



Report Reference Number 2020/1265/FUL

To: Planning Committee
Date: 7 April 2021
Author: Elizabeth Maw
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1265/FUL	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Wheatley Developments	VALID DATE: EXPIRY DATE:	23rd November 2020 18th January 2021
PROPOSAL:	Proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity		
LOCATION:	Land Adjacent 27 Low Street Sherburn In Elmet North Yorkshire		
RECOMMENDATION:	Minded to APPROVE subject to a S106 Agreement on Recreational Open Space and Waste/ Recycling Contributions		

This application has been brought before Planning Committee as 11 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

The application was deferred at the 10th March 2021 planning committee to allow officers time to consider an amended plan and consult with the North Yorkshire County Council Highways Team. The outcome is that the amended plan is considered acceptable and Highways raise no objections. The application is therefore being brought back to Planning Committee for a determination.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a vacant piece of land located in Sherburn in Elmet. It is 0.09ha and previously occupied by a detached house. The house was demolished in approximately 2013. The land has been stood vacant since.
- 1.2 The site is located on Low Street and just outside the defined commercial centre of Sherburn. The surrounding land uses are a mixture of both residential and commercial. It is a high activity area with regular traffic and footfall.

- 1.3 To the north of the application site is Orchard Cottages. These are terraced cottages extending back from Low Street. These houses are accessed via a narrow lane, which is an adopted highway but it has a traffic regulation order to restrict use to access only. It is regularly used for on street parking and part of the lane is used for resident bin storage.
- 1.4 To the south and east is a house called Pentland House; a domestic property that has had a number of uses operating from the land over the years including a market, garden centre and a haulage business. Directly opposite the site is housing and a public house.

The Proposal

- 1.5 The proposal is for five new houses and associated works. The layout shows two houses fronting onto Low Street and three houses behind. All the properties are three bedrooms.
- 1.6 The application has been amended since submission. The submitted plan showed the drive to Plot 1 being accessed from Orchard Cottages and the remaining four plots being accessed from Low Street. A total of 11 parking spaces were proposed. An access being created off Orchard Cottages was controversial with residents.
- 1.7 An amended plan proposes to serve all five properties from Low Street. There would be no vehicular access from Orchard Cottages. 11 parking spaces have been retained as well.

Relevant Planning History

- 1.8 The following historical applications are considered to be relevant to the determination of this application.

Application Number: 2009/0995/OUT

Alternative Reference: 8/58/946/PA,

Outline planning permission with all matters reserved for 5no townhouses (two and a half storey) following demolition of existing dwelling.

Withdrawn: 2nd February 2010

Application Number: 2010/0448/OUT,

Alternative Reference: 8/58/946A/PA,

Outline application for the erection of five No. two and a half storey town houses following demolition of the existing dwelling.

Withdrawn: 21-FEB-11

Application Number: 2013/0738/DEM

Prior notification for the demolition of Barnstone.

Granted 19-SEP-13

2. CONSULTATION AND PUBLICITY

- 2.1 **Selby Area Internal Drainage Board** – No response received within the consultation period.
- 2.2 **Yorkshire Water Services Ltd** – No objections, subject to conditions.

2.3 **NYCC Highways** – No objections, subject to conditions.

2.4 **Contaminated Land Consultant** – A site investigation shows that the site has previously been developed. The report concludes that for development to go ahead, remediation is required, such as a capping layer of clean soils to any soft landscaped areas/gardens. The report is considered acceptable but the proposed remediation requires further discussion. In conclusion there are no objections, subject to conditions.

2.5 **Parish Council** – Raised several concerns, which are summarised below:

Sherburn in Elmet, is one of the fastest growing settlements in North Yorkshire that will have an estimated 10,000 residents, (a 43% increase in population) when the current planned housing developments are completed. The town centre has remained much the same for the past 40 years with its limited shopping centre, road space and narrow pavements. Demand for retail outlets in the town centre is high as the number of retail premises limited. The availability of this site, in this location in the town centre, is a unique opportunity to improve the retail sector. More retail outlets to meet the demands of the existing community would be a better development than dwellings.

The five proposed houses are excessive for this plot.

The site is located in a busy area with a public house directly opposite and it is on a part of the street with parking restrictions. The Parish Council has highway concerns including visibility, larger vehicles being unable to use the shared parking court, which encourage these vehicles to park on Low Street and create a highway issue and insufficient parking.

There is a surface water problem on Low Street. This development and its associated hardstanding will add to the surface water problems.

2.6 **Environmental Health** – The development is close to noise sources including road noise and a public house opposite. It is considered that the houses will be able to mitigate for these noise levels. It is preferable to provide a noise survey before a decision is being made but the pub is closed and the area is in lockdown, therefore the noise survey would not give accurate readings. In this case, a noise survey can be conditioned. The noise survey should include appropriate mitigation.

There could be a construction noise impact, particularly in the event that piled foundations are necessary. A construction statement is therefore recommended by condition which will need to demonstrate how local residents will be protected from noise during the construction phase.

2.7 **Waste and Recycling Officer** – No objections and it is noted that the development has provided a bin collection point near to the entrance. If the development is approved, as there are 4 properties, the developer will be required to pay for the waste and recycling containers.

2.8 **Archaeology** - Sherburn in Elmet is of considerable archaeological interest. However, map regression indicated at least two successive periods of post-medieval development. As a result, any archaeological deposits would be likely to

be truncated and of limited evidential value. Therefore, no objections and no conditions are recommended.

PUBLICITY

- 2.9 The application was advertised by site notice and neighbour notification letter. 11 letters of objection have been received. The objections are summarised below:

Highway and parking concerns due to an access being created off Orchard Cottages (no longer relevant – amended plans have overcome this concern).

The stone wall that divides the site from Orchard Cottage is of value to the historic character of Sherburn. The partial demolition of the wall to create an access for Plot 1 would be detrimental to its historic value (no longer relevant – an amended plan has overcome this concern)

Highway safety concerns because the development would result in vehicles crossing over a pavement that has a high footfall.

Low Street has surface water flooding problems. Concerns that the development will add to the problems, including flooding of houses and businesses.

The development does not have sufficient visitor spaces. The lack of visitor spaces would result in an increased parking demand on Orchard Cottages. This is a street that is already under significant parking pressure.

Overlooking concerns from the rear elevations of the frontage properties to the properties on Orchard Cottages.

The two frontage properties are proposed to be faced in a red brick. Render would be a better external finish as it would tie in with the properties that are close to the front of the site.

There is a boundary dispute alongside 27 Low Street.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site has very few constraints. It is located within the Development Limits of Sherburn and defined as 'previously developed land'. The site is within flood zone 1 so it is not vulnerable to river flooding but letters of representation advise there are surface water issues along Low Street.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP4 - Management of Residential Development in Settlements
SP15 - Sustainable Development and Climate Change
SP19 - Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to the Highway Network
T2 - Access to Roads
RT2 - Open Space Requirements for New Residential Development
VP2 - Vehicle Parking Standards

Supplementary Planning Documents

- 4.8 Sherburn in Elmet Village Design Statement SPD

5 APPRAISAL

5.1 The main considerations of this application are:

Principle of the development
Design and the impact upon the appearance of the area
The effect upon residential amenity
Residential standards
Highway, parking and traffic considerations
Flooding and drainage
Open space contributions
Waste and Recycling

Principle of the Development

- 5.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.3 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Proposals for development on non-allocated sites must meet the requirements of Policy SP4".
- 5.4 Policy SP4(a) of the Core Strategy states that "*in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits*". In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages - "*Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)*."
- 5.5 The application site is previously developed land and located within the defined development limits of Sherburn In Elmet, which is a Designated as a Local Service Centre.
- 5.6 The Parish Council and some letters of representation considers this site to provide an opportunity to improve the provision of shops and services, which is needed more than housing. The LPA have to assess the proposal put forward and cannot insist on a site being used for an alternative purposes or refuse the application for this reason, particularly when it is outside of the defined commercial centre.
- 5.7 The proposal for housing is therefore acceptable in principle given the councils spatial strategy allows for growth within the settlement of an appropriate scale.
- 5.8 It is noted that Policy SP4 (c) of the Core Strategy states, "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available".

- 5.9 Therefore, whilst being acceptable in principle it will be subject to the considerations of design, character and later as detailed below.

Design and the Impact upon the Appearance of the Area

- 5.10 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 “Design Quality” of the Core Strategy.
- 5.11 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 127, 130 and 131.
- 5.12 The Village Design Statement for Sherburn in Elmet is afforded material weight as well.
- 5.13 Low Street has a high density settlement pattern and a mixed local vernacular but with a number of distinguishing characteristics. The older buildings along Low Street are in a linear arrangement and border the roadside. These older buildings are two storeys with pitched roofs, simple gables and some traditional fenestration including chimneys, windows with a vertical emphasis and heads and cills. The materials on these older buildings are predominantly render or stone and a mixture of roof tiles. Many of the older buildings have lost some of their traditional features and there are newer infill developments that has further diluted the traditional character. However, the older buildings continue to define the street and dominate the character of Low Street.
- 5.14 Developments behind Low Street can be seen between the gaps of the frontage buildings and they vary in their design and settlement pattern. The Village Design Statement provides a good assessment of the character and it states, “*There are several infill developments of varying ages throughout this area, but overall the character has been retained and it is relatively well defined against the lower density suburban developments surrounding it*”.
- 5.15 The two proposed frontage houses are close up to the roadside with a form and detail that is very much reflective of traditional buildings along Low Street. The two frontage houses will complement the street scene and the historic buildings along Low Street. A letter of representation considers the use of a red brick to the frontage plots would be unsuitable and a render would be more characteristic. There is the use of red brick on Low Street although they are a lesser dominant material and more prevalent on the Victorian buildings. As such, officers agree that render would be more of an appropriate choice of material for the frontage plots or stone as a second alternative. A materials condition will give the LPA an opportunity to agree either stone or render with the developer.
- 5.16 The three proposed houses at the rear of the plot are two and a half storey townhouses. They are less traditional in their form, but they have a lesser influence on the street scene because they are set back into the plot and the character of buildings in the background of Low Street is very mixed. The materials proposed are a red brick but stone or render would be more suitable. A material condition will secure either stone or render as the external finish.

- 5.17 One other matter that has been raised by local residents is the stone boundary wall that runs between Orchard Cottages and the north boundary of the site. Residents consider this wall to enhance the historic character of Sherburn. They would like to see this wall kept intact. The wall is not listed and not within a conservation area, therefore it is not offered any statutory protection. It is not known if the developer owns this wall and as it has no protected status, the LPA cannot insist on its long term retention. Nevertheless, now that there is no access from Orchard Cottages, there would be no reason for the developer to disturb the wall. A boundaries condition on any planning approval will ensure that the wall is not going to be removed because of the proposed development.
- 5.18 In conclusion, the design and layout are well thought out, subject to a condition for materials to be agreed. The proposed design and layout are in accordance with the NPPF and local policies ENV1 and SP19. These are policies that seek to ensure new development is sympathetic to the character of an area.

The Effect Upon Residential Amenity

- 5.19 Protecting residential amenity is one of the fundamental principles of good design. Paragraph 127 of the NPPF is relevant to this stance as it states planning decisions should ensure that developments “*will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*”.
- 5.20 Local Policy ENV1 (part 1) advises proposals to take account of the effect upon the amenity of adjoining occupiers.
- 5.21 The proposed frontage properties will be directly opposite a public house and residential properties. The separation distance is about 10m. A separation distance of 10m is low but not unusual or unacceptable for street facing elevations because street facing elevations tend to have a lower standard of privacy due to regular passing footfall and traffic. Secondly, the houses directly opposite are overlooked by the housing next door to this site, therefore whilst overlooking will increase it will not be new or detrimental to privacy.
- 5.22 The rear elevations of the proposed frontage properties will have a view towards Orchard Cottages but with a separation distance of 25m, there would be no harm to privacy.
- 5.23 The proposed three houses to the rear are carefully sited. They would be relatively in line with the terraces on Orchard Cottages and Pentland House, which is to the south. Plot 5 would result in some increased overlooking to properties on Orchard Cottages, particularly No9, but the elevations have been carefully designed to reduce this impact. The rear elevation of Plot 5 has only one central window on each floor. This creates an obtuse angle between the rear of plot 5 and the properties on Orchard Cottages. Furthermore, the cottages are already overlooked by the properties on the opposite side of their street.
- 5.24 Pentland House would not be detrimentally affected by the proposal. The layout of the proposed development promotes good separation distances and no overshadowing issues. The wall that separates the two sites will ensure occupiers of Pentland House do not have headlights shining into their property or become disturbed by comings and goings and a condition will be imposed to ensure this wall is retained.

- 5.25 Plots 4 would have a garden gate onto Orchard Cottages. The plot would be served off Low Street and the garden gate is only intended to provide access for maintenance. This would be an irregular use and not expected to generate regular footfall onto Orchard Cottage.

Highway, Parking and Traffic Considerations

- 5.26 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF which states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 109 of the NPPF advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 5.27 Appendix 4 of the Selby District Local Plan stipulates parking standards for new dwellings. It states two off street parking spaces are required for each three-bedroom property plus one visitor space per five dwellings. These standards are expressed as a maximum.
- 5.28 There are a total of 11 parking spaces for five houses, which will provide 2 spaces to each of these family sized dwellings and one space for visitors. This development achieves maximum parking standards. The local service centre of Sherburn is a sustainable area in policy terms. It benefits from a commercial area with numerous shops. Schools are close by. The town is served by public transport including buses and a train station. When sites are located in sustainable areas (such as this site) there is an opportunity to rely less on the car, which in turn can reduce car ownership. When considering the sustainable location and the development achieving maximum parking standards, the parking levels are acceptable and in accordance with the local plan.
- 5.29 All five plots will be served off Low Street. This will lead onto a private drive with shared parking court. The parking court allows vehicles to turn and exit in a forward gear. The parking layout does not allow sufficient room for a bin wagon or larger vehicles, which is not unusual or expected for a private drive with shared parking court. Bins will be collected from Low Street and a bin collection point near the entrance is indicated on the drawings.
- 5.30 It would be permitted development to create an access off Orchard Cottages at a later date. Officers have recommended a condition to be imposed to take this permitted development right away. If an access was proposed to be created from Orchard Cottages in the future then a planning application would be required to re-consider the merits of this access.
- 5.31 In conclusion and on the basis of the favourable comments from the Highway Officer, the highway specifics are considered to be acceptable and no highway safety issues would arise, therefore the proposal for five dwellings would accord with Page 39 Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

Flooding and Drainage

- 5.32 The site is within flood zone 1, therefore not vulnerable to any sea or river flooding. Objections have advised that Low Street regularly floods because of surface water. Additionally, cars travelling through the standing surface water creates waves up to the pavement and housing. An objector and local councillor is concerned this development will increase the surface water problems.
- 5.33 The existing site is relatively flat and partially covered in hard standing. Given the small-scale nature of the site and with it being a relatively flat site with existing hard standing, the impact of this development on surface water levels would be minor. Permeable paving for the parking areas is proposed as well. Nevertheless, several small developments in a local area can incrementally start to affect surface water levels and a development of five houses on this site will reduce impermeable areas. It would be reasonable in this case to impose conditions that will ensure surface water is properly drained to mitigate for the increase in density on this site. Appropriate conditions would result in a neutral impact to surface water levels.

Open Space Contributions

- 5.34 Local Plan Policy RT2, Core Strategy Policies SP12 and SP19, in addition to the Developer Contributions Supplementary Planning Document relate to the provision of recreational open space.
- 5.35 The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement for schemes of more than 4 dwellings and up to and including 10 dwellings would require a commuted sum to provide new or upgrade existing facilities in the locality.
- 5.36 Policy RT2 b) advises that the following options would be available, subject to negotiation and levels of existing provision:
- provide open space within the site;
 - provide open space within the locality;
 - provide open space elsewhere;
 - where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.37 The viable option here is for a commuted sum to upgrade or provide new public open space. The cost per dwelling for upgrading existing open space is £991. The cost per dwelling for provision of new recreation facilities is £1,095. Payment would be secured through the applicant entering into a Section 106 Agreement prior to the issuing of any planning permission.
- 5.38 Sherburn Parish Council have been asked whether they would prefer a contribution towards new or existing space in the locality. No response has been received so far. Should no response be received by the Planning Committee meeting then officers recommend a legal agreement that requires a commuted sum to be spent on the upgrading of existing open space within Sherburn.

Waste and Recycling

- 5.39 For developments of 4 or more dwellings, developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling equipment.

- 5.40 The waste and recycling contribution would be provided under the Section 106/Unilateral Agreement in accordance with Developer Contributions.

Other Contributions

- 5.41 Local Plan Policy ENV1 and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education and healthcare are required. Given the small scale of the application, it does not trigger any of other contributions that are listed.

6 CONCLUSION

- 6.1 The proposed development is acceptable in principle. The proposal would redevelop a Brownfield site in a sustainable area with family dwellings. The design and layout compliment the character of Low Street. There would be no harmful impact to the residential amenity. Access off Low Street is acceptable and it has sufficient parking for the five houses it will serve. Surface water can be controlled by planning condition.

7 RECOMMENDATION

- 7.1 This application is recommended to be GRANTED subject to the following conditions and the applicant enters into a S016 agreement for Recreation Open Space and Waste/ Recycling Contributions:

- 01 The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 02 The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications set out below (but excluding the materials legend):

Drawing Number: PL01 Revision 1: Location and Block Plan

Drawing Number PL03 Revision 9: Proposed Block Plan

Drawing Number PL04 Revision 3: Proposed Site Plan

Drawing Number PL05 Revision 2: House Type A Proposed Plans (Plots 3,4 & 5)

Drawing Number PL06 Revision 2: House Type B Proposed Plans (Plots 1 & 2)

Drawing Number PL07 Revision 2: House Type A Proposed Elevations (Plots 3,4 & 5)

Drawing Number PL08 Revision 2: House Type B Proposed Elevations (Plots 1 & 2)

Drawing Number PL09 Revision 1: House Block A Block Plans and Elevations (Plots 3,4 & 5)

Drawing Number PL10 Revision 1: House Block B Block Plans and Elevations (Plot 1 & 2)

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with

Policy ENV1.

- 03 Prior to the commencement of the relevant works, details of the materials to be used in the construction of the exterior walls and roofs of the dwellings hereby approved; 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 Prior to any boundary treatments being installed, removed or altered, a scheme detailing all boundary treatments to be used in the final development and boundaries to be removed/ retained shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason:

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

- 05 No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority and the Council's Environmental Health Team. The approved Plan shall be adhered to throughout the construction period relating to the development hereby approved. The plan shall provide for the following:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.
- f. details of construction hours.
- g. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- h. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In accordance with Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and to protect the general amenity of the area, the environment and local residents from pollution.

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

Reason:

In the interest of satisfactory and sustainable drainage

- 07 There shall be no piped discharge of surface water from the development prior to

the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal

- 08 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

- 09 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 10 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

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

- 11 The development must not be brought into use until the access to the site at 27 Low Street has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:

The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E50 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

- 12 There must be no access or egress by any vehicles between the highway and the application site at Low Street until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. These visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In the interests of highway safety

- 13 Notwithstanding the provisions of Class B, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2005 (as amended), there shall be no formation, laying out and/or construction of a means of a vehicular access from the application site onto Orchard Cottages.

Reason:

To ensure the Local Planning Authority exercises control over any future access onto Orchard Cottages, to ensure any access is suitable in highway terms and it does not have a negative impact to the living conditions of residents of Orchard Cottages.

- 14 A noise survey to confirm external noise levels and recommend any required mitigation to protect residents from noise from road traffic and the public house opposite shall be submitted to and approved in writing before commencing construction of the dwellings hereby approved. The development shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

Reason

To safeguard the amenity of the proposed dwellings from the predicted noise levels which exist on the site.

Informatives

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

02 INFORMATIVE
Community Infrastructure Levy - The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement. The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available via the Planning Portal (www.planningportal.co.uk (search for CIL) and should be emailed to cil@selby.gov.uk

Further information on CIL can be found at www.selby.gov.uk/planning or by contacting the Council's CIL and S106 Officer via cil@selby.gov.uk

03 INFORMATIVE
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

04 INFORMATIVE
Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[Specification for Housing and Industrial Estate Roads and Private Street Works - 2nd Edition \(northyorks.gov.uk\)](http://www.northyorks.gov.uk)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 11 of this permission.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

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

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/1265/FUL and associated documents.

Contact Officer: Elizabeth Maw (emaw@selby.gov.uk)

Appendices: None