadcaster and Sherburn in Elmet, and larger villages. In order to ensure that the annual house-building requirement is achieved in a sustainable manner, applications for residential development up to the end of 2006 will only be acceptable on either previously developed sites, premises within defined Development Limits, subject to the criteria in POLICIES H6 and H7 or on Sites allocated in Phase 1.

3.6 Policy H2A in line with PPG3 gives preference to previously developed sites within Development Limits (subject to the criteria in Policy H6). The Providence Mill site is clearly 'previously developed' as defined by Annex C of PPG3 and in policy terms its redevelopment would be acceptable under PPG3, Policies H2A, H6 and SEL/7A.

3.7 Policy SEL/7A sets out site-specific criteria for this allocation as described in paragraph 3.3 above. The justification text provides further details on the requirements set out in Policy SEL/7A. All of the criteria/details should be complied with unless there are material considerations that indicate other wise.

3.8 There is also a Development Brief for the whole of this site (and the land to the west at the former Holmes Industrial Estate), which was adopted by the Council as Supplementary Planning Guidance in 2005.

### 3.9 POLICY H4A

Policy H4A deals with the issue of housing mix: Subject to respecting the character of the area and site suitability, new housing development will be required to provide an appropriate mix of dwelling types and sizes in order to:

- Avoid the creation of large areas of housing of similar characteristics;
- Help create mixed and inclusive communities;
- As well as assist in redressing shortages of particular types of dwelling as may be indicated by housing needs assessment and annual monitoring of housing provision.

3.10 There is a requirement for affordable housing on this site as it exceeds the 15dw/0.5ha threshold approved by the Council (21 June 2005), following the resolution of Policy and Resources Committee on 7 June 2005. This reflects emerging Government advice contained in an ODPM consultation paper on proposed changes to PPG3 (Housing) published in January 2005 and reiterated in Draft PPS3 published in December 2005.

### 3.11 POLICY H4

Policy H4 of the statutory Local Plan sets out that the precise amount and mix of market and affordable housing to be provided in each case will be determined by negotiation between the Council and developers, taking into account the extent of local need, site size, suitability and the economics of provision.

- 3.12 This scheme should provide 40% affordable housing based on the most up-to-date evidence of need (and in accordance with the Council resolution). The recently published draft RSS (January 2006) states that the level of affordable housing in the Selby District should be over 40%. Schemes should provide a mix of types and sizes of affordable to reflect the mix of the general market housing as a whole and have only a small proportion of one-bed dwellings.
- 3.13 The starting point for negotiations on tenure mix will be 50% social rented and 50% intermediate housing (shared ownership/equity and discounted for sale) unless local circumstances indicate an alternative proportion.
- 3.14 Proposals for the affordable housing will only be acceptable where adequate arrangements are made to ensure that the dwellings will be made available to meet genuine need and that the dwellings will remain affordable in perpetuity, with priority given to people living or working locally, or with local connections. The Council's preferred option is through a Section 106 legal agreement.
- 3.15 **POLICY H6**  
Policy H6 sets out 7 criteria which proposals on site such as this will be expected to meet:
- It is of a scale and design appropriate to the form and character of the settlement or immediate locality;
  - Would provide a satisfactory standard of residential accommodation and amenity;
  - Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;
  - Would not compromise the future comprehensive development of land;
  - Would not constitute an unacceptable form of back land or tandem development;
  - Would not harm acknowledged nature conservation interests or result in the loss of open space of recreation or amenity value or which is intrinsically important to the character of the area; and
  - Would not be subject to overriding considerations that would render the site unsuitable or the development inappropriate.

#### **NATIONAL PLANNING POLICY:**

- 3.16 **PPS1: DELIVERING SUSTAINABLE DEVELOPMENT - JANUARY 2005**  
PPS1 replaces Planning Policy Guidance Note 1 (PPG1): General Policies and Principles, which was published in 1997. It sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 advocates that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development.
- 3.17 PPS1 promotes better social cohesion and inclusion. It commits to developing strong, vibrant and sustainable communities and to promoting cohesion in both urban and rural areas. However it develops the idea that regeneration of the built

environment alone can not deal with poverty, inequality and social exclusion, but that these issues can only be addressed through better integration of all strategies, partnership working and effective community involvement. In particular PPS1 seeks to promote development that creates socially inclusive communities including suitable mixes of housing.

- 3.18 PPS1 provides guidance to local authorities in preparing development plans as to how they should deliver sustainable development. Another key feature of PPS1 is the promotion of the importance of good design in new development. It affirms that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development.
- 3.19 PPG3: HOUSING - MARCH 2000  
PPG3 was revised on 7 March 2000 and heralded a new approach to planning for housing. In particular the PPG established the government's intention that land required to accommodate new housing development should be identified and released on the basis of a systematic and sequential approach to housing land allocation. The search sequence to be adopted is:
- Re-use of previously developed land and buildings in urban areas
  - Urban extensions
  - New development around nodes in public transport corridors.
- 3.20 When considered in terms of this categorisation the proposed development falls to be considered as previously developed land and buildings.
- 3.21 DRAFT PPS3: HOUSING  
The consultation paper, setting out proposed changes to PPG3, was published on 5 December. The consultation draft has been published, it is intended that the final PPS3 will supersede PPG3 Housing (2000), the PPG3 Housing Updates (2005) and Circular 6/98 Planning and Affordable Housing (1998).
- 3.22 PPS9 - BIODIVERSITY & GEOLOGICAL CONSERVATION - AUGUST 2005  
PPS9 sets out the background to the consideration of nature conservation in a land use-planning context and recognises that with careful planning and control conservation and development can be compatible.
- 3.23 PPS12: LOCAL DEVELOPMENT FRAMEWORKS - SEPTEMBER 2004  
PPS12 was published in September 2004 and replaces PPG12 Development Plans. The new guidance defines the new regime (outlined in the Planning & Compulsory Purchase Act 2004) whereby development plans are to be replaced by Local Development Frameworks (LDFs). The LDF, together with the Regional Spatial Strategy (RSS) is expected to provide the essential framework for future planning within a local authority area. Embodied in PPS12 is the Government's intention to introduce a more flexible plan-making system, to speed up the review process and to strengthen community involvement in planning.

### 3.24 PPG13: TRANSPORT (REVISED) - MARCH 2001

The revised transport guidance aims to promote more sustainable transport choices, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by the private car (Para 4). In order to achieve these aims and objectives, local authorities must, through the preparation of development plans, manage urban growth; locate facilities in local centres accessible by walking and cycling; offer a realistic choice of access, and; place people above traffic in new residential development (Para 6).

### 3.25 REGIONAL SPATIAL STRATEGY

RPG for Yorkshire and the Humber (RPG12) was approved by the Secretary of State in October 2001 and covers the period to 2016. Under the provisions of PPS11 and Part 1 of the Planning and Compulsory Purchase Act coming into force, RPG as amended is now the Regional Spatial Strategy (RSS) for the area. A new review process is now underway. The key aims of the RSS include focusing on the crucial links between the economic, social and environmental process.

### 3.26 NORTH YORKSHIRE COUNTY STRUCTURE PLAN

The North Yorkshire County Structure Plan (incorporating Alteration No. 3) was adopted in October 1995 and forms part of the Statutory Development Plan. Whilst certain elements of this plan remain relevant to the consideration of this proposal, a number of the policies are now outdated and revisions to national guidance provide the most appropriate policy context.

## 4.0 OFFICER APPRAISAL:

4.1 Having considered this application and representation, it is the Council's View that the main issues in this case are: -

- Affordability
- Management Company
- Housing density
- Housing mix
- Recreation open space,
- Landscaping,
- Holme lane development brief,
- Developer contributions,
- Highways issues,
- Drainage,
- Ecology,
- Archaeology issues,
- Public Rights of Way issues,
- Overlooking to adjacent residential properties,
- Design/Character and form



#### 4.2 AFFORDABILITY

It is the developer's belief that this schemes key strength is its affordability. Homes are leasehold with a term of 125 years with an annual nominal fee for ground rent. The lease will contain usual restrictions to protect the neighbourhood, and contain clauses to preclude professional investors. Properties can only be acquired for owner-occupation and cannot be sub-let.

4.3 To assist potential homeowners, the developer has stated that they will be offering a shared equity scheme equivalent to approximately ten per cent of the sale price for a period of up to ten years at a set price interest free. The developer would retain equity, but customers will gain the full benefit of any increase in market value, which may assist their next move in the property ladder. The shared equity will be protected by a second charge over the property and customers may acquire the shared equity element at any time over a ten-year period.

4.4 The anticipated selling prices for the dwellings at Providence Mill, Selby (which have been provided by the developer) are shown on the table below. These reflect those achieved at an existing similar development in Rugby where the majority of the dwellings are sold and occupied.

4.5 Market research (undertaken in March 2006 by the developer) of available properties for sale in Selby town revealed that only one property is currently available at under £70,000. The application for Providence Mill proposes that 33 one-bed properties will be for sale at under £60,000, with a further 21 properties with a selling price of under £70,000.

4.6 This market research showed that, whilst there are no additional existing properties within Selby Town currently for sale at less than £80,000, a further 28 units would be made available at under £80,000 within the proposed development. Including the above for comparison, there were 13 properties (at the time of the market research) currently for sale within Selby Town at less than £100,000; it is the developer's intention that the whole of the proposed development (i.e. 123no. dwellings) will be made available with a selling price of less than £100,000.

Anticipated selling prices at Providence Mill, Selby				
	Sq Ft	Selling Price	Shared Equity	Market Price
D1 – 1 bed apartment	275	£59,995	£5,995	£65,990
D2 – 1 bed apartment	350	£69,995	£6,995	£76,990
D3 – 1 bed, 2 storey	416	£79,995	£7,995	£87,990
D4 – 2 bed, 2 storey	550	£99,995	£9,995	£109,990

4.7 The applicants refer to affordability in a great many places through the supporting documents however this is not a scheme for affordable housing within the official planning definition. The scheme is really one of low cost open market housing, which we know from the consultation draft of PPS3 that the Government does not consider being within the definition of affordable housing and thus also does not

comply with the Council's Draft SPD on Developer Contributions. In this instance we would be reliant upon the developer setting the initial market price and it is then the attractiveness of the accommodation to various groups that will, potentially hold the market price down below more traditional forms of housing. Thus there is nothing offered which will control the open market price now, in the future or in perpetuity in order to make them truly affordable in the longer term.

- 4.8 The proposed tenure is through leasehold for 125 years including a nominal annual fee designed to give open market prices, which the developers say will all be beneath £100k (plus ground rent between £50 and £10 per annum and service charge between £50 and £90 per month).
- 4.9 The mix is of 1-bed apartments and one and two bed, two storey dwellings with conveyancing controls to only allow owner-occupiers and no institutional purchases or sub-lets. The developers statement in support says the scheme will provide a mix of dwelling types and sizes, however officers are concerned that Policy H4A on mix of dwelling types would not be satisfied since 82 one bed apartments which is a very high proportion. Although the Housing Needs Survey reports that the most acute shortfall relates to the smaller one and two bed units, the Draft SPD refers to the need to provide for a mixture of sizes to facilitate efficient operation of the social sector so that the Council position is that it will not normally accept more than a nominal amount of 1-bed properties as part of the affordable provision. Clearly, and in any event, this is not 'an affordable provision' and the mix has not been justified with, for example, an explanation of the character of surrounding housing.
- 4.10 As members will be aware, the Council resolution and subsequent draft SPD would seek affordable housing on this site since it exceeds the 15dw/0.5ha threshold (approved by the Council 21 June 2005 following the resolution of Policy and Resources Committee on 7 June 2005). This policy reflects the evidence set out in the HNS05 relating to the level of housing need in the District which is now mirrored by emerging Government advice contained in an ODPM consultation paper on proposed changes to PPG3 (Housing) published in December 2005 (PPS3). The new indicative minimum national threshold would be 15 dwellings from that draft PPS.
- 4.11 Members will recall that Policy H4 of the adopted Local Plan sets out that the precise amount and mix of market and affordable housing to be provided in each case will be determined by negotiation between the Council and developers, taking into account the extent of local need, site size, suitability and the economics of provision. It would be for the developer to demonstrate exceptional circumstances to justify why the presently identified level of 40% cannot be provided.
- 4.12 The requirement for affordable housing is mirrored in the adopted Development Brief for the area *Land at Holme Lane, Selby*, of which this application site is a part, and which the Council adopted in February 2005 and which has the status of SPG. Part 10 of the Brief refers to the emerging Housing Needs Assessment and that the exact amount, type and tenure of affordable housing will be a matter for negotiation

between the developer and the local planning authority. The requirement for a to-be-negotiated level of affordable housing is also consistent with conditions on the outline approval for the remainder of the development brief land (Bovis). It is therefore very clear and consistent across all Council planning documents that this site would be expected to make a 40% contribution towards affordable housing. In addition, you will be aware that the 2005 consultation draft of RSS, at Policy H3 would seek over 40% in areas of high need and North Yorkshire is a prescribed high need area.

- 4.13 The application does not contain an Affordable Housing Plan which is now essentially a first step and requirement in these schemes, reflected in the SPD; there is no apparent involvement of an RSL and no planning obligation is being offered in order to define the provision of affordable housing, the timescale for their provision and to ensure their availability in perpetuity.
- 4.14 The developers have stated that they note the concern of various consultees and attendees at the exhibition that the initial selling prices currently proposed for the proposed dwellings should remain affordable post the grant of any planning consent. The Developer has stated that they are willing to commit itself to sell the dwellings at the anticipated selling prices set out in the Design Statement supporting the planning application, and shown at the public exhibition, for the initial 12 months period following the resolution of grant of the Planning Committee (to provide a context, we would expect - from past experience - to sell all dwelling within days / weeks of initial release and prior to any occupations). The developer has confirmed that they will submit a draft legal agreement when this application is presented to Members at Planning Committee. However, the future selling prices of these dwellings by their purchasers must not be restricted to enable these people to obtain some growth in their investment in the market place, thus assisting their next step on the housing ladder and releasing these dwellings for other first time buyers in the future.
- 4.15 The developer has also stated that it was understood to be important that the Redrow lease will restrict purchase and occupation to owner-occupiers, to preclude professional investors, and thus ensuring that those in need of such 'intermediate' housing can take their first step onto the housing ladder. It is my understanding that the developers are therefore also willing to offer that a planning obligation attached to the planning consent contains this restriction in order to reinforce their lease conditions and a unilateral undertaking confirming both of these matters can be submitted to the Council shortly.
- 4.16 It is your officers conclusion however that on affordable housing issues alone the application fails to address recently adopted local plan policy in not making any proposals for true affordable housing or explaining why they are unable to do so.
- 4.17 There are elements in their statement in support, such as the evidence that other LPA's have correctly identified this as not being strictly affordable housing but which will nevertheless reduce pressure on local need and waiting lists, but they do

not either set out what those exceptional circumstances are which preclude them from providing affordable housing and which will prejudice the delivery of other planning objectives or how they will relieve pressure for affordable housing here or across the district. Although their expected prices are beneath present open market values there is, no control for this to be in perpetuity and just serves to reinforces the point that they would be low cost open market housing.

4.18 MANAGEMENT COMPANY

The scheme if granted planning permission would be controlled through a specific Management Company, which has been set up to create a robust legal and management framework to protect the long-term quality of this type of development. Homeowners would not have to undertake any external maintenance, thus meeting the lifestyle needs of the type of owners that this scheme is marketed at. The management company would be non-profit making and its responsibilities would include: -

- Maintenance of external soft and hard landscaped areas;
- Servicing of heating and hot water boilers;
- External window cleaning;
- Maintenance of the exterior of the buildings i.e. painting, roof maintenance, cleaning etc.; and
- Maintenance of unadopted courtyards and hard standing areas;

4.19 Homeowners would pay a monthly service charge which, in addition to the responsibilities referred to, would include communal and domestic utilities costs such as heating hot water and electricity and a sinking fund for replacement of major items such as hot water boilers. An example of management charges is given below. Only council tax, mortgage repayments and telephone bills would be paid in addition to these charges.

	Small 1 bed	Medium 1 bed	1 bed (2 storey)	2 bed
Ground rent per annum	£50.00	£50.00	£75.00	£100.00
Service charge per month	£50.00	£65.93	£75.78	£90.00

4.20 This contrasts with estimates that the average home running cost in Yorkshire is £5,887 per annum. The scheme has been designed to allow potential homeowners to have certainty and be able to budget for the low cost of running their home, knowing that a specific Management Company has full responsibility for all external works and service provision.

4.21 HOUSING DENSITY:

The proposed scheme, with 123 dwellings on 1.42 hectares, would have a density of 86 dwelling per hectare (dph). The Adopted Development Brief for the site requires an overall net density of between 30 and 40 dph. Obviously the density for this proposed scheme well exceeds this, however the Brief does also states, “it is expected that higher density will be achieved adjoining Holmes Lane and taking advantage of the River frontage area.

- 4.22 While it is acknowledged that the proposed dwelling density is 86 dph (ie. 123 no. dwellings on a site area of 1.428 ha), the scale and mass of the proposed buildings (being 2 and 3 storey development) is directly comparable to that approved elsewhere within the District in less urban environments and on more traditional schemes.
- 4.23 It can be argued that the quality of the scheme should be taken on its merits, and not adversely effected by any potential concerns regarding numerical density which places no recognition on size of dwelling. It is your officers view that this high density is not necessarily incompatible with this principal town centre location subject to meeting other detailed development control requirements.
- 4.24 HOUSING MIX:  
It is considered by officers that the proposed mix of 1 and 2 bed properties does not accord with Policy H4A and the Brief which requires a range of house types, sizes and forms in order to create mixed and inclusive communities and to avoid the creation of large areas of housing of similar characteristics. To accord with this policy this development should therefore providesome larger family housing to meet the objectives of local planning policy and guidance as well as national objectives to provide a mixture and range of housing to meet increasingly varied future housing requirements.
- 4.25 In relation to concern expressed regarding dwelling mix, the developer has stated that although they do acknowledge that the Housing Needs Survey reports that the most acute shortfall relates to the smaller 1 and 2 bed units. The developer has confirmed that this housing proposed is directly aimed at assisting first time buyers onto the housing ladder by providing 'starter homes' that are affordable to them, which should help to meet some of the need identified in the Survey. General family housing, including social local needs housing, will be provided on the remainder of the Holme Lane Development Brief area on the 'Central Area', 'Garden House' and 'Coupland Road' sites and will provide a wide range of house-types and sizes in accordance with normal policy requirements. Indeed, the developer of the adjacent main site (Bovis Homes) responds to the consultation for this application stating "this form of development is clearly supported by ODPM and, in my view, will serve a niche market. Moreover, I see it as being wholly complimentary to the development of our site, the subject of outline planning permission." Furthermore, the Coupland Road detailed planning consent is for 52no. family houses and the recently completed nearby development on Holme Lane by South Yorkshire Housing Association provides a range of affordable apartment and family houses. The wider locality also includes a wide range of size dwellings, including some bungalows on Elston Place.
- 4.26 Bearing the above in mind it is considered by your officers that the over-supply of small dwellings here should be avoided given that smaller properties are already being provided in the town centre to meet the recognised need for smaller households. For example the large development (206 dw) on Ousegate is nearly

constructed with 60% 1 and 2 beds (mostly flats) and there are two other recently developed schemes in the locality at Flaxley Road and Elston Place. Respectively each has provided: 56no. 2 bed flats and houses; and 36no. 2 bed flats and houses. It is argued that further provision of only smaller dwellings does little to support local services and facilities.

4.27 RECREATION OPEN SPACE:

The scheme has been designed by the developer with communal garden squares instead of private gardens; these are envisaged to engender greater community spirit and to optimise land usage. Within open spaces a focal point is constructed to identify the heart of the development and to act as a neighbourhood meeting place. The focal area may have seating and social recreational areas for the benefit to all those who live within the development. External spaces will be maintained by the Management Company set up by the developer specifically for this type of scheme, to endeavour to ensure the new homes and their environment is maintained into the future.

4.28 The developer has continued to state that natural surveillance is a key factor in the design of this development and provides enhanced security with optimal visual impact of the development's focal point for our customers. Open spaces around Debut homes, are designed to have clean lines and simple geometric discipline. This is intended to complement the homes and encourage use of the space. Landscaping is sensitively determined using a mix of hard and soft landscaping to create an environment to stand the test of time. Materials are selected so that maintenance and sustainability is key, whilst no single material dominates obtrusively. Layout of landscaping will be such that vehicular access and movement to parking courts does not dominate the development.

4.29 However, it is considered by your officers that this site should provide some on-site ROS provision in line with Policy RT2 and the recently published draft Developer Contribution Supplementary Planning Document. This is particularly important given the lack of private garden space attached to individual dwellings. It may be appropriate that the adult provision could be met through commuted sums for off-site provision.

4.30 In addition, the proposed Public Open Space along the river while an attractive feature is not an appropriate ROS provision and does not count towards the RT2 requirement. This area would be acceptable as general amenity space but is not useable for recreation as it is on the river-side of the flood defences and as such is liable to flood which would takes it out of commission at times and more importantly has significant safety implications.

4.31 LANDSCAPING:

With reference to the points made by the Tree and Landscape Officer, the applicant has confirmed that whilst there will be a physical fence to identify the legal boundary of the site, the detailed landscaping scheme will show significant areas of planting at various points along the boundaries. It is not their intention that the site

be totally screened from long distance views but that the boundaries are “broken up” with enhanced planting at various points. Proposals to address any relevant potential landscaping planning condition(s) can be confirmed on the detailed landscaping drawings recently issued. The areas of communal open space are shown on the site layout. Whilst the main area of open space is between the site and the river, there are additional areas of open space that are spread through the site to maximize the feeling of openness, whilst also providing amenity space directly adjacent to the blocks of accommodation. The open space areas will be maintained by the Management Company and paid for by the residents of the development via an annual maintenance charge. A tree survey will be submitted to clear any planning condition.

4.32 However it is considered that the proposed tree belt to the north and east is insufficient as strategic buffer landscaping at this edge-of-town location. The width should be increased to 10-20 metres and should be retained and maintained through condition or otherwise in line with the Brief. The principles of the Selby Bio-diversity Action Plan (2004) should be taken on board.

4.33 **HOLME LANE DEVELOPMENT BRIEF - DEVELOPMENT CONTEXT**

It is important that this application should not be seen in isolation but as part of the wider Holme Lane regeneration area. It must be emphasised that the planning application site encompasses an area of only around 1.42ha and is only a small part of the wider Holme Lane Development Brief area, which encompasses a total area of around 10ha. Despite the Development Brief requiring the comprehensive development of the site as a whole, outline planning consent has been granted for the main 'Central Area' and detailed planning consent for the 'Coupland Road' area. This application for the Providence Mill site will complete the opportunity to redevelop this area in accordance with the Council's adopted SPG. It can be developed independently within the spirit of the Brief, yet will form an integral part of the regeneration of the whole site by creating a striking gateway to the Holme Lane area.

4.34 **DEVELOPER CONTRIBUTIONS:**

In terms of education and healthcare, the County Council Education Department and Selby and York PCT have been consulted to determine if any financial contributions are necessary as a result of this development to provide additional education and health care facilities in the locality in accord with CS6 and the recently published draft Developer Contributions Supplementary Planning Document (April 2006).

4.35 As stated in paragraph 2.17, North Yorkshire County stated that, based on the proposals for 41 2+bedroomed dwellings at the site, no contribution would be sought for Selby Community Primary School. Comments are awaited from the Primary Care Trust and these will be verbally reported to Planning Committee.

4.36 In relation to recycling, communal facilities are provided. Public Art- the developer has stated that the open space and landscape areas will be designed to respect

and enhance the river frontage. The developer has indicated that it is not envisaged that many children will live at the Providence Mill part of Holmes site, as the accommodation proposed is for first time buyers leaving home. The view has been backed up by the comments from NYCC Education. In relation to Healthcare, the developer has stated that it is anticipated that many of the young people will already be registered with GP/dental practices in Selby, and that generally young people have less intensive needs than families with children and the elderly. The PCT have not raised any comments on this application.

4.37 It is recognised by officers that Redrow does not envisage that children will occupy the 1 and 2 bed properties given that the mix of the scheme.

4.38 HIGHWAYS ISSUES:

In relation to Highways issues, while it is recognised that the County Council's Highways Section has no objection to the scheme subject to condition. They have noted that the Transport Assessment refers to the town centre being a distance of 350m from the development which is within walking and cycling distance, although there is no mention of how the town centre is accessed using these modes of transport. They feel that the assessment should address these issues. The assessment includes traffic assessment for the year of completion but does not include the design year horizon, 15 years after opening; this is identified in Transport Issues & Development – A Guide. The originator of the assessment has not referred to the Selby Traffic Management Strategy, which is a public document.

4.39 The Highways Department continued to state that the Selby Traffic Management Strategy includes a Cycle Plan and a Pedestrian Plan and there are identified works in the area of the development that could benefit from developer contributions.

4.40 The drawings included in the Transport Assessment show the junction of Holme Lane New Millgate having a hatched area on New Millgate, which in theory could restrict the right turn manoeuvre into Holme Lane. The Highways Department feel that this junction needs to be investigated and the possible redesign of the junction with the inclusion of a 'right turn' lane incorporated. This junction may need to be re-investigated on the results of the calculation of the design year horizon.

4.41 In response to NYCC Highways, the developers have stated that extensive - application discussions has held with the Highways department and details have been submitted, including off-site improvement works in Holme Lane. Any minor amendments to proposals that may be required by NYCC Highways will be accommodated and agreed with NYCC. The developers also note their no objection to the scheme overall subject to conditions.

4.42 DRAINAGE:

In response to Yorkshire Water, the existing sewers crossing the site are to be diverted by Yorkshire Water (Yorkshire Water are currently preparing the diversion scheme that will be carried out at the same time as re-development commences).



YW advise that, "The existing public sewers to which surface water from the site may discharge will have a problem accommodating the anticipated run-off. To prevent overloading the public sewer network, surface water discharges to the network should be restricted to the level of run-off (ie: same point[s] and rate[s] of discharge) from the previous use of the site. The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation. On site storage/balancing (or some other means of attenuation) of the surface water will be required before discharge to the public sewer network is permitted." The developer has confirmed that a drainage survey of the site is underway and details of the completed survey will be submitted to Yorkshire Water and the Local Planning Authority in due course (a way forward that Yorkshire Water has no objection to) and can be dealt with via condition.

- 4.43 In response to Environment Agency, an objection was raised by the Agency due to the fact that a topographical survey had not formed part of the planning application. The EA are now in receipt of this information and have confirmed that it has removed its' objection subject to conditions relating to minimum slab levels etc. With regard to the suggested planning conditions, those relating to contamination are addressed in the report prepared by the Developer's drainage engineers. The remediation strategy suggested by the Developer's drainage engineers is approaching completion and will shortly be submitted to all the relevant regulatory Statutory Authorities for approval.
- 4.44 In response to Selby Area Internal Drainage Board, the IDB have suggested that the site surface water be discharged to a proposed surface water pumping station to serve the whole Holme Lane development area. Whilst the developer has no objection to the principle, the timing of the delivery of the pumping station is currently uncertain and likely to be well beyond the first stormwater connection from the site. The developer needs to ensure that any planning approval can be implemented independently at an early date and to the satisfaction of Yorkshire Water (who are the regulatory authority for drainage). Informal discussions have taken place with Selby Area IDB who is to discuss the situation at the Board's next meeting on Thursday 1<sup>st</sup> June. The developer is therefore currently pursuing the option outlined by Yorkshire Water ie: identification of the connections to the existing combined sewer crossing the site and the balancing on site of any additional impermeable area due to the re-development of the site.
- 4.45 **ECOLOGY ISSUES:**  
In response to NYCC Countryside Service, the ecological appraisal submitted for the above site was an initial assessment of the site for discussion with the relevant consultee. Whilst supportive of the findings of the appraisal, the Heritage Section of NYCC require additional surveys to be considered which will be the subject of further discussion/reporting by the developer's Ecological Consultant.

4.46 ARCHAEOLOGY ISSUES:

With regard to Archaeology, the desk-top archaeological study requested has been completed and discussed with Gail Falkingham of NYCC. Copies of the final report will be agreed shortly.

4.47 PUBLIC RIGHTS OF WAY ISSUES:

With regard to Public Rights of Way Officer, the requirements of the officer for the establishment of the public footpath within the layout to the west of the site to reflect the existing right of way have been added and the revised layout re-issued. However, it should be noted that this can only be indicated (and implemented) where the land is contained within the area under the owner's ownership. The comments regarding material are noted and details will be submitted to meet the requirements of any relevant planning condition(s).

4.48 OVERLOOKING TO ADJACENT RESIDENTIAL PROPERTIES:

In relation to other issues that have arisen through the publicity process, it is considered that the proposed design does not adversely affect the amenity of other residential properties surrounding the site through overlooking, overbearing or overshadowing and is considered acceptable in this regard. The developers welcome the comments from Selby Town and Wistow Parish Councils. Any POS requirements would be for the Selby Town Council area.

4.49 DESIGN/CHARACTER AND FORM:

The external design of the scheme is purposely contemporary with modern lines and vertical emphasis provided by mono pitched roofs and windows groupings together with random windows punched in for light. In terms of materials, buildings are clad at first floor level, with brickwork to the lower storey, which does give an individual style to the development. The arrangement of the units also gives a varied and interesting roof-scape. The scheme has been designed to take advantage of views of the river and to have glimpses from the open countryside to the rear of the site.

4.50 Given that the site is currently occupied by a large brick built warehouse and ancillary buildings (storage tanks and a 5 metre high chimney) together with areas of concrete and bitmac hardstandings it is considered that this development would improve the general character of the area.

4.51 Members need to be aware that due to the contemporary nature of the design of this scheme, the development if built will be highly visible and would not mimic the character of its surroundings. However your officers have no objection to the design of the scheme given the existing state of the buildings on the site and the future changes to the built form in the immediate area due to the outline planning permission for further residential development on the Holmes Lane site.

## **5.0 CONCLUSION:**

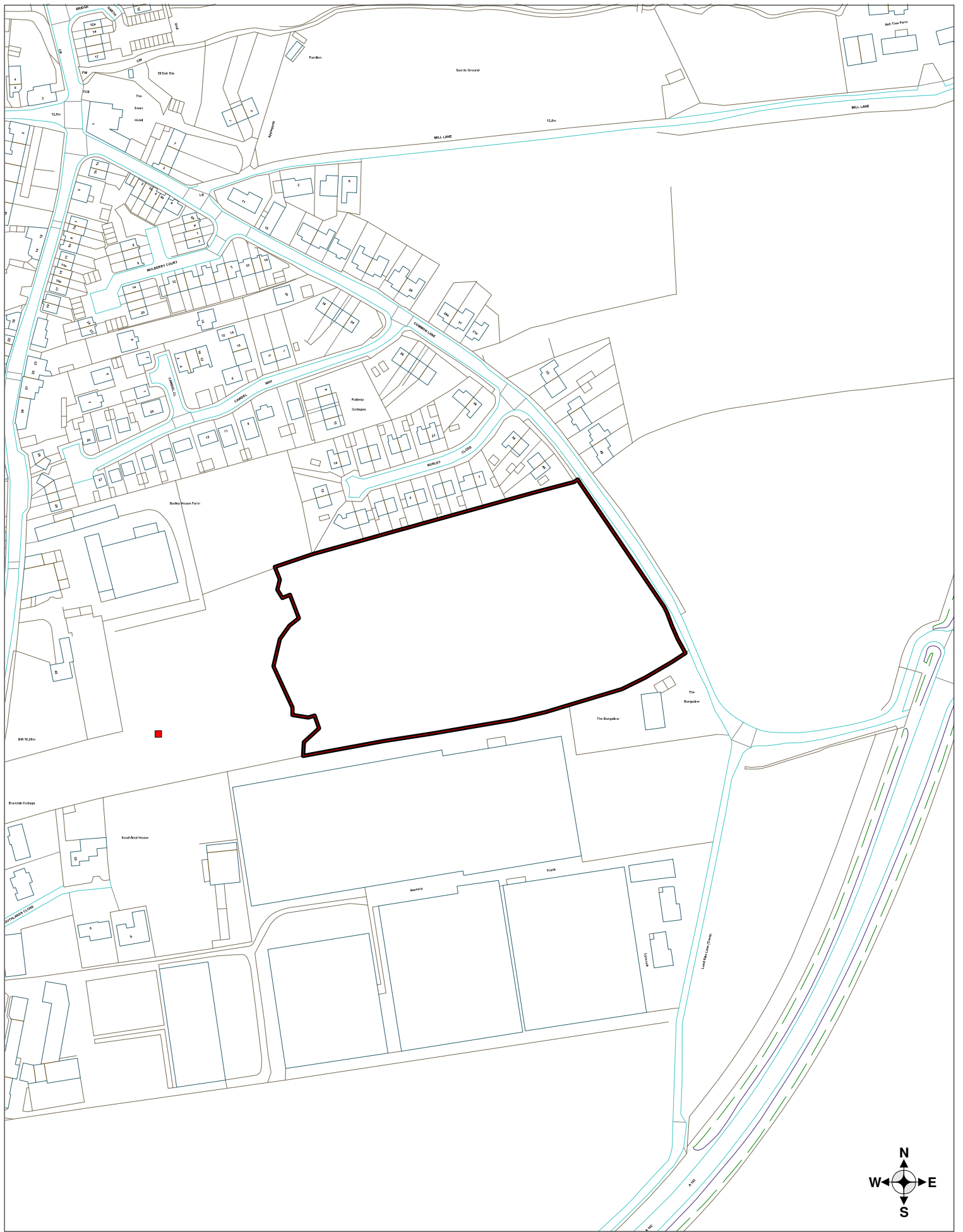
- 5.1 It is considered that the principle for the redevelopment of the site for residential purposes is acceptable in policy terms. Indeed we would welcome such an innovative scheme with modern design solutions in this locality, which we consider would help meet some key housing needs which are not currently being met by the open market.
- 5.2 However, the submitted scheme fails to meet some policy requirements and should be amended in order to accord with local and national policies. In particular there must be an element of affordable housing provided in accordance with a robust affordable housing plan, and secured through a s106 agreement; the overall mix of dwelling sizes must be altered in order to provide some larger family housing; the access arrangements need to be thoroughly assessed; and the boundary landscaping should be more substantial.

## **6.0 RECOMMENDATION:**

- 6.1 This application is recommended to be Refused for the following reasons:
1. In the opinion of the Local Planning Authority the housing mix proposed for the application site is far too heavily skewed towards the provision of small 1 & 2 bedroom dwellings contrary to the objectives of the development plan and relevant national planning policy guidance. Wherein it is stated that the aims to ensure that the principles of social inclusion and balanced communities are to be achieved through the planning and provision of new housing consistent with the diverse housing needs and demands of a wide range of people being met and is contrary to Policies H4A and SEL/7A of the Selby District Local Plan, relevant policies in Planning Policy Guidance Note: PPG3 - Housing and the development objectives set out in the Supplementary Planning Guidance entitled 'Development Brief – Land at Holme Lane, Selby (SEL/7A and SEL/2A). Furthermore if the proposed housing mix were to be permitted in this early phase of the overall Holmes Lane development this would be a basis for similar schemes being put forward for future phases of the Holmes Lane development that would significantly depart from and undermine the objectives set out in Policy and the Development Brief for the Holmes Lane development prepared jointly with the main site applicant/developer and adopted as Supplementary Planning Guidance.
  2. It is considered that the proposed development fails to address recently adopted local plan policy in not making any proposals for affordable housing within nationally and locally defined definitions on site or setting out what exceptional circumstances there are which preclude them from providing affordable housing and which will prejudice the delivery of other planning objectives or how they will relieve pressure for affordable housing here or across the district, contrary to Policy H4 of the Adopted Selby Local Plan, Policy H3 of the consultation draft of the Regional Spatial Strategy for Yorkshire and the Humber dated 2005 and

Supplementary Planning Guidance entitled 'Development Brief – Land at Holme Lane, Selby (SEL/7A and SEL/2A).

3. It is considered that the proposed tree belt to the north and east boundary of the proposed development is not an integral element in the design of the scheme and is insufficient as strategic buffer landscaping zone at this edge-of-town location contrary to Policy ENV1 and ENV21 of the Adopted Selby Local Plan.



# APPLICATION SITE

**Item No:** 2005/1461/FUL

**Address:** Land, Low Street, South Milford

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<b>APPLICATION NUMBER:</b>	8/57/153G/PA 2005/1461/FUL	<b>PARISH:</b>	
<b>APPLICANT:</b>	Barratt York	<b>VALID DATE:</b>	2 September 2005
		<b>EXPIRY DATE:</b>	2 December 2005
<b>PROPOSAL:</b>	Resubmission of previously refused application 8/57/153F/PA for the erection 73 dwellings on land off Low Street South Milford (known as Phase 2 Burley Grange)		
<b>LOCATION:</b>	Barratt Homes Site Low Street South Milford Leeds North Yorkshire		

**The consideration of this application was deferred at your meeting on 24 May 2006 to enable consultation with the Parish Council (Minute no 835 refers). Comments will be provided at Committee following the reconsultation with the Parish Council.**

## **DESCRIPTION AND BACKGROUND**

The Secretary of State gave full planning permission on 14 February 2005 for the erection of 108 dwellings on the allocated STM/1A housing site following the call-in and Inquiry held in August 2004 (ref: 8/57/153E). This decision was released six days after the formal adoption of the Selby District Local Plan, and the same decision letter refused the application by Wilson Connolly for the southern half of the larger allocation (STM/1B). The adoption of the Plan confirmed the phased approach to the release of housing sites through policies H2A and H2; this Barratt site was a Phase 1, pre-December 2006 release whilst the Wilson Connolly site was a Phase 2, post-December 2006 site.

The approval was accompanied by 22 conditions and a planning obligation that had been concluded during the Inquiry, which provided for:

- a) the provision of a puffin crossing on Low Street before the first dwelling is occupied (subsequently amended to a zebra crossing),
- b) payment of £34,000 for the maintenance of on-site ROS prior to the occupation of the 54th dwelling,
- c) a search mechanism for off site Youth and Adult ROS, its provision before the 54th occupation, £12,000 commuted sum for its maintenance prior to penultimate dwelling and, if search is unsuccessful, payment of £56,000 in lieu of off site provision,
- d) before occupation of 54th, affordable housing to be provided in the form of 10 units to an RSL; 12 discounted for sale dwellings and 8 apartments on cascade approach,
- e) total education contribution of £166,000 in phased payments; first before the 30th and then before the 60th, 90th and penultimate, prior to 50th,
- f) £7,000 to be paid to the Primary Care Trust.

Subsequent correspondence had started to address some of the conditions and those relating to, for example, measures for protection of trees/hedgerows, protection of Burley Close buffer strip, measures for its management and maintenance, wheel washing details, external facing materials, site and finished floor levels and noise attenuation measures have been discharged.

The first 35 plots in STM/1A are being built under this existing approval (as Phase 1 Burley Grange) and this current application for 73 dwellings is for a 'second phase' on the remainder of the STM/1A allocation. The road pattern has changed as a result of the refusal of the Wilson Connolly scheme and the need to sensibly address the road and central Recreational Open Space layout which was reliant upon and took account of the layout to the south.

An earlier submission of a Phase 2 scheme for 72 dwellings was refused under my delegated powers in November 2005 on grounds that no provision had been made for the delivery of affordable housing, for the provision or maintenance of open space or contributions to local health care or education.

The present proposed site layout has amended the former loop road through the site to a series of short cul de sacs and deleting the former access loop down to the previous Wilson Connolly site where it would have stopped against the boundary hedge that is now to be retained.

The housing mix includes three, four and five bedroom properties and there is a mixture of terraced, semi detached and detached houses that are not dissimilar in character to the layout previously approved. Earlier layouts had not taken account of the particular relationship along the northern boundary of the site to Burley Close, this had been the subject of detailed negotiations in the first submission and the Inspector who made recommendations on the called-in applications paid particular attention to the proximity of properties and the provision of the buffer strip to the rear of Burley Close.

I can confirm that the revised layout has generally the same number of properties to this northern boundary and the separation distances from Burley Close and the reinstated buffer strip are the same as or are all better than previously approved.

A new draft supplemental planning obligation has recently been received and I have consulted the Head of Legal and Democratic Services on its content.

## **CONSULTATIONS**

PARISH COUNCIL: Objected to an earlier layout based upon the numbers of three storey and two-and-a-half storey dwellings and that the scale of development is unacceptable since it will adversely affect the form and character of what is a rural village, would request that the developer discusses their proposals with the Parish Council and the local community.

The Parish Council was reconsulted on 19 May and, after Committee, on 26 May with a copy of the latest revised site layout. I have requested any observations they have by the 16 June and I will thus report any further comments from them verbally to Committee.

**PLANNING POLICY MANAGER:** Refers to the previous approval and relevant policies of the adopted Plan. Suggests that changes in circumstances that have occurred since the earlier approval would include those in respect of affordable housing and recreation open space.

Advises that if the previous requirement to provide a level of off site open space cannot be satisfied then the provision should all be secured on site. The amount of affordable housing should be 40% across the whole site whilst taking account of what is to be provided in the first phase that is underway and requests an Affordable Housing Plan.

**EHO:** Requests conditions to address potential contamination of the site; potential for nuisance during development and the effects of traffic noise from the bypass.

**YORKSHIRE WATER:** Requests conditions relating to protection of sewer line, separate systems of foul and surface water, details of the means of disposal of foul water, no occupation until foul drainage works have been completed.

**HIGHWAYS AGENCY:** Has no objection and requests that the views of the local highway authority should be considered.

**COUNTY ECOLOGIST:** Whilst generally happy with the layout there are some detailed comments about choice of and location of planting, the roll of the buffer strip to Burley Close and its content, the location and function of the open space and details of the emergency access and the entrance to the larger site off Low Street.

**SELBY & YORK PCT:** They say that additional dwellings in the locality will place additional pressure on the current practice in South Milford who is already trying to find a new site and this should be taken into consideration. Request that if the application were approved whether it would be the subject of a s.106 agreement.

**COUNTY HIGHWAY AUTHORITY:** No highways objections to the development. Recommends conditions relating to construction of roads and footpaths, parking spaces, garage conversion, precautions for mud on the highway and completion of works in the highway.

**COUNTY EDUCATION:** Requests a contribution of £154,530 to be sought for South Milford Community Primary School.

**COMMUNITY SAFETY OFFICER:** Comments that for a development of this size, vehicle crime is a concern so every effort should be made to make the site as safe and secure as possible. Advice is given on natural surveillance, parking, the entrance to the site and general security.

**NEIGHBOURS:**

The Chair of The Village People of South Milford has written to refer to their Parish Plan and they oppose any further housing development, that local resources would be stretched, the application to develop on Green Belt land should be refused and transport services are very infrequent.



A resident of Common Lane objects that nothing has changed since his last objection, the existing village facilities are stretched and more land should not be taken out of the Green Belt.

Milford Nurseries would like the developer to retain the southern boundary hedge and to repair the various gaps made within it.

Residents of Common Lane object on grounds relating to the locations of particular plots (Plots 70 to 74) that, they say will directly overlook their bedrooms and the rear access to these plots would also look into their bedroom. The hedge to be retained is unsuitable for housing, it has always been a farm hedge required to be cut by farm machinery and when it dies back it does not provide any screening, queries whether trees within the hedge are to be retained and how their electricity supply will be retained since it comes across the application site above ground.

Two letters from Burley Close residents who object to an earlier layout on the grounds that South Milford does not need or want more houses, there is poor drainage on the site, that they will be overlooked and they have been allowed to make a start on site without planning permission. Comments about quantities of standing water on the site and the extra traffic that would be generated.

A letter of representation and public speaking from the Land and Development Practice was referred to at the last meeting on behalf of Messrs Lunn and Mr & Mrs Ward. They strongly object to the lack of access to the STM/1B site and the policy requirement in Policy STM/1A for it to do so. Reference is made to the development brief and the expectation that proposals will comply with it. They regard the current development brief as a material consideration. In commenting on this earlier Committee report they say that there has been no indication from the Council that this site will not come forward since it is a matter for timing of release through the LDF.

These objectors make a detailed assessment of why access to the southern site should be provided and the weight to be afforded to the plan and to the development brief. They request that the layout should be amended to accord with the development plan or the application refused.

## **POLICIES AND ISSUES:**

### Selby District Local Plan

This is an allocated site within defined development limits and beyond the Green Belt. Thus, the principle of the development of this STM/1A allocation is in full accordance with both the Local Plan (policies H2A and H2) and the approval granted by the First Minister for the larger allocation (STM/1A).

The issues raised in some representations about the capacity of the village, impact on services and whether more houses are needed has been explored and addressed both through the local plan exercise and the call-in inquiry, it would be unreasonable to seek to re-examine these issues again on the back of this application.

Policy H2A states that sites allocated in Phase 1 will be acceptable for release up to the end of 2006. Phase 2 sites will only be released after 2006 and only if monitoring shows a potential shortfall in relation to the current required annual delivery rate in the regional

spatial strategy. The combined STM/1 sites, with the adoption of the Plan, are now within the defined settlement development limits for South Milford and are outside of the Green Belt. The present application site has an area of 1.98ha site so the PPG3 density would be 36.8 dwellings per hectare, which is consistent with H2B and compares with the existing consent of 32.3 dph across the whole site.

Policy STM/1A allocates this site as a Phase 1 release subject to the proposals making provision for:

- 1) vehicular access from Low Street
- 2) vehicular access to allocation STM/1B
- 3) a permanent landscaped eastern boundary
- 4) incorporation of amenity space and footpath links to secure pedestrian and cycle access between Low Street and Common Lane
- 5) noise amelioration measures, if necessary, to meet the requirements of an approved noise assessment
- 6) a mix of dwellings and a target 18 affordable units

The commentary to the Policy requires proposals to comply with an up to date development brief to cover both elements of the STM/1 allocation. It goes on to explain that a development brief is considered appropriate in order to ensure a comprehensive approach to the development of the allocation, which is both in multi ownerships and included in different release phases.

The Committee will be aware that the Council adopted the STM/1 Development Brief in February 2003. This is before the determination of the earlier applications and the adoption of the local plan. The brief is intended to maximise the benefits of a comprehensive approach to development and states that the whole site will be developed within the plan period (para 7.1). It thus does not reflect the phased release of the site or that STM/1B would only come forward if monitoring shows a potential shortfall. In some respects the requirements of the brief have been superseded in part by the existing approval that has been partly implemented. Having considered the representations referred to above, whilst the brief remains a material consideration it does not reflect the phased release introduced in the adopted plan. I would advise therefore that it cannot carry the full weight of an up to date supplementary planning document.

In addition, and at this stage, there is no certainty that the southern site will come forward. I say this since all applications for the release of Phase 2 sites that have been determined by the Inspectorate or the First Minister have consistently been refused and the recently released monitoring of housing completions for April 2005 to March 2006 reveals 638 gross completions. This is now above the retained Structure Plan target (620) and is thus evidence that there is no potential shortfall at the present time.

The present application conflicts with subs 2) to Policy STM/1A above in that the revised layout precludes vehicular access to the southern allocation. There is however a second and part implemented access available to the STM/1B site adjacent to the filling station. Since there is no certainty that the Phase 2 application will come forward, and without prejudice to any future decision of this Committee, it would seem to be an inefficient use of land to insist on a dead end road spur to be constructed. This single conflict with policy, I believe, would not in isolation be a sufficiently strong reason for refusal.

Application proposals

The three storey properties proposed are entirely within the central parts of the layout in that the northern and southern boundaries are predominantly two storey whilst there are two terraces of two and a half storey dwellings on the northern boundary but these are in identical or better relationships than previously approved. Overall, there are no significant outstanding site or neighbour specific issues in terms of the detailed site layout and I expect that any outstanding matters in terms of the play area, its location and the wider landscaping scheme can be controlled by condition on any approval.

The representations from the bungalow adjacent to the southeast corner of the site rightly point out that the relationship has changed since the earlier consent but the necessary retention of the hedge and the proposed 1.8m close-boarded timber fence in part would, I believe, prevent any undue overlooking in this location. This relationship was considered by the Inspector, and in the absence of any significant changes in planning circumstances since that decision, it would be difficult to seek to resist this relationship.

The EHO comments do not take full account of the existing approval in terms of those conditions that can reasonably be imposed and which were explored at the earlier Public Inquiry. There is no new evidence relating to contamination of the site and the earlier noise assessment and measures to protect properties from traffic noise have previously been considered and those measures can be reimposed across this remainder of the site. The existing consent precludes development outside of the hours of 0700hrs to 1900hrs Mon to Fri and 0700hrs to 1400hrs Sat, Sun and bank holidays and the same condition can be reimposed on any approval. Those comments from the County Ecologist do not appear to take account of the previously approved landscaping scheme and it is not possible to re-assess factors such as the location of the open space or the purpose of the buffer strip to Burley Close when these are, in my opinion, effectively fixed parts of the scheme and mostly are contained within the Phase 1 site.

A number of conditions had been satisfied in order to commence development of the first Phase and I am expecting the resubmission of much of this information in order that the same conditions do not need to be reimposed on any approval here. However, the full list of proposed conditions forms a part of the recommendation below.

#### Off site open space

The situation in respect of the search sequence for off-site open space provision, which was intended to address the deficiency in Youth and Adult provision, was commenced in May 2005 when the applicants identified a schedule of eight sites in accordance with the requirements of the planning obligation. The two sites out of these which I considered were best located in relation to the application site, the village and existing facilities were to the east of Common Lane, very close to the STM/1A site. The applicants responded by saying that these sites were not available since they had an unwilling vendor and, instead favoured the existing temporary facilities further away on Common Lane leased to South Milford Football Club. The next favoured site after the first two had a willing vendor but is to the east of the by pass and I had suggested that if better linkages to it could not be achieved - some way of crossing the bypass, I had requested that negotiations should continue in seeing if the first two sites adjacent to STM/1 could become available.

Since the deferral at Committee in May, the applicants have now requested that they invoke the alternative clause in the planning obligation which states that if within 12

months of the commencement of development, planning permission has not been granted for off site additional Youth and Adult Play Space, the developers would instead pay a single commuted sum of £56,628 in lieu of the off site provision.

In assessing this request, I have been guided by the current Consultation Draft SPD on Developer Contributions. This has an appendix on Recreation Open Space, which is informed by the 2005 survey of recreation open space. For example, the two football pitches with portable buildings at Common Lane, favoured by the applicants have recently been added to the 2005 survey and overall the survey concludes that there is now no deficiency for recreation areas within South Milford. In addition, the site at Common Lane preferred by the applicants falls within the distance guidance of 1.5km contained within the SPD.

In view of the late receipt of this request I have been unable to conclude a recommendation on this point in time for this report and discussions are thus continuing in order that I can report in detail on this matter to Committee.

### Affordable Housing

A potential change in circumstances since the existing approval in February 2005 is the Policy and Resources Committee resolution of June 2005, which now seeks a 40% target for affordable housing. The Supplementary Planning Document (referred to above), which contains this provision, is now out for public consultation and Committee have, to date, rigorously applied this new approach in respect of affordable housing.

The applicants have been invited and requested to explain why they only appear to be providing 3 affordable units within this site, notwithstanding the target in Policy H4 and in the knowledge that those targets are subject to change as a result of the adopted Housing Needs Assessment 2005. I had suggested, by taking into account the existing consent that perhaps a suitable compromise would be the provision of 40% across the whole site that would seek a target of 43 units compared to the previous total of 30 that are controlled through the planning obligation.

In response to my approaches, the applicants have stated that the planning authority must have regard to the fall back position provided by the extant planning permission which has been implemented in respect of a first phase and which can be completed across the land which now comprises the Phase 2 application site. They say that construction (in late March 2006) has now reached a stage where road works need to extend into the Phase 2 land. By departing from the approved scheme in order to achieve a better designed development, and through the introduction of new and improved house types, they say they have incurred considerable additional costs but that these costs would pale into insignificance in comparison with the potential costs of any further disruption in construction and/or the costs of providing additional affordable housing to the Council's current standards. They conclude by stating that it is unreasonable for the Council to seek an increase in the number of affordable units within the site.

My guidance to the applicants to date, in accordance with the draft SPD, is that they have the opportunity to provide evidence of their contractual commitment and the overall viability of the scheme as a consequence of the request for an increased proportion of affordable housing. I take the view that those additional costs they refer to in order to achieve a better design and development is a decision within their own control and they have declined to provide any further substantiation. Whilst the fall back position of the

existing consent is relevant, the present application must be determined in accordance with the plan unless material considerations indicate otherwise. Thus the applicants would retain the choice to implement the existing consent but I am not satisfied that they have demonstrated that the site would become unviable or that the provision of affordable housing to the across the board target of 40% would prejudice the realisation of other planning objectives.

## **CONCLUSION:**

The release and development of the site remains in accordance with the development plan and most of the requirements negotiated with the previous approval can be addressed through a new or supplemental planning obligation.

The site layout does not create any new significant issues with neighbours taking account of the existing consent and many of the conditions on the present consent across the whole allocation can be reasonably reimposed on any approval here.

I remain cautious over the lack of evidence to substantiate the applicants' assertion that they are unable to increase the proportion of affordable housing and I will report further on the matter of off site open space.

In view of the progress of development on site and that the applicants need to take decisions about the layout for this Phase 2 part of the site, with the benefit of Committee instructions on, particularly the affordable housing issue, I would seek a delegation to the Principal Planning Officer to grant approval of the application subject to the conclusion of the necessary planning obligation to reflect the Committee's decision and subject to the conditions below.

## **RECOMMENDATION:**

This application is recommended to be Granted subject to the following conditions and the applicant entering into a Section 106 Agreement as detailed above:

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 Compensation Act 2004.

02. No development shall commence until details of the proposed means of disposal of foul and surface water drainage, and including details of sustainable drainage techniques (including details of the maintenance and management of such techniques) any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained having had regard to Policy ENV1 of the Selby District Local Plan.

03. No part of the development shall be first occupied until the approved scheme for the disposal of surface and foul water to serve that particular property has been implemented in full accordance with the approved scheme required under Condition 2) above.  
Reason: To ensure that the development can be properly drained having had regard to Policy ENV1 of the Selby District Local Plan.
04. Prior to the discharge into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through an interceptor.  
Reason: To prevent pollution of the water environment.
05. All those trees and hedgerows indicated to be retained on approved drawing no PO5:3501:01 Rev J, together with the existing hedge along the southern boundary of the site which shall be retained in its entirety shall be provided with high visibility protection in accordance with details to be submitted to and approved in writing by the local planning authority prior to the continuation of any groundworks or works of development on the site and these measures shall be retained at all times during the course of development and not be removed until the substantial completion of the development in their particular vicinity.  
Reason: To ensure for the satisfactory protection of natural features and in accordance with the details of the application.
06. During the course of development no site materials storage, vehicle movements or other construction activities shall be undertaken within the protected zone defined by the protective fencing under Condition 5) nor beneath the canopy spread of any of the trees to be retained.  
Reason: To ensure for the satisfactory protection of natural features and in accordance with the details of the application.
07. The scheme of landscaping and trees planting shown on Drawing Number JBA (N) 02/746/03 Rev E received by the Local Planning Authority on 02/12/05 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.  
Reason: To secure the satisfactory implementation of the proposal, having had regard to Policy ENV1 of the Selby District Local Plan.
08. Details of the measures to protect, manage and maintain the northern buffer strip at the rear of Burley Close properties shall be submitted to and approved by the local planning authority prior to its first implementation.  
Reason: In accordance with the details of the application and to ensure for the satisfactory retention and maintenance of this area.

09. The area of the buffer strip to the rear of Burley Close properties shall be demarcated on site during the development of adjacent plots and until the occupation of any adjacent property be protected by high visibility fencing in accordance with details to be submitted to and approved in writing by the local planning authority.  
Reason: In order to define this area and prevent unnecessary ground compaction in an area to be landscaped as part of a strategic buffer.
10. The buffer strip to the rear of Burley Close properties shall be completed in full accordance with the approved details prior to the first occupation of any dwelling on plots 46 to 64 (inc).  
Reason: In order to ensure the provision of this buffer strip in accordance with the details of the application.
11. All excavations in the vicinity of trees the subject of a Tree Preservation Order shall follow the guidelines in NJUG 10 and details of the construction specification, including service runs, road surfaces, permeable hardstanding and kerb details for all works beneath the canopies of the trees the subject of a Tree Preservation Order on the site shall be submitted to and approved by the local planning authority before works beneath such trees commence. The works shall thereafter proceed strictly in accordance with the approved details.  
Reason: In the interests of preventing damage to or compaction of the roots of protected trees, in accordance with S197 of the Act and to ensure the satisfactory protection of trees
12. There shall be no access permitted to the site for construction traffic other than from the approved means of access through Phase 1 from Low Street.  
Reason: In accordance with the previous approval on the site and in the interests of highway safety
13. No dwelling to which this permission relates shall be first occupied unless or until the carriageway and any footway from which it gains access is constructed to base course level and /or block paved and kerbed and connected to the existing highway network with street lighting which is in operation.  
Reason: To ensure safe and appropriate access and egress to the premises in the interests of highway safety and the convenience of prospective users of the highway
14. The area of open space and equipped play area shall be laid out, equipped and made available for use in accordance with the approved plans to a timescale to be submitted to and approved by the local planning authority prior to the commencement of development on the site.  
Reason: To ensure the satisfactory provision of on-site recreational open space in accordance with Policy RT2 of the Selby District Local Plan.
15. Details of the external facing materials to be used for each individual dwelling hereby approved shall be submitted to and approved by the local planning authority prior to the commencement of development of that dwelling  
Reason: In the interests of visual amenity and in order to provide a variety and interest in materials, to comply with the Design Analyses submitted as part of the application hereby approved.

16. Details of existing and proposed site levels and the details of all finished floor levels shall be submitted to and approved by the local planning authority prior to the commencement of development  
Reason: To maintain the local planning authority rights of control over the finished height of land and dwellings.
17. No development shall commence until a scheme for protecting the internal and external environment of the dwellings from road traffic noise and from noise from the corn dryer at Burley House Farm have been submitted to and approved by the local planning authority. The works approved as part of the approved scheme shall be implemented before the first occupation of any dwelling and thereafter retained at all times  
Reason: In order to protect the amenities of the occupants of the dwellings hereby approved.
18. No material operation of development (within the meaning of s.56 of the 1990 Act) to facilitate the development hereby approved shall be undertaken outside of the hours of 0700hrs to 1900hrs Monday to Friday, 0700hrs to 1400hrs on Saturdays and at any time on Sundays or Bank Holidays.  
Reason: In the interests of the residential amenities of the area.



**C LIST      APPLICATIONS DETERMINED BY COUNTY**

- |       |                                    |   |
|-------|------------------------------------|---|
| 1.    | C8/19/24S/PA<br>SELBY              | Corporate Director, Education Services  |
|       | Proposal:                          | Replacement of a temporary classroom unit with permanent classroom and nursery accommodation and external landscaping works at Barwic Parade County Primary School, Barwic Parade, Selby  |
|       | District Council's Recommendation: | No Objections.  |
|       | NYCC Decision:                     | TEMPORARY PERMISSION GRANTED  |
| <hr/> |                                    |   |
| 2.    | C8/19/223AM/PA<br>SELBY            | Corporate Director, Education Services  |
|       | Proposal:                          | Erection of steel gates and a new fence at Selby High School, Leeds Road, SELBY   |
|       | District Council's Recommendation: | No Objections.  |
|       | NYCC Decision:                     | PERMISSION GRANTED CONDITIONALLY  |
| <hr/> |                                    |   |
| 3.    | C8/19/1631/PA<br>SELBY             | Yorkshire Water Services Ltd  |
|       | Proposal:                          | Erection of a new sewage pumping station to replace existing at Holmes Lane Sewage Pumping Station, Millgate, SELBY   |
|       | District Council's Recommendation: | No Objections.  |
|       | NYCC Decision:                     | PERMISSION GRANTED CONDITIONALLY  |
| <hr/> |                                    |   |
| 4.    | C8/25/60G/PA<br>DRAX               | Corporate Director, Education Services  |
|       | Proposal:                          | Application for the deletion of a condition applied to a previous planning permission granted for the creation of a new car park at Drax Community Primary School, Castle Hill Lane, DRAX |
|       | District Council's Recommendation: | No Objections   |
|       | NYCC Decision:                     | WITHDRAWN   |

5. C8/25/60H/PA  
DRAX Corporate Director, Children and Young People's Service

Proposal: Retention of Elliot Prefabricated Unit 1168 at Drax CP School, Castle Hill Lane, DRAX

District Council's Recommendation: No Objections

NYCC Decision: TEMPORARY PERMISSION GRANTED

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6. C8/40/8AD/PA  
CRIDLING STUBBS Waste Recycling Group Ltd

Proposal: Proposed development for the purposes of temporary change of use for the storage of landfill gas utilization engines at Darrington Quarry Landfill, Stubbs Lane, CRIDLING STUBBS

District Council's Recommendation: No Objections

NYCC Decision: TEMPORARY PERMISSION GRANTED

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7. C8/40/8AE/PA  
CRIDLING STUBBS Darrington Quarries Ltd

Proposal: Proposed development for the purposes of processing of externally derived material (spent railway ballast) at the existing washing plant at Darrington Quarry, Stubbs Lane, CRIDLING STUBBS

District Council's Recommendation: No Objections

NYCC Decision: PERMISSION GRANTED CONDITIONALLY

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8. C8/42/136A/PA  
WHITLEY The Headmaster, Whitley & Eggborough CP School

Proposal: Erection of playground equipment at Whitley and Eggborough CP School, Selby Road, WHITLEY

District Council's Recommendation: No Objections

NYCC Decision: PERMISSION GRANTED CONDITIONALLY

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9. C8/58/82V/PA The Headteacher, Sherburn Hungate CP School  
SHERBURN IN ELMET

Proposal: Proposed siting of two steel container units and three  
playground canopies (retrospective) at Sherburn CP  
School, North Crescent, SHERBURN IN ELMET

District Council's  
Recommendation: No Objections

NYCC Decision: PERMISSION GRANTED CONDITIONALLY

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10. C8/73/204VPA Corporate Director, Children and Young People's Services  
TADCASTER

Proposal: Proposed retention of an Elliott Medway Prefabricated Unit  
1532 at Riverside Community Primary School, Wetherby  
Road, TADCASTER

District Council's  
Recommendation: No Objections

NYCC Decision: TEMPORARY PERMISSION GRANTED

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