

Meeting: Selby and Ainsty Area Constituency Planning Committee

Members: Councillors John Cattanach (Chair), Mark Crane, Mike Jordan, Cliff Lunn, Bob Packham (Vice-Chair), Steve Shaw-Wright and Arnold Warneken.

Date: Wednesday, 1st May, 2024

Time: 2.00 pm

Venue: Selby Civic Centre

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the agenda, if you have any queries.

This meeting is being held as an in-person meeting that is being live-streamed and will be available to view via the following link [Agenda for Selby and Ainsty Area Constituency Planning Committee on Wednesday, 1st May, 2024, 2.00 pm | North Yorkshire Council](#).

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Agenda

- 1. Apologies for Absence**
- 2. Minutes for the Meeting held on 13 March 2024** (Pages 3 - 8)
- 3. Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
- 4. 2023/0220/COU - Kings Arms, Marsh Lane, Beal, DN14 0SL** (Pages 9 - 28)
Report of the Assistant Director – Planning – Community Development Services.
- 5. ZG2023/1268/FUL - Proposed Upgrading works to the** (Pages 29 - 40)
existing streetscape at Land to the junction with Wolsey Croft and Low Street, Sherburn in Elmet, North Yorkshire
Report of the Assistant Director – Planning – Community Development Services.

6. Any other items

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

7. Date of Next Meeting

Wednesday, 12 June 2024 at 2.00 pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Dawn Drury, Democratic Services Officer

Tel: 01757 292065

Email: dawn.drury@northyorks.gov.uk

Tuesday, 23 April 2024

North Yorkshire Council

Selby and Ainsty Area Constituency Planning Committee

Minutes of the meeting held on Wednesday, 13th March, 2024 commencing at 2.00 pm.

Councillor John Cattanach in the Chair, plus Councillors Mark Crane, Mike Jordan, Cliff Lunn, Bob Packham and Arnold Warneken.

Officers present: Kate Lavelle – Assistant Lawyer Property and Planning, John Worthington – Executive Officer (Development Management), Lisa Adler – Career Graded Planning Officer, Hannah Blackburn - Planning Development Manager, Yvonne Naylor – Principal Planning Officer, Linda Drake – Planning Project Officer; and Dawn Drury – Democratic Services Officer

Copies of all documents considered are in the Minute Book

28 Apologies for Absence

There were no apologies for absence.

29 Minutes for the Meeting held on 10 January 2024

The minutes of the meeting held on Wednesday 10 January 2024 were confirmed and signed as an accurate record.

30 Declarations of Interests

Councillor Arnold Warneken declared a pecuniary interest in item 7 of the agenda, as he was the landowner. He confirmed that he would leave the meeting during consideration of the item, however he would be speaking, as a public speaker, in support of the application.

Councillor Mike Jordan declared a pecuniary interest in item numbers 4 and 5 of the agenda and confirmed that he would leave the meeting during consideration of both items.

Councillor Bob Packham declared a non-pecuniary interest in item numbers 4 and 5 of the agenda as in his position as the Division Member he had received numerous pieces of correspondence on the applications. He confirmed that as he had not expressed an opinion on the outcome of either applications, and was keeping an open mind, that he would speak and vote on both items.

The Chair confirmed that an officer update note had been circulated and added to the North Yorkshire Council website.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration of a planning application the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

31 2022/1236/FULM - Garden Lane, Sherburn in Elmet

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the development of 66 dwellings with associated landscaping and highways and demolition and off-site highways works at land at Garden Lane, Sherburn in Elmet. The proposal was that all the dwellings would be provided as affordable units either as affordable rent, shared ownership or rent to buy for those with local connections.

The Planning Development Manager advised Members that since the publication of the agenda pack on 5 March 2024, the applicant had confirmed that they would accept the s106 costs requested by Officers for education and healthcare, as detailed in the Officer Update Note. The non-payment of these contributions was the sole recommended reason for refusal of the application by Officers, therefore, in the interests of transparency and robust decision-making Officers respectfully requested that Members agree to a deferral of the application. This would allow Officers to consider the changed position, and for further discussions to take place with North Yorkshire Highways to seek clarity, following the Committee's site visit which took place on Monday 11 March 2024. Members were assured that Officers would report back their findings to the Committee at a later date.

The Division Councillor for Sherburn in Elmet supported the Officers request for deferral and stated that the residents of Sherburn in Elmet must have sight of any new Committee report in the interests of transparency, and because the original officer recommendation had been for refusal of the application.

The decision:-

That the planning application be DEFERRED for the following reason:

- To allow officers to consider the changed position in terms of the newly agreed s106 contributions from the applicant, and to seek clarity from North Yorkshire Highways following a visit to the site by Members.

Voting record:-

A vote was taken, and the motion was carried with 5 votes for, and 1 abstention. The motion to defer the application was therefore carried.

32 ZG2023/1153/FUL - Land south of 44 Garden Lane, Sherburn in Elmet

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the development of 3 dwellings with new accesses onto Garden Lane on land to the south of 44 Garden Lane, Sherburn in Elmet.

The Planning Development Manager informed Members that within the published agenda pack at paragraph 10.10, reference had been made to other dwellings on safeguarded land, namely 56 and 58 Garden Lane, which had been granted planning consent when the Council did not have a five year housing land supply. Following further investigation by Officers it was concluded that the Council did have a five year housing land supply at that time, as shown in the Officer Update Note. Therefore, Officers respectfully requested that Members agree to a deferral of the application to allow Officers to consider the change of position, with the Officers findings reported back to the Committee at a later date.

The Division Councillor for Sherburn in Elmet supported the Officers request for deferral as this application was closely related to the previous application, as both were on safeguarded land with the same highway access.

The decision:-

That the planning application be DEFERRED for the following reason:

- To allow officers to consider the changed position in terms of development on safeguarded land.

Voting record:-

A vote was taken, and the motion was carried with 5 votes for, and 1 abstention. The motion to defer the application was therefore carried.

33 ZG2023/0433/FUL - Plantation House, Cawood Road, Wistow

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an application for the demolition of existing buildings and the erection of 9 dwellings at Plantation House, Cawood Road, Wistow on behalf of Newett Roberts Limited

The Planning Project Officer highlighted that the application had been before Members in January 2024, when the item had been deferred to allow new plans and a revised layout to be submitted that would resolve the issue of overshadowing of the existing property to the north of Plot 2 known as 'The Cottage'.

The Officer drew Members attention to the amended conditions within the officer update note and highlighted that the neighbour to the north of the site at The Cottage had confirmed in writing that they were happy with the revised layout and position of Plot 2 and had withdrawn their objection to the proposal.

The agent for the applicant, Jo Buxton, spoke in support of the application.

During consideration of the above application, it was noted that Members felt that the scheme was very good and commended the applicant and planning officers on working together to resolve the issues.

The decision:-

That planning permission be delegated to the Head of Planning Development Management to GRANT subject to a Section 106 or a Unilateral Undertaking to secure a contribution to secure offsite Bio-Diversity Net gain to offset the onsite loss, off-site recreation provision and to secure waste and recycling conditions. And subject to the conditions listed in Section 12 of the Committee report, and the officer update note.

Voting record:-

A vote was taken, and the motion was carried unanimously.

As per his earlier declaration, Councillor Warneken left the meeting at this point.

34 ZC24/00001/FUL - Land comprising OS Field 2062, War Field Lane, Cowthorpe

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the construction of six ponds to create habitats for Great Crested Newts under Natural England's District Level Licensing programme at land to the rear of 2 Goosemoor Cottages and Goosemoor Nature Reserve near Cowthorpe.

Following the Planning Officers presentation and Member questions, Councillor Warneken came back into the meeting.

The landowner, Arnold Warneken, spoke in support of the application.

Councillor Warneken left the meeting again for Member's to debate the application.

The decision:-

That planning permission be GRANTED subject to the conditions listed at section 12 of the report.

Voting record:-

A vote was taken, and the motion was carried unanimously.

Councillor Warneken returned to the meeting at this stage to hear the outcome of the application.

35 Any other items

There were no urgent items of business.

36 Date of Next Meeting

Thursday 18 April 2024 – Civic Centre, Selby.

The meeting concluded at 2.27 pm.

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North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Planning Committee

01 MAY 2024

2023/0220/COU - Change of use from public house (sui generis use) to bed and breakfast and mixed-use events venue (sui generis use) (retrospective) at Kings Arms, Marsh Lane, Beal, DN14 0SL

Report of the Assistant Director - Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the retrospective change of use of a public house (sui generis use) to a bed and breakfast and mixed-use events venue (sui generis use) at The Kings Arms, Beal.
- 1.2 The application was originally brought to Planning Committee as the Head of Planning considered that it raised significant planning issues such that it is in the public interest for the application to be considered by committee.
- 1.3 The planning application was deferred at Planning Committee, on 10 January 2024, for the following reason:

To allow officers to draft further conditions to be attached to the planning permission, to deal with Members concerns in relation to potential noise disturbance and use of the building; and to refer back to Committee for further consideration and approval.

2.0 SUMMARY

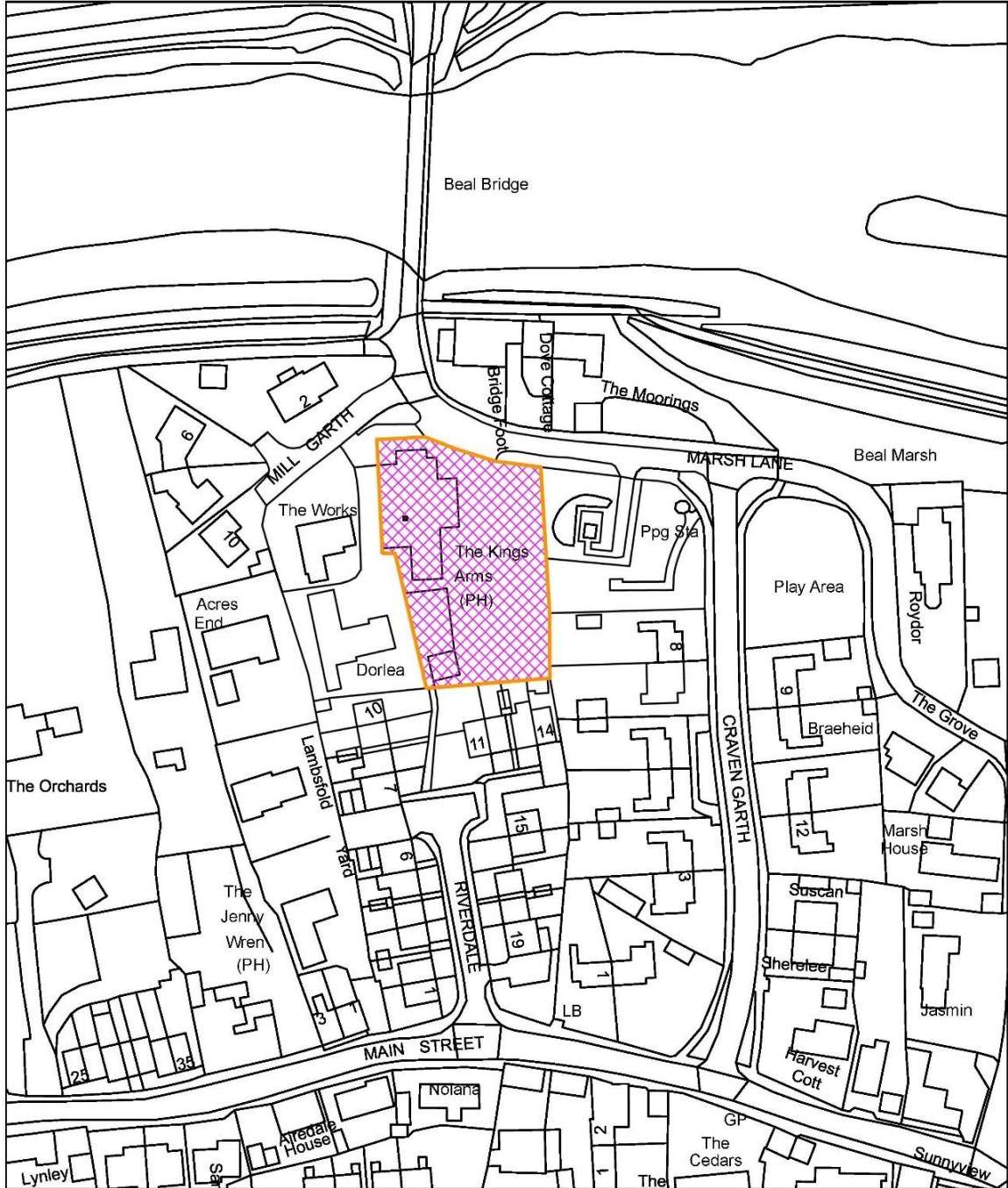
RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below.

- 2.1. The application is seeking retrospective permission for the change of use of a public house as a bed & breakfast and mixed-use events space. The development has taken place and the bed and breakfast business is currently operating from the site.
- 2.2. The site is located within the village of Beal and comprises of the former Kings Arms public house building, a detached outbuilding and car park. The application site measures 0.2 hectares in total. A Public Right of Way (PROW) runs north – south through the site.
- 2.3. A petition to the application was received by the Council on 23 May 2023. The petition had a total of 138 signatures with 64 signatories stating that they had submitted a formal objection to the Council. It is noted that 149 local representations have been received of which 51 are in support and 97 are objecting. Most objections relate to the blocking up of the PROW, which has resulted in local residents no longer being able to access the right of way. The extinguishment of the PROW was originally included as part of the application but has since been omitted and will need to be dealt with via a separate

Section 257 application. Section 257 gives the council discretionary power to make a Diversion or Stopping Up Order to enable development to take place in accordance with planning permission.

- 2.4. The application was presented to the Planning Committee on 10 January 2024 recommended that permission be granted. Members of the committee resolved to defer the application to allow planning officers to draft further conditions to be attached to the planning permission to address concerns about noise disturbance and use of the building.
- 2.5. Since the meeting in January, the applicant has submitted further details about the business operating from the premises, specifically in relation to the operation of the site as a Bed and Breakfast and an events space for holding the a Writers' Retreat and private functions. This information is set out in Section 5.0 and can be summarised as follows. The Bed and Breakfast has 6 guestrooms available for members of the public to book. There would be a member of staff on-site 24/7 when the Bed and Breakfast is being occupied. The Writer's Retreats are scheduled throughout the year and vary in length from 3 days to 6 days. The Writers' Retreat includes writing workshops, meals and sleeping accommodation for guests during their stay. The events space is also proposed to be used to hold private functions to help supplement the running and upkeep of the building. The private events comply with the current licence parameters of the premises, which is licensed up to 01:30 on Friday and Saturday nights. The current license, for which the applicant is a Designated Premises Supervisor, does not have any restrictions on the numbers of people able to attend an event, however, the applicant has stated that she intends to limit numbers to between 60 and 120.
- 2.6. This report has been updated to take account of the further information.
- 2.7. The proposed change of use from a public house to the proposed mixed B&B, Writers' Retreat and event space is considered to be similar in nature to the use the proposed use with limited external changes to the building/site. The proposal makes use of an existing building and retains it for community/business uses that will support the local community in terms of economic, social and environmental objectives. A premises license is in place with limitations in place. Subject to compliance with the licensing regime, the proposal would not have a greater impact than that of the former public house or its continued use as a public house.
- 2.8. Taking account of the above and the conditions recommended below, Officers remain of the view that, on balance, the proposal is acceptable in principle and in all other regards. As such, the application complies with policies SP1, SP2 of the Core Strategy and policies EMP6 and S3 of the Local Plan as well as guidance within the NPPF.

Kings Arms, Marsh Lane, Beal
2023/0220/COU



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3.0 PRELIMINARY MATTERS

3.1. Access to the case file on Public Access can be found here: - [2023/0220/COU | Change of use from public house \(Sui Generis use\) to bed and breakfast and mixed use events venue \(Sui Generis use\) \(retrospective\) | Kings Arms Marsh Lane Beal Goole East Yorkshire DN14 0SL \(selby.gov.uk\)](#)

3.2. There are eight relevant planning applications for this application which are detailed below.

2007/0937/FUL - Single storey rear extension to form dining room and new entrance porch (following demolition of existing conservatory) and alterations to car park layout and entrance – PERMITTED – 26/09/2007. Condition 06 of the Notice of Decision states:

The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason: In Order to protect the Public Right of Way.

2007/0455/FUL - Decking with heaters and lighting – PERMITTED – 29/06/2007.

CO/2001/0615 - Proposed bedroom, garage and conservatory extensions (partially in place of existing garage) – PERMITTED – 31/07/2001.

CO/1995/0942 - Proposed erection of a conservatory to the side elevation. - PERMITTED – 15/11/1995.

CO/1992/0878 - proposed erection of a conservatory at second storey level on existing flat roof, to the rear elevation. – PERMITTED – 16/06/1992.

CO/1991/0958 - Proposed erection of a single storey kitchen extension to the rear elevation and replacing covered yard area and provision of first floor fire escape. - PERMITTED – 11/10/1991.

CO/1989/1231 - Proposed erection of 3no single storey extensions and a two-storey extension to provide additional accommodation of an existing public house at The Kings Arms. - PERMITTED – 29/03/1990.

CO/1988/1224 - Erection of an extension to existing ladies WC at The Kings Arms. – PERMITTED – 11/05/1988.

4.0 SITE AND SURROUNDINGS

4.1. The application site is comprised of the former King Arms public house, detached outbuilding, to the rear of the main building and car park. The application site measures around 0.2 hectares. The public house fronts Marsh Lane and vehicular access to the site is from Marsh Lane. There is a public footpath that runs north to south through the site, from Marsh Lane to Riverdale. The existing site boundaries treatments consist of a 1.5-metre-high wall along the southern and western boundaries, a substantial conifer

tree hedge along the east boundary and a dwarf wall along the frontage with Marsh Lane.

- 4.2. It is noted that an unauthorised fence has been erected along the front of the site, since the submission of this application. The fence is a close board timber fence and appears to be approximately 1.8 metres in height. A fence has also been erected within the car park, to the rear of the main building. The fence requires Full Planning Permission and is being dealt with separately to the change of use application. A separate application as not yet been submitted.
- 4.3. The local area is predominantly residential in nature, with large, detached dwellings to the west and smaller, terraced dwellings to the south of the application site. To the east is a Yorkshire Water pump house and recreational area and more housing beyond this. It is noted that the Jenny Wren Public House is located approximately 150 metres to the south-west of the application site.
- 4.4. The application site is located within the development limits of the settlement of Beal, which is a secondary village as defined in the Core Strategy. The Application site is washed over by Green Belt and is also located within Flood Zone 2.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks Full Planning Permission for the continued change of use of the former public house to be used as a bed and breakfast and mixed use (sui generis) space.

Bed and Breakfast

- 5.2. The applicant has stated that there are 6no. guestrooms available to book, which means that there would be a maximum of 12no. guests staying at any one time. There is living accommodation for one member of staff, who lives on-site 24/7 whilst guests are staying.

Writers' Retreat

- 5.3. The applicant has confirmed that the main part of the business is the writers' retreat. These are run throughout the year. The applicant's website confirms that these are residential retreats where attendees have accommodation as well as attending daily workshops.
- 5.4. The website provides dates for the planned events that have or will take place in 2024 and are as follows:

Date	Duration of Retreat	Availability of places
17 January 2024	4 nights	Sold out
21 February 2024	3 nights	Sold out
20 March 2024	5 nights	Sold out
11 April 2024	3 nights	Sold out

15 April 2024	6 nights	1 place remaining
10 May 2024	3 nights	Sold out
20 May 2024	6 nights	Sold out
19 June 2024	5 nights	Sold out
8 July 2024	6 nights	Sold out
12 August 2024	6 nights	1 place remaining
22 August 2024	3 nights	No information
12 September 2024	3 nights	No information
23 September 2024	6 nights	No information
14 October 2024	6 nights	No information
24 October 2024	3 nights	No information
11 November 2024	6 nights	No information
21 November 2024	3 nights	No information
11 December 2024	4 nights	No information

(Residential Group Retreats – 2024 – Writers' Retreat UK (writersretreatuk.co.uk))

Events space

- 5.5. The applicant has stated that the private functions help supplement income with the high costs of running a building of this size.
- 5.6. The private events are proposed to comply with its current licence parameters. The current license allows parties and events, licensed up to 01:30 on Friday and Saturday nights. The licence allows recorded music to be played indoors only. The applicant would be required to apply for a temporary event notice to run a live music event from the premises. The current license does not have any restrictions on the numbers of people. However, the applicant intends to limit numbers to between 60 and 120 attendees at any one event.
- 5.7. The applicant has confirmed that the business opened in mid-March 2023 and has run 3 private parties for guests since opening. There is currently one booking for a wedding reception at the end of July 2024. However, there are currently no other bookings for this year.
- 5.8. It is noted that the applicant's current Premises Licence for the venue permits the sale of alcohol and the provision of regulated entertainment (recorded music) during the following hours:

	Sale Of Alcohol	Regulated Entertainment
Monday	11.00-00.00	19.00-23.00
Tuesday	11.00-00.00	19.00-23.00
Wednesday	11.00-00.00	19.00-23.00
Thursday	11.00-00.00	19.00-23.00
Friday	11.00-01.30	19.00-00.30
Saturday	11.00-01.30	19.00-00.30
Sunday	12.30-23.30	19.00-23.00

All Bank Holidays and Public Holidays including Christmas Eve, Boxing Day, Easter Monday and New Year's Day and on any Sunday or Monday morning forming part of a Bank or public holiday weekend 11:00 to 00:30

- 5.9. The Licence allows the specified opening hours for the venue, which are as follows:

THE OPENING HOURS OF THE PREMISES

Monday	11.00-00.00
Tuesday	11.00-00.00
Wednesday	11.00-00.00
Thursday	11.00-00.00
Friday	11.00-01.30
Saturday	11.00-01.30
Sunday	12.30-23.30

All Bank Holidays and Public Holidays including Christmas Eve, Boxing Day, Easter Monday and New Year's Day and on any Sunday or Monday morning forming part of a Bank or public holiday weekend 11:00 to 00:30

- 5.10. The current Licence does not allow live music or music to be played outside of the building.

6.0 PLANNING AND POLICY GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Selby District Local Plan, adopted on 8 February 2005
- Selby District Core Strategy Local Plan, adopted on 22 October 2013
- Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:

- Selby District Council Local Plan (Material Consideration) version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and has now ended. The responses will be considered and any necessary minor modifications made prior to submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

- The North Yorkshire Local Plan - no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance
- National Design Guide 2021

7.0 CONSULTATION RESPONSES

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Beal Parish Council:** The Parish Council are concerned that the Change of Use Application includes an application to extinguish the Public Right of Way. There is an old application which stated that the right of way had to be preserved. This is detailed in section 3 of the report.

The Public Right of Way is a completely separate matter to the change of use and as such the PC have advised that they will continue to object to the application until the Public Right of Way is separated from this current application and dealt with as a separate matter.

The PC are also concerned that as this application is retrospective, care is taken to ensure that current regulations such as Building Regulations, Health and Safety and Fire Regulations are up to date.

7.3. **Ward Member(s):** No comments received.

- 7.4. **Environment Agency:** The EA originally objected to the application due to concerns raised with the Flood Risk Assessment following the submission of the revised FRA the EA have withdrawn their objections subject to adherence to the FRA.
- 7.5. **Environmental Health:** No objections raised by the EHO, any potential noise or amenity issues can be addressed through the existing premises licence.
- 7.6. **Internal Drainage Board:** No objections.
- 7.7. **Highways:** No objections.
- 7.8. **Public Right of Way:** The PROW team have advised that the Public Footpath across this site is obstructed, this is unlawful under section 143 of the Highways Act 1980. As part of the proposed works, the applicant will need to apply to divert the legal line of the footpath which is obstructed by the building, onto an alternative alignment and any fence obstructions will need removing, ensuring that the Public Footpath is open and available at all times. The Public have a right to deviate onto other land belonging to the same landowner, in order to get around an obstruction to a Public Footpath. It is therefore in the applicant's best interests to resolve the Public Rights of Way issues. If the Public Right of Way is to be permanently closed a Public Path Order/Diversion order will need to be made under S257 of the Town and Country Act

Local Representations

- 7.9. 149 local representations have been received of which 51 are in support and 97 are objecting. Comments have also been received from local interest groups West Riding Area of the Ramblers who object to the application. It is noted that all the letters of support have been submitted by representors who do not live in the village or local area. It is also noted that the vast majority of objections raise concerns over the loss of the Public Right of Way (PROW). This, however, is not being dealt with as part of this application.
- 7.10. A summary of the comments is provided below, however, please see website for full comments.
- 7.11. Support:
- Supports the creative industry.
 - Positive impact on local economy.
 - Provides local employment.
 - Existing pub is an eyesore.
 - It will provide a unique facility.
 - Provide a safe space for people.
- 7.12. Objections:
- Loss of a pub, which is a valuable community asset.
 - Use as an Airbnb/holiday let.
 - Use as a Women's refuge/ accommodation for vulnerable people.
 - Use to cater for Hen and Stag parties.
 - Loss of Public Right of Way.
 - Potential drainage issues.
 - Potential overlooking issues and impact on residential amenity.

- Potential noise issues.
- Loss of jobs.
- The application has been made retrospectively.
- Not clear on what the use of the business will be.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Design and impact on the character and appearance of the Area
- Impact on residential Amenity
- Impact on highways
- Flood Risk and Drainage
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The application site is located within the defined development limits of Beal and washed over with Green Belt and the application is seeking permission for the change of use of a former Public House (sui generis use) to be used a bed & breakfast and mixed-use venue (sui generis). It is noted that the change of use has already taken place and the bed and breakfast, and writer's retreat business is operating from the building.
- 10.2. Saved Policy SP2A (d) of the Core Strategy states "In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies.
- 10.3. Saved Policy SP3B of the Core Strategy states, "In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted".
- 10.4. The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be

permitted unless there are very special circumstances which clearly outweigh the presumption against it.

- 10.5. The guidance within the NPPF at paragraph 155 states "Certain other types of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it" including [amongst other things] "the re-use of buildings provided that the buildings are of permanent and substantial construction", "material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)" and "engineering operations".
- 10.6. The application proposes the change of use of an existing building. The building is considered to be of permanent and substantial construction and the reuse of the building would therefore be in accordance with paragraph 155 (d) of the NPPF as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 10.7. The associated car parking area would be in the same place as an existing car parking area which served the public house. There would be no further impact on openness in this regard.
- 10.8. Therefore, it is considered that proposal constitutes appropriate development in Green Belt as it preserves openness and does not conflict with the purposes of including land within it.
- 10.9. Policy SP1 of the Core Strategy sets out a presumption in favour of sustainable development reflecting the approach of the National Planning Policy Framework (NPPF). Planning applications that accord to the Local Plan will be approved without delay unless material considerations indicate otherwise. The settlement hierarchy for the Selby Area defines Beal as a Secondary Village with defined development limits. The site is located within the development limit of Beal. Policy SP2 of the Core Strategy sets out the spatial development strategy and the principles for directing new development.
- 10.10. Policy EMP6(B) of the Selby Local Plan relates to Employment Development within Development Limits and Established Employment Areas and states that proposals within defined development limits will be permitted for new business development, including the change of use of land or premises subject to the following criteria:
- 1) The nature and scale of the proposal is appropriate to the locality;
 - 2) The proposals would not prejudice the future comprehensive development of land; and
 - 3) The proposal 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.
- 10.11. Policy S3(B) of the Selby Local Plan relates to the loss of a retailing use or the loss of a public house outside the main settlements of Selby, Tadcaster and Sherburn in Elmet. The policy states that the loss of such businesses will not be permitted unless:

- 1) It can be demonstrated that there is alternative provision for a similar type of use within reasonable walking distance; or
 - 2) It can be shown that the business is no longer viable for retail purposes within its existing use class, and that it has remained unsold or unlet for a substantial period of time, despite genuine and sustained attempts to market it on reasonable terms.
- 10.12. With regard to Policy EMP6(B), The premises would serve a local function and due to its size and intensity of use is considered of a scale appropriate to the locality. The impact on access, parking and residential amenity is discussed below.
- 10.13. In terms of Policy S3(B), limited information has been provided by the applicant in relation to the viability of the business. However, it is noted that there is alternative provision of a public house within the village, The Jenny Wren public house. The Jenny Wren is located approximately 100 metres to the south of the application site or a 4-minute walk from the site.
- 10.14. Therefore, having had regard to this policy context it is considered that the development is acceptable in principle in respect of Policies SP1, SP2 of the Core Strategy and policies EMP6, S3 of the Local Plan. Paragraph 97 of the NPPF states that planning decisions should guard against unnecessary loss of valued facilities and services. Whilst the proposal results in the change use of the former public house it remains to be a facility that supports the community in terms of a cultural building.

Section 149 of The Equality Act 2010

- 10.15. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.16. The proposed development would not result in a negative effect on any persons of or persons with The Equality Act 2010 protected characteristics and could have a positive impact from the operation of the retreat in terms of offering greater variety of activity to individuals falling in one of the relevant protected characteristics.

Design and impact on the character and appearance of the area

- 10.17. Policy ENV1(1) of the Local Plan requires development to take account of the effect upon the character of the area and the amenity of adjoining occupiers. Significant weight should be attached to these policies as they are broadly consistent with the aims of the NPPF to protect residential amenity and the areas character. ENV1(4) requires the standard of layout, design and materials to respect the site and its surroundings.
- 10.18. Policy SP19 - Design Quality of the Core Strategy outlines those proposals "for all new development will be expected to contribute to enhancing community cohesion by

achieving high quality design and have regards to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside".

- 10.19. The proposed plans show that there would be no external changes to the building other than a change to the signage. Internally, the proposed plans show that one of the rooms at ground floor, to the rear of the building, would be subdivided to provide an additional bedroom at ground floor level and 2no. offices. The proposed changes to the building are relatively minor and as they are internal would not impact on the character of the locality.
- 10.20. Having regard to the above, it is considered the proposal is in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 10.21. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 1) and 4) of the Selby District Local Plan. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 10.22. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in unsatisfactory levels of noise and disturbance for the occupiers of neighbouring dwellings.
- 10.23. Due to the nature of the proposal, it is considered that the change of use would not result in any additional overlooking or overshadowing.
- 10.24. Taking into account the previous use as a public house, it is not considered that the proposed change of use would result in any significant adverse effects on the occupiers of any neighbouring residential properties in terms of noise and disturbance. The premises would primarily operate as a Bed and Breakfast and Writers' Retreat. It is considered that these uses would be far less intensive than the public house with limited number of guests using the facility on a day-to-day basis.
- 10.25. Following the submission of further information about the operation of the events space, the use of the space for private functions would comply with the premises' current licence, which allows the sale of alcohol and recorded music to be played within the venue during the hours as specified within paragraphs 5.8 and 5.9 of this report.
- 10.26. Further, it is noted that the current license does not have any restrictions on the numbers of customers at any one time and this would be controlled by the size of the venue. The applicant has indicated that they intend to limit numbers at an event to between 60 and 120 people.
- 10.27. The Council's Environmental Health Team were consulted on the proposal and raised no objections and stated that any potential noise complaints should be covered in the existing premises licence.

- 10.28. Having regard to the above, it is considered that the amenities of the adjacent residents would be preserved in accordance with Policy ENV1 of the Selby District Local Plan and national policy contained within the NPPF.
- 10.29. In light of the above, it has been demonstrated that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998 in terms of the right to private and family life or the right to life.

Impact on Highways

- 10.30. The policy context in highway terms is as outlined in policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF at paragraphs 114-115. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Local policies reflect this in seeking and due consideration of the impact on the existing highway network and highway safety.
- 10.31. The proposals would not alter the existing access/egress arrangements at the site or the existing car parking arrangements at the site. The site does not have any designated off-street parking. The Council's Highways Officers have been consulted on the proposals for which no objections have been raised. Taking into account the previous use, the proposal would not result in any significant impact on the road network due to a change in comings and goings to the site or any highway safety impacts to pedestrians or vehicle users.
- 10.32. Having regard to the above, it is considered that the proposals are acceptable in terms of highway safety in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk and Drainage

- 10.33. The application was supported by a Flood Risk Assessment which identifies that the site is located within Flood Zones 2 and 3a. The FRA details the vulnerability of the use and concludes that the change of use would lead to a more vulnerable use. The FRA provides recommendations of flood mitigation measures to be implemented.
- 10.34. In terms of the sequential approach to the location of development, the Government's aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. The Selby District Council Flood Risk Sequential Test SPD guides Developers on the Selby Area Flood Risk Sequential Test approach. It sets out that changes of use are not required to be sequentially tested. Likewise, no further details are required in terms of drainage as this is not going to be affected by the proposals and the area has not been identified as having critical drainage issues.

- 10.35. The Environment Agency have been consulted on the proposal and raised no objections subject to the inclusion of a condition requiring that the development is carried out in accordance with the updated FRA. The proposal is therefore considered to comply with policy SP15 of the Selby District Core Strategy and Chapter 14 of the NPPF.

Other Matters

- 10.36. The application originally included the extinguishment of the Public Right of Way (PROW), which runs through the application site (footpath 35.7/5/1) and provides access from Marsh Lane to Riverdale.
- 10.37. It is noted that the majority of objections that have been submitted to the LPA relate specifically to the PROW and the unauthorised closure and obstruction of the footpath.
- 10.38. The Council's PROW team advised that the obstruction of the footpath is unlawful under section 143 of the Highways Act 1980. Furthermore, the PROW team confirmed that a separate application would need to be made under section 257 of the Town and Country Planning Act 1990 would need to be made to either extinguish or divert the existing Public Right of Way. Since the application was before the January Committee, the formal order to make the diversion of the footpath across the car park has now been made and published. A period of consultation will be undertaken by the PROW team.
- 10.39. Given this, the proposed extinguishment of the PROW has been removed from the current application and any change to the PROW would need to be made under S.257 as outlined above.
- 10.40. It is also noted that during the application process, a timber fence has been erected in the car park and along the front of the application site. This is unauthorised and a separate application would need to be made for the retention of the fence.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. It is considered that the development is acceptable in principle in respect of Policies SP1, SP2 and SP3 of the Core Strategy and policies EMP6 and S3 of the Local Plan, and that the proposal accords with the NPPF in terms of Green Belt policy. As such, the proposal constitutes sustainable development.
- 11.2. Further, subject to the imposition of conditions, the proposed development would not have a detrimental effect on the character and appearance of the area or residential amenity of the occupants of neighbouring properties, highways safety, flood risk and drainage. The proposal will ensure that the building is retained for a community/business use and will support the local community in terms of economic, social and environmental objectives. Concerns raised by interested parties have been taken into account. The concerns raised about the Public Right of Way will be dealt with separately outside of this application. The application is therefore considered to be in accordance with Policies ENV1 and T1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy, and the relevant sections of the NPPF.

- 11.3. In conclusion, and on balance, it is recommended that the application be granted subject to conditions.
- 11.4. Consideration has been given to imposing conditions to seek to address concerns raised about noise disturbance resulting from the use. However, the fact remains that there is a premises licence in place that permits the sale of alcohol and controls the operation of the premises and playing of recorded music between certain hours and restricts the playing of music externally. The imposition of conditions that seek to duplicate these permitted activities and controls would be unnecessary and a condition that conflicts with them would be unreasonable. Therefore, it is considered that conditions would not be acceptable in this regard and would not meet the national tests of planning conditions as defined in Paragraph 56 of the NPPF.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to conditions listed below.

Recommended conditions:

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

Drawing No. ADP23/P1 1/01	Location Plan
Drawing No. ADP23/P11/02	Site Layout Plan
Drawing No. ADP23/P1 1/05A	Proposed Floor Plans
Drawing No. ADP23/P1 1/06A	Proposed Elevations

Reason

For the avoidance of doubt.

02. The development shall be carried out in accordance with the submitted flood risk assessment (shown on Public Access as 'Date received 25/05/2023') and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 9.15 metres above Ordnance Datum (mAOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Informative

1. 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.

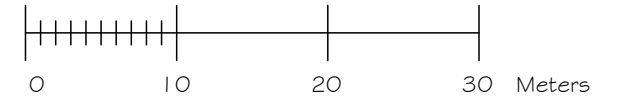
2. The Public Footpath across this site is obstructed, this is unlawful under section 143 of the Highways Act 1980. As part of the proposed works, the applicant will need to apply to divert the legal line of the footpath which is obstructed by the building, onto an alternative alignment and any fence obstructions will need removing, ensuring that the Public Footpath is open and available at all times. The Public have a right to deviate onto other land belonging to the same landowner, in order to get around an obstruction to a Public Footpath. It is therefore in the applicant's best interests to resolve the Public Rights of Way issues. For further advice, please contact Countryside Access Service at CATO@northyorks.gov.uk
 - i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire Council) for a Temporary Closure Order is required. Please contact the Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
 - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

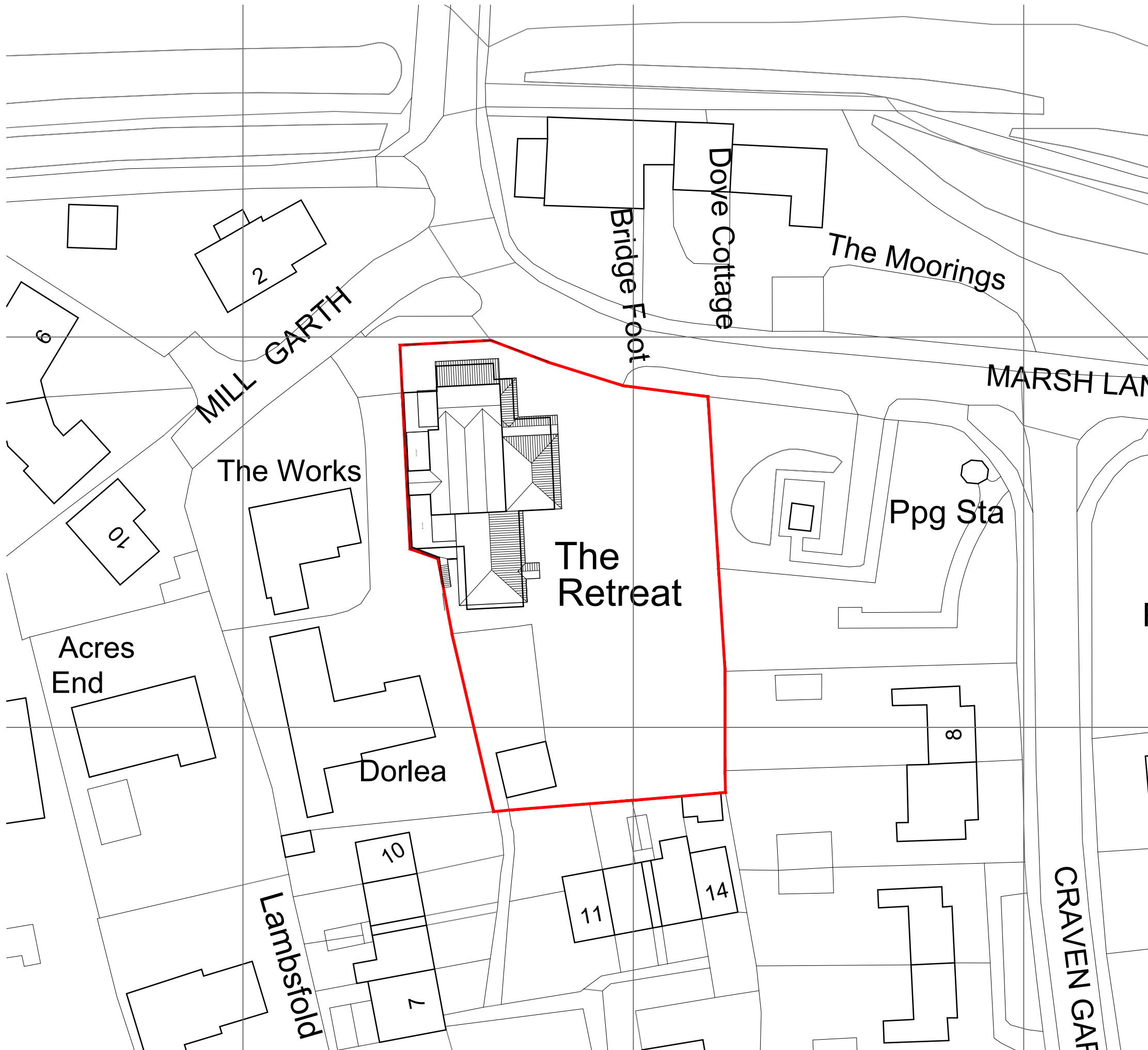
Case Officer: Jac Cruickshank, jac.cruickshank@northyorkshire.gov.uk

Appendix A – Proposed Layout Plan

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Site Area - 0.208 hectares



ARCHITEK
DESIGN & PLANNING

Kings Arms
Marsh Lane
Beal
Site Layout

Scale 1:500 @ A3

Date 21.02.23

Drawn sc

ARCHITEK DESIGN & PLANNING

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w - www.architekdesignandplanning.co.uk

Drawing No. ADP23/P11/02 Revision

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North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Planning Committee

1st MAY 2024

ZG2023/1268/FUL- PROPOSED UPGRADING WORKS TO THE EXISTING STREETSCAPE AT LAND TO THE JUNCTION WITH WOLSEY CROFT AND LOW STREET, SHERBURN IN ELMET, NORTH YORKSHIRE

ON BEHALF OF NORTH YORKSHIRE COUNCIL

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for upgrading works of the streets surrounding the junction of Low Street and Wolsey Croft in Sherburn in Elmet.
- 1.2 The application is brought to Planning Committee because North Yorkshire Council is the applicant and the application covers a wider area relating to numerous properties on Wolsey Croft and Low Street and as such is not considered to be minor.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below.

- 2.1. The application site is defined by a red line boundary on the submitted location plan and it covers the areas between the shops and public highway on the east side of Low Street in Sherburn in Elmet. The area is currently used for pedestrian access to shops and for parking.
- 2.2. The proposal is to remove street furniture including planters, bollards and railings and carry out a refurbishment consisting of new surfacing and new street furniture which includes bike stands, bollards and planters. The number and layout of the parking bays will remain the same but they will be marked out and resurfaced to improve accessibility.
- 2.3. The main considerations of the application relate to highway safety, accessibility and design.
- 2.4. There have been no local representations received and no objections from consultees. Sherburn Town Council are supportive of the application.

ZG2023/1268/FUL

Land to junction with Wolsey Croft and Low Street, Sherburn in Elmet



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1:1,250

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [ZG2023/1268/FUL | Proposed upgrading works to the existing streetscape on Low Street in Sherburn in Elmet | Land To Junction With Wolsey Croft Low Street Sherburn In Elmet North Yorkshire \(selby.gov.uk\)](https://www.selby.gov.uk/Document/2023/1268/FUL/Proposed%20upgrading%20works%20to%20the%20existing%20streetscape%20on%20Low%20Street%20in%20Sherburn%20in%20Elmet%20Land%20To%20Junction%20With%20Wolsey%20Croft%20Low%20Street%20Sherburn%20In%20Elmet%20North%20Yorkshire)

4.0 SITE AND SURROUNDINGS

- 4.1. The application site comprises land on the east side of Low Street extending from north of 19 Low Street to the junction with Moor Lane and extending along the junction of Low Street and Wolsey Croft. The area of land affected by the works relates to the forecourts of the shop units, which is currently used for access to the shops and parking. It is made up of block paved and tarmac surfaces with bollards, litter bins, signposts and one tree. There are 37 off street parking spaces within the application site.
- 4.2. The application site is defined by the Local Plan as being within the development limits of Sherburn in Elmet and a Shopping/Commercial Centre. The site is not within a conservation area and there are no listed buildings within or abutting it; the nearest listed buildings are to the north on the opposite side of Moor Lane.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks permission for public realm improvements to the town centre of Sherburn in Elmet as part of the UK Shared Prosperity Fund to support community and economic development by increasing use of the town centre and promote civic pride.
- 5.2. The submitted survey identifies that the street would benefit from an upgrade as paving is discoloured and partly broken and street furniture is corroded and worn. The proposed works are summarised below:
- Resurfacing of the whole of the site with grey paving for parking spaces and a lighter coloured granite aggregate paving for pedestrian areas.
 - Replacement bollards which would be positioned to ensure drivers park properly in marked bays and do not drive over the pavement.
 - New street furniture including signage, bike stands and litter bins.
 - New planting and trees, including retention of the existing tree.
 - Surface water drainage works where necessary, including new drainage channels.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Selby District Core Strategy Local Plan (adopted 22nd October 2013)

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

- Minerals and Waste Joint Plan (adopted 16 February 2022)

Emerging Development Plan – Material Consideration

6.3 The Emerging Development Plan for this site is:

- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and has now ended. The responses will be considered and any necessary minor modifications made prior to submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

- The North Yorkshire Local Plan - no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework December 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- Sherburn in Elmet Village Design Statement -

7.0 CONSULTATION RESPONSES

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Sherburn in Elmet Town Council:** In support of the application as it would be a visual enhancement to the area, supports access to businesses and improves highway and pedestrian safety. A recommended improvement to the scheme would be lighting improvements along Wolsey Croft.

- 7.3. **Archaeology (Heritage Services):** No objections, providing a condition is imposed for archaeological monitoring to take place during the development.
- 7.4. **Conservation Officer:** No objections but keeping street furniture to a minimum would be welcomed.
- 7.5. **NY Highways:** No objections.
- 7.6. **Yorkshire Water:** No objections. Public water infrastructure will be unaffected by the proposals.

Local Representations

- 7.7. The application has been advertised by displaying two site notices and a press advert. No local representations have been received.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

8.2.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Design
 - Highway impact and accessibility
 - Minerals and safeguarding

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 of the Selby District Core Strategy Local Plan ('The Core Strategy') seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social and environmental conditions in the area.
- 10.2. Policies SP2 and SP14 of the Core Strategy supports the aims of the NPPF and Core Strategy SP1 by accepting applications that would support the wellbeing of local centres. The policies ensure local residents and those living in nearby rural villages have access to good quality local services and Sherburn as a Local Service Centre is strengthened.
- 10.3. The submission advises that the street scape is in need of an upgrade. Identified issues including broken, discoloured, and worn surfaces and corroding street furniture. The proposed resurfacing, new street furniture and planting would make the area more

attractive to visitors thus supporting businesses and access to local services. As such, the principle of the development is acceptable.

Section 149 of The Equality Act 2010

- 10.4. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.5. The proposed development would result in a neutral effect on any persons of or persons with The Equality Act 2010 protected characteristics and could have a positive impact arising from the improved environment and car parking provision.

Design

- 10.6. The NPPF, particularly paragraph 135 states that amongst other criteria, developments should add to the overall quality of an area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging innovation or change.
- 10.7. Local Policy ENV1 (particularly parts 1 and 4), SP18 and SP19 of the Core Strategy seek to ensure developments safeguard and, where possible, enhance the historic and natural environment including the landscape character. Developments should have a layout and a high quality design that has regard to the local character, identity and context of its surroundings including historic townscapes and settlement patterns.
- 10.8. Sherburn in Elmet Village Design Statement (VDS) provides a character analysis of the area and sets out guidance and recommendations for new developments. The VDS supports developments that maintain the character of the area. Change is not discouraged. The VDS also promotes developer's discussions with affected parties early in the process.
- 10.9. The application site is the east side of Low Street and in the heart of the commercial centre. In recent years, improvements have been made to the western side of Low Street. Proposals were also drawn up for part of the eastern side but lack of funding has prevented the implementation of these works. The design objectives of the scheme are to improve the street scene and landscape, reduce clutter and complete the overall upgrading to both sides of the street.
- 10.10. Prior to submission, the applicant has consulted with various organisations, landowners and businesses. The applicant advised that the feedback from the consultation was overall positive and the design has evolved and tweaked to take on board the comments received. One small concern was the use and number of proposed bollards. The Council's Design Officer suggested that the knee height

railings should replace bollards as they would look less cluttered. The Conservation Officer noted that the scheme proposes a high number of bollards as well. However, the designers have continued with the use of bollards and have advised that they are important to ensure vehicles park properly in marked bays and prevent collision with pedestrians. Further, the proposal represents an overall reduction in street furniture.

- 10.11. The proposed works are considered to be a visual enhancement to the area. The works would simplify the frontage and the replacement surfacing would give uniformity to the street scene. The proposal would also be complementary to the upgrade works which have taken place on the west side of Low Street.
- 10.12. Therefore, the proposal is considered to be a positive enhancement to the area and the above design policies are satisfied.

Highway Impact and Accessibility

- 10.13. The main highway and accessibility policies relevant to the assessment are Core Strategy Policy SP19, Local Plan Policy ENV1 and the NPPF. These policies require applications to be accessible for all users with priority given to walking routes and cycling. Schemes should also address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive, minimise the scope for conflicts between pedestrians, cyclists and vehicles and avoid unnecessary street clutter. Other considerations include ensuring deliveries to shops are taken into account and features such as EV charging points are included.
- 10.14. The proposed scheme is principally surfacing and cosmetic upgrades to the east side of Low Street. There are no proposed alterations to the layout or number of the parking spaces. There would be no impact on servicing and deliveries. No objections are raised by the local highways authority.
- 10.15. Based on the information available, there would appear to be no designated disabled parking bays currently and this regeneration scheme would have been an opportunity to add in new disabled parking bays. However, as the scheme does not take away disabled spaces, this matter would not be a reason to withhold consent.
- 10.16. The design and access statement submitted with the application has considered accessibility into the shops and movement of pedestrians. One of the objectives of the scheme was to reduce the number of bollards and street furniture so pedestrians, and people with disabilities and reduced mobility can access shops more freely. The submission also states that when resurfacing, levels will be built up to provide level access into buildings where possible. The scheme includes cycle stand hoops to encourage visiting by cycling.
- 10.17. EV charging points are not proposed but would have been welcomed.
- 10.18. In summary, the inclusion of disabled parking bays and EV charging points would have been welcomed additions. However, as the scheme is an overall improvement for accessibility and there is no net loss of disabled parking bays, the scheme is not

considered to conflict with the highway and accessibility policies as set out above. Furthermore, the reduced street furniture and resurfacing improves accessibility for disabled persons and reduced mobility therefore has had regard for Section 149 of the Equality Act 2010.

Minerals and Safeguarding

10.19. According to the Interactive Minerals and Waste Policies Map and the National Coal Mining Map, the site falls within the following:

- Coal mining reporting area (low risk)
- Principal aquifer
- Nitrate vulnerable zone
- Brick and clay safeguarding area
- Limestone safeguarding area

10.20. Policy S01 of the MWJP requires mineral resources and their buffer zones to be safeguarded from other forms of surface non-mineral development. Policy S02 of the MWJP lists exceptions and justification for non-minerals development. This includes making certain applications exempt from further consideration of the safeguarding policies. The exempt developments are listed in paragraph 8.55 of the MWJP.

10.19. Given the nature of the proposal, the scheme would not conflict with the constraints set out above and it is deemed to be an exemption from consideration of the MWJP. There would be drainage upgrades, but surface water would continue to be disposed of into public sewers. Yorkshire Water have raised no objections. As there are changes to surfacing, an informative relating to the coal mining is recommended. Therefore, there is no identified conflict with policies S01 and S02 of MWJP.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The proposed works to the street environment would be a visual enhancement to the area and help to support the vitality and viability of businesses. The scheme improves public access and has no detriment on highway safety or parking availability.

11.2 Small improvements could have been made to the scheme by including disabled parking bays and EV charging points. However, the scheme still offers several benefits to the local community and overall, it is a development that complies with the NPPF and local policy aims of supporting development that contribute to the environmental, social and economic conditions of an area. There have been no objections to the application and the Town Council strongly supports the application. Feedback from stakeholders has been positive so this is a scheme that appears to be much welcomed by the local community.

11.3 All material planning considerations are complied with, subject to a condition for archaeological monitoring.

11.4 Overall, the proposal would not adversely impact persons protected under Section 149 of The Equalities Act 2010, noting that there is no change proposed to the parking

situation in terms of disabled parking bays and an improvement to the street clutter and surfacing of the forecourts. Further, the application would not contravene any Convention Rights contained in the Human Rights Act 1990 in terms of the right to private and family life or the right to life.

12.0 RECOMMENDATION

12.1 That planning permission be **GRANTED** subject to conditions listed below:

12.2 Recommended conditions:

1. 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.

2. The development hereby permitted shall not be carried out otherwise than in strict and complete accordance with the amended plans and specifications listed below:

Proposed Site and Block Plan (SC2104 APP 00 GF DR A 005 P1)

Site Location Plan (SC104 APP 00 GF DR A 001 P1)

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 Selby Local Plan Policy ENV1.

3. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

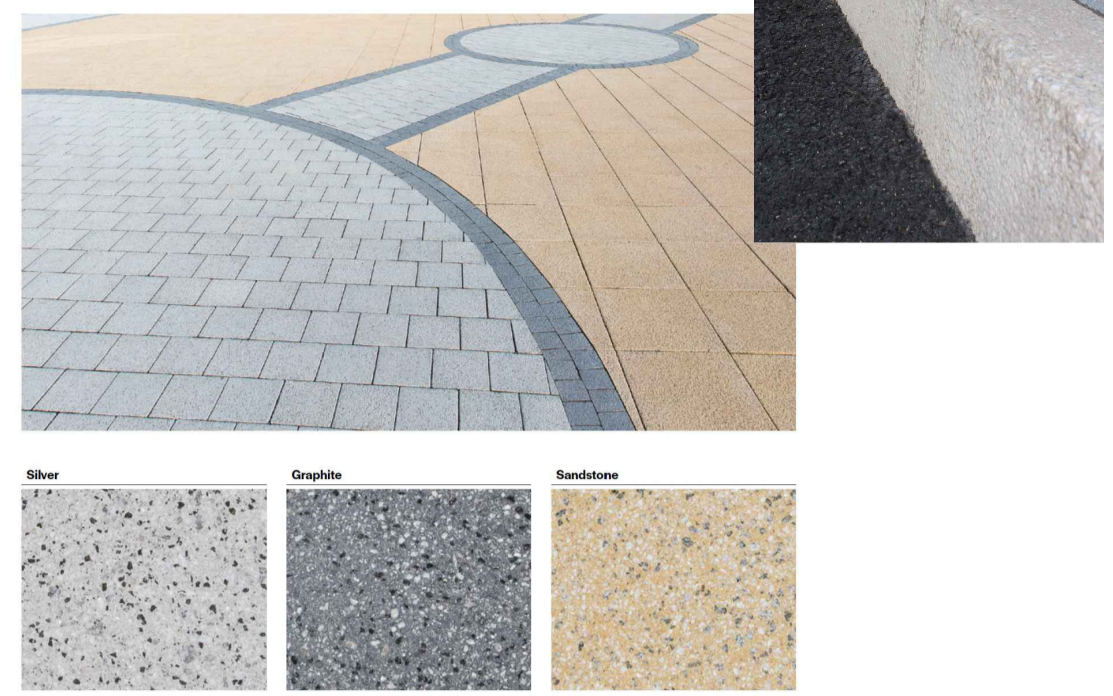
This condition is imposed in accordance with Section 16 of the NPPF (paragraph 211) as the site is of archaeological significance.

Target Determination Date: 01.05.2024

Case Officer: Elizabeth Maw - elizabeth.maw@northyorks.gov.uk

Appendix A – Existing and Proposed Layout

Notes
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 Contractors shall verify and be responsible for all dimensions and conditions and shall report any discrepancies to the issuing office before proceeding with any work. Drawings shall not be scaled.



PAVING TYPE A (PARKING AND ROAD SURFACING)
 PARKING BAYS DEFINED WITH LIGHTER COLOURED BLOCK

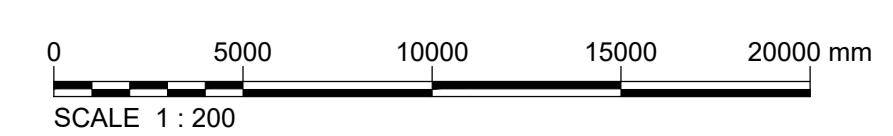
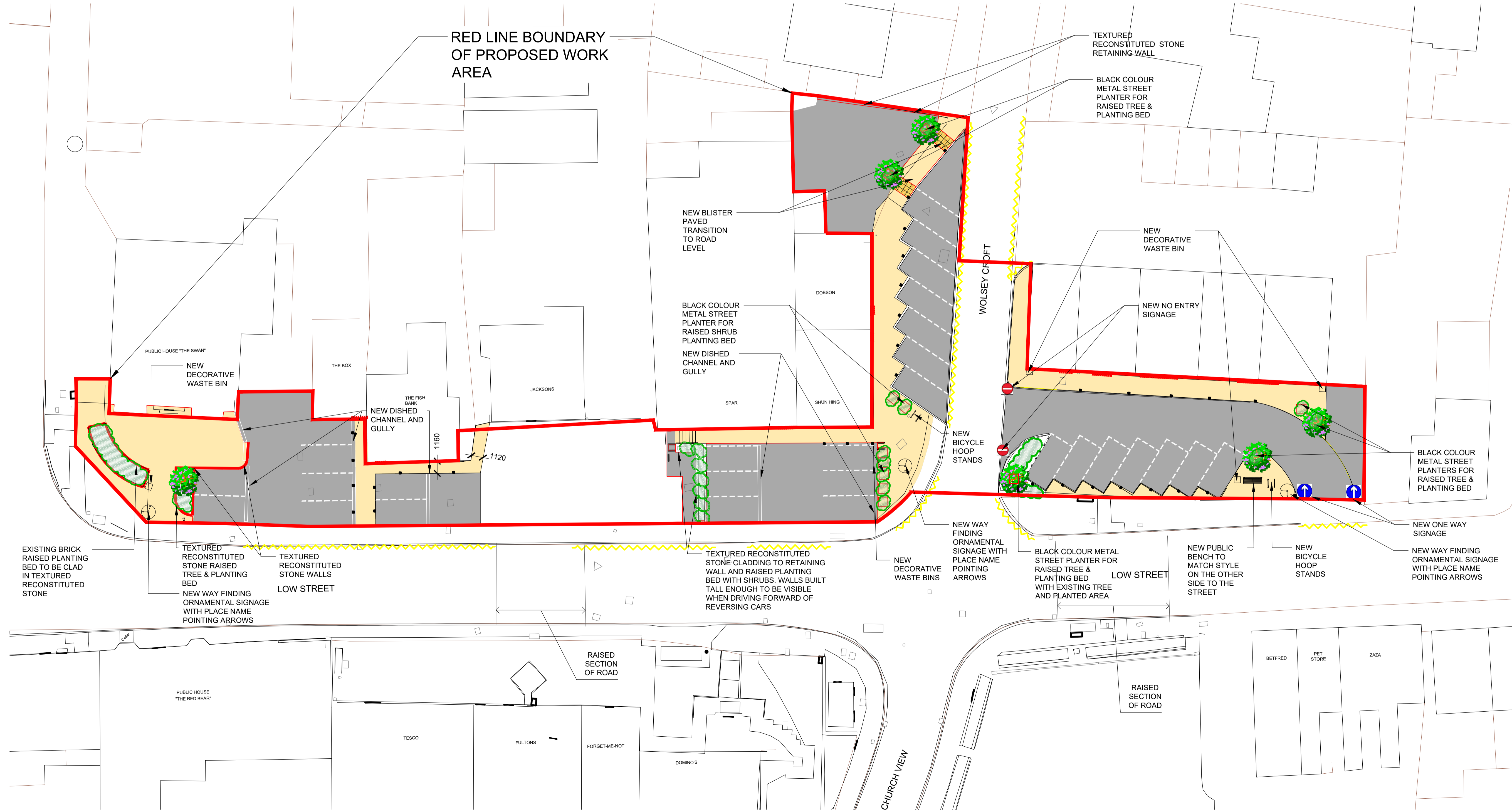
GRANITE AGGRIGATE PAVING AND TEXTURED KERBS TYPE B (PEDESTRIAN AREAS)

BLACK COLOUR METAL STREET PLANTERS

STYLE OF SQUARE BLACK COLOURED METAL BOLLARDS

PLAN SYMBOL & HATCH KEY

	GREY HATCHED AREA OF TYPE "A" PAVED AREAS, RE-LEVELLED AND REGULARISED, DESIGNED TO WITHSTAND HEAVY VEHICULAR TRAFFIC
	PARKING BAYS DE-MARKED WITH LIGHTER COLOURED PAVER BLOCKS
	YELLOW HATCHED AREA OF TYPE "B" PAVED AREAS DESIGNED FOR PEDESTRIAN ACCESS AREAS WHERE LEVELS ARE BUILT UP TO MEET BUILDING LEVEL ACCESS AND CONCRETE EFFECT KERBS
	NEW "EVERGREEN" TREE & SHRUB LOCATIONS, SPECIES TO BE AGREED, IN LARGE TREE PLANTING STREET FURNITURE/CONTAINERS
	BLACK COLOURED METAL BOLLARDS (WITH COLOUR BAND) 1 METER TALL
	NEW GRATED THRESHOLD DRAIN AT LEVEL ACCESS TO BUILDING
	NEW BICYCLE HOOP STANDS
	DENOTES EXISTING DROP-KERB



P1	Planning	JG	AN	RG
Ver.	Details	Author & Date	Checked & Date	Approved & Date
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01609 797373				
Client SELBY DISTRICT COUNCIL				
Project name Low Street Public Realm Improve				
Drawing Title Proposed Site & Block Plan				
Purpose PLANNING				
Scale	Drawn	Checked	Approved	
1:200	AN	MR	RG	
Original Size	Date	Date	Date	
A1	31/03/2022	31/03/2022	31/03/2022	
Drawing Number	Version			
SC2104 APP 00 GF DR A 005				P1

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