

**North Yorkshire Council**

**Community Development Services**

**Selby and Ainsty Area Constituency Committee**

**10 JANUARY 2024**

**ZG2023/0433/FUL- DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF  
9 NO DWELLINGS [USE CLASS C3] AT PLANTATION HOUSE, CAWOOD  
ROAD, WISTOW, SELBY**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning 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
- 1.2 This has been brought to Planning Committee as the Head of Planning Development Management considers that the planning application raises significant planning issues such that it is in the public interest for the application to be considered by committee.

**2.0 SUMMARY**

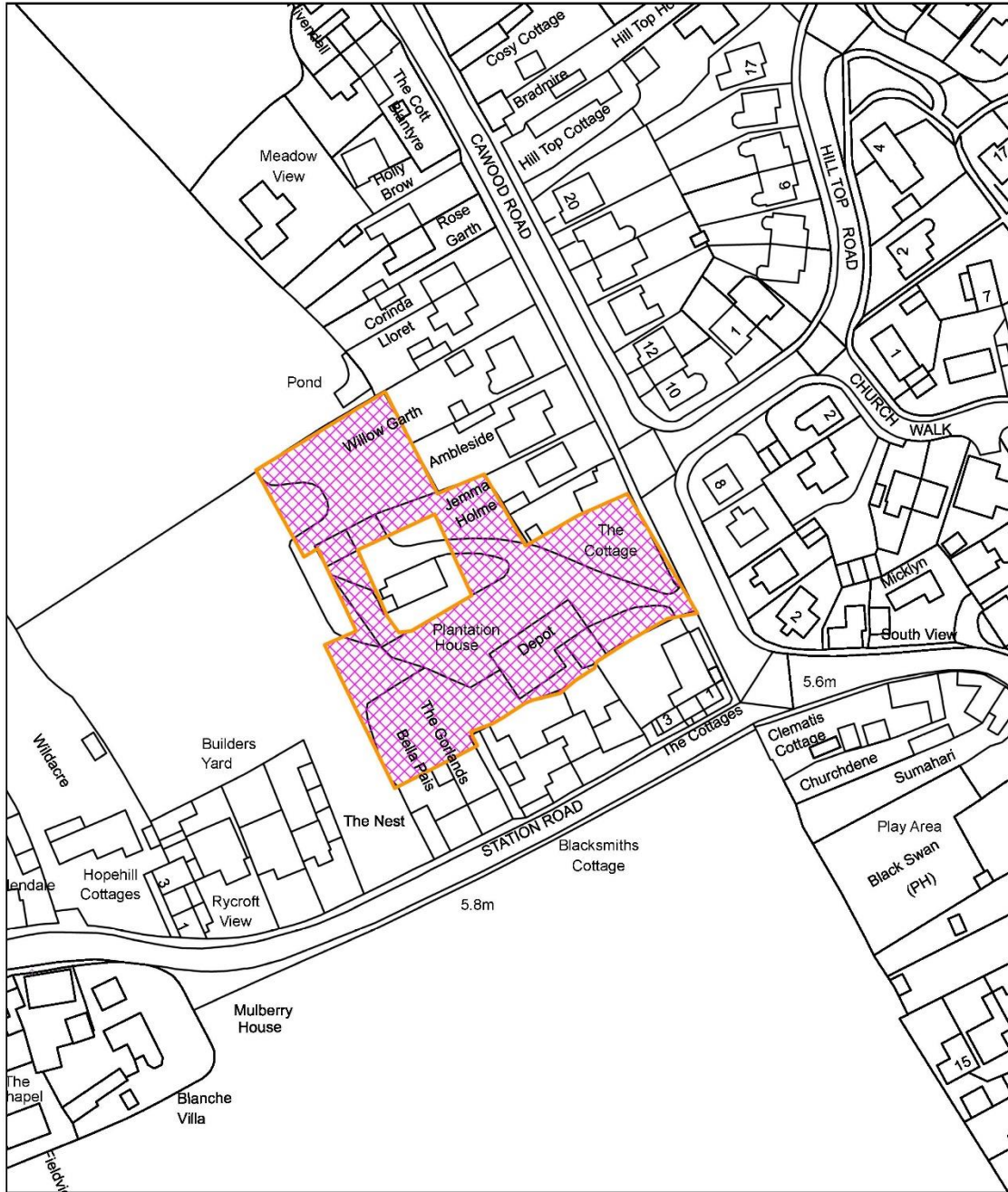
**RECOMMENDATION: That planning permission be delegated to the Head of Planning Development Management to GRANT subject to a Section 106 or a Unilateral Undertaking to secure a contribution to secure offsite Bio-Diversity Net gain to offset the onsite loss, off-site recreation provision and to secure waste and recycling conditions and subject to the conditions listed below.**

- 2.1. The application seeks full planning approval for the erection of nine detached residential dwellings some of which would have detached garages. The existing main house (farmhouse) will be retained with all other existing buildings on the application site to be demolished. A variety of dwellings have been proposed within the scheme, consisting of 2 x 3 bedroom units and 7 x 4 bedroom units.
- 2.2. The application site, extending to 0.44 ha is located around Plantation House, Cawood Road, Wistow, YO8 3XB. It is currently in a mixed residential (C3) and bus depot (Sui Generis) uses. The red line application site boundary excludes the existing dwelling, Plantation House which is located centrally in the red line site area.
- 2.3. The site is brownfield land and the development is largely acceptable in principle with the majority of the site falling within the development limits of

Wistow village. Two small strips of the application site fall outside the development limits and are therefore contrary to the development plan. However, due to the very small size of these parts and the contribution they make to achieving a good layout and design, it is considered that on balance the scheme can be supported.

- 2.4. Local representations have been received from 15 individuals with a number of concerns as set out in the report. Key issues are the impact on the adjacent Listed Building on Station Road known as the Blacksmiths Shop, achieving an acceptable design and layout suitable for the location and addressing residential amenity. Additionally addressing the loss of biodiversity from removal of existing hedgerows and scrub grassland.
- 2.5. On balance the application is considered to be acceptable in principle and complies with policies SP1, SP2, SP4, SP15, SP18 and SP19 of the Core Strategy and saved policies ENV1, RT2, T1 and T2 of the Local Plan as well as guidance within the NPPF.

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



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### **3.0 Preliminary Matters**

3.1. Access to the case file on Public Access can be found here:-

<https://public.selby.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>.

3.2. Relevant planning history Applications are listed below;

- CO/2002/0469, Proposed erection of 2 No. single storey extensions to both side elevations of the existing dwelling to provide conservatory, utility and lounge at Plantation House, Cawood Road, Wistow, Selby, North Yorkshire, YO8 3XB. Permitted: 24-JUN-02
- 2006/0096/FUL: Resubmission of previously withdrawn application 8/36/274A/PA for conversion of barn to residential dwelling including extension on land adjacent: Plantation House, Cawood Road, Wistow, Selby, North Yorkshire, YO8 3XB. Permitted 20-MAR-06
- 2022/0945/FULM: Demolition of existing buildings and erection of 32 No. dwellings (Use Class C3), Plantation House, Cawood Road, Wistow, Selby, North Yorkshire, YO8 3XB. Withdrawn: 07-FEB-23

### **4.0 Site and Surroundings**

4.1. The application site, extending to 0.44 ha is located around Plantation House, Cawood Road, Wistow, YO8 3XB. It is currently in mixed residential (C3) and bus depot (Sui Generis) uses. The red line application site boundary excludes the dwelling, Plantation House, which is located centrally in the red line site area. Located to the west of Cawood Road and to the north of Station Road. With access currently taken from Cawood Road. The site contains 4 main existing buildings – 3.no in residential and ancillary use and 1.no in commercial use (formerly operating as Wistonian Coaches).

4.2. The site is part of Wistow village and is enclosed by built development on its southern, northern and eastern boundaries, comprising existing residential development. Wistow is defined as a secondary village in the Core Strategy. The proposed development would be mainly within the development limits although a small amount of land including two small strips lie outside the development limits. There is a listed building to the south fronting Station Road known as the Blacksmiths Shop which is Grade II listed. The majority of the site is within Flood Zone 2 with a small part on the northwest side being within Flood Zone 1.

### **5.0 Description of Proposal**

- 5.1. The application seeks full planning approval for the erection of nine detached residential dwellings some of which would have detached garages. The existing main house (farmhouse) will be retained with all other existing buildings on the application site to be demolished. A variety of dwellings have been proposed within the scheme, consisting of 2 x 3 bedroom units and 7 x 4 bedroom units. The layout provides for a single spine road accessed from Cawood Road with turning head at the west end of the site.
- 5.2. A small strip of land adjacent to 'The Cottage' which adjoins the site north of the access is indicated to be 'land to be transferred' on the layout plan. The plans have been amended during the course of the applications consideration and this land is to be transferred to the ownership of the 'The Cottage'.

## **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 (SDCS), adopted 2013
  - Selby District Local Plan (SDLP), adopted 2005
  - Minerals and Waste Joint Plan (MWJP), adopted 2022

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.

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. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

- 6.4. 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.

Guidance - Material Considerations

6.5. Relevant guidance for this application is:

- National Planning Policy Framework December 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Supplementary Planning Document, Affordable Housing 25 February 2014- Wistow Village Design Statement December 2009

**7.0 Consultation Responses**

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

7.2. **Wistow Parish Council:** Neutral response with the following comments;

- Drainage for current houses will be worsened
- Footpath on roadsides needed for public safety
- Road surfacing not in keeping with wider area
- VDS not followed. This site is within a heritage zone and house design not in keeping
- Too close to existing dwellings and will block out light.
- Natural boundaries such as trees and hedges should replace the proposed wooden fence.

7.3. **Conservation Officer:** Boundary treatments to the rear of the Grade II Listed Blacksmiths Shop need to be reviewed to reduce the harm. A tall brick boundary wall would be more appropriate than the proposed 1800mm close boarded timber fence. Gap has been left to the rear of the LB to reduce the impact. the development is likely to have an impact upon the setting but the removal of the agricultural shed would provide low level of enhancement. With sympathetic boundary treatments and suitable materials for the dwelling of a traditional nature this will reduce the harm. Conditions suggested for materials, sample panel on site and include mortar details and finish. Roof to have mortared verges, no fascia boards and metal gutters to be attached using metal brackets.

7.4. **Ecologist:** Mandatory BNG not yet required but is not exempt as NPPF still seeks to achieve net gains. There is a there is a need for developments to still demonstrate how they have sought to minimise loss of biodiversity and secure gains where possible.

The calculation shows a 17.73% net loss of area-based habitat units, which would be contrary to policy. The applicant will need to consider changes to the

design of the scheme or off-site ecological enhancements to make good this deficit. There is a small net gain for hedgerows, which is compliant with policy.

- 7.5. **Environment Agency:** No formal comments
- 7.6. **Environmental Health:** The site is located on the corner of two main through roads and has the potential to cause a noise disturbance for the proposed residential properties. Construction management condition recommended with limitations on noise, vibration, dust, hours of w
- 7.7. **Highways:** No objections subject to conditions including a construction management plan
- 7.8. **Shire Group of Internal Drainage Boards:** Recommends Planning condition for surface water management.
- 7.9. **Waste and Recycling:** Need to know details on which part of the road is to be publicly maintained and which will remain in private ownership. Due to the location of the bin presentation point for plots 5 and 6 and the swept path diagram, I will assume that the Permeable Block Paving area identified on the Landscape Masterplan will remain in private ownership and the remainder of the road is to be an adopted highway. If this is correct, then the presentation point is at a suitable location. external bin storage at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). The revised Layout Plan still only shows external bin storage for 3 bins at each property.
- 7.10. **Yorkshire Water:** Conditions recommended.

#### Local Representations

- 7.11. The application was advertised by site notice and press notice and was readvertised following revised plans. Local representations have been received from 15 individuals some of whom re-commented on the revisions. A summary of the comments is provided below, however, please see website for full comments.
- 7.12. Objections summarised:
- Plans show its phase 1 and has been designed to allow phase 2.
  - Allowing this site will lead to further development being allowed.
  - Additional houses will exacerbate the busy roads.
  - Negative impact for drainage and sewage in the village
  - Flooding already occurs in gardens and this development will exacerbate the issue.

- Conflict with proposed access and access for occupants of adjacent dwelling, Rosedene. Suggest small amount of land is transferred in the interests of pedestrian and road safety.
- Even with revised plans there will be loss of privacy, light to adjacent dwellings and bungalows (several nearby occupants object on these grounds).
- Noise and disturbance from construction
- Noise from new houses
- The development would be better with access from Station Road as the junction on Cawood Road is close to the junction, bend and driveway of neighbours.
- Trees which would have screened the existing houses and afforded privacy have been removed.
- Light pollution from houses and streetlights
- Plans show a good brick boundary wall being replaced with brick and timber fencing which will need maintenance and replacing. Prefer to keep existing brick wall.
- Rural outlook from existing dwellings will be lost.
- Not enough space for visitor parking and Additional cars parked along the street will cause problems since some existing houses have not off-street parking.
- Scheme not in keeping with the rural character of the village.
- Damage to ancient boundary wall due to root damage from Mature tree on boundary
- Developer has not followed legal obligations with respect to protected species.
- Loss of hedges and wildlife habitat
- The new road will not be up to adoptable standards and will be a burden on future residents.
- Tarmac road would be more in keeping.
- Object to no footpath provision within the estate
- Object to no affordable housing provision
- Developer is not reputable or reliable(not a planning consideration)
- Wistow Village design Statement not adhered to as the site is within a 'Heritage Zone'.

## **8.0 Environment 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 locality
- Heritage Assets
- Residential Amenity
- Highway safety
- Ecology and Biodiversity
- Flood Risk and Drainage
- Contamination/Ground Conditions
- Affordable Housing
- Recreation Open Space
- Waste and Recycling
- S106 Agreement

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. Relevant policies in respect to the principle of development include the presumption in favour of sustainable development Policies SP1, SP2 and SP4 of the Core Strategy and the national policy contained within the NPPF. Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) 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.
- 10.2. Policy SP2 sets out the spatial development strategy for the Selby area with a hierarchy of settlements and the majority of new development being directed to the towns, local service centres and more sustainable villages which are designated service villages. Westow is a Secondary Village where Policy SP2 b) applies. This sets out that limited amounts of residential development may be absorbed inside Development Limits of secondary villages where it will enhance or maintain the vitality of rural communities and which confirms to the provisions of Policy SP4 of the CS. SP4 sets out that, amongst other things, conversions, replacement dwellings, redevelopment of previously developed land, filling in of small linear gaps in otherwise built up frontages and conversions/redevelopment of farmsteads are acceptable forms of development secondary villages.
- 10.3. Wistow has a defined development limit which was established under the proposals map of the Selby District Local Plan, and which demonstrates that the village is relatively compact in form with its rural character well maintained. The Development Limits are part of the adopted plan and a means of implementing the Council's spatial development strategy by constraining development within the main body and confines of the village. Therefore, for

the purposes of planning designation, the majority of the application site is located within the Development Limits of Wistow.

- 10.4. However, two small parts of the site are outside the development limits. These are in the northwest corner and includes part of the open landscaped area and the southwest corner which includes part of plot 9 and part of the turning head.
- 10.5. The land which is the subject of this proposal has a sui generis use and is previously developed site within the village limits. There is an existing dwelling on the site, but this is excluded from the development proposals and will be retained. The proposed development scheme is for 9 dwellings (2 x 3 bed and 7 x 4 bed) and will contribute towards maintaining the vitality of the rural community. The layout (which is discussed in the next section in more detail) has been adjusted to maintain a gap through Plot 7 so that the Listed Building on Station Road, known as the Blacksmiths shop, remains partially visible and its setting preserved. This pushes the development slightly westwards just outside the development limits. The site boundary is a logical position to extend the development to and provides for a good layout arrangement. In the northwest corner the land outside the limits would only be an open space/landscaped area which would enhance the setting of the site. Overall, it is concluded that this very minor extension outside the development limits is acceptable in this case and allows for a reduced density with space for informal landscaping and to preserve the setting of a listed Building. There are good reasons to justify it and it does not set a precedent for other sites to follow suit.
- 10.6. The development would therefore accord with Policies SP1, SP2 and SP4 of the CS and is therefore acceptable in principle subject to meeting criteria SP4 c), d) and e) which relate to the impacts on the character of the local area and other impacts being acceptable.

*Section 149 of The Equality Act 2010*

- 10.7. 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.
- 10.8. The proposed development would not result in a negative effect on any persons of on persons with The Equality Act 2010 protected characteristics.

Design, Layout, Scale and impact on the Character and Appearance of the Local Area

- 10.9. Core Strategy Policy SP18 seeks to protect (amongst other things) local distinctiveness and Policy SP8 states that proposals should provide an appropriate mix of scale and types of dwellings which reflect the requirements taken from the latest Strategic Housing Market Assessment (SHMA). ENV 1 of the Local Plan is also relevant and SP19 seek to ensure all new development contributes to enhancing community cohesion by achieving high quality design and have regard to local character, identity and context of surroundings including historic townscapes settlement patterns and the open countryside.
- 10.10. Policy SP8 of the Core Strategy states that: "Proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality".
- 10.11. Although the applicants have not provided specific evidence on whether the proposals accord with Policy SP8, Officers consider that the development of the site for this type of accommodation of 3 and 4 bedroom units would add to the mix within the settlement and thus would provide a unit type that is appropriate for the locality and as such a condition should be utilised to ensure that the smaller 3 bedroom unit are retained and not subsequently changed. With this approach it is considered that the scheme is in accordance with Policy SP8 of the Core Strategy.
- 10.12. The scheme proposes a mix of housing types of detached properties with either 3 or 4 bedrooms arranged flanking a spine road. Similar housing developments have occurred throughout the village and this would not be out of keeping with these other developments. Two dwellings would directly front Cawood Road and sit aligned with existing street front properties. The scheme has been reduced in density and the layout amended to better fit with the surrounding developments.
- 10.13. The proposed development makes the most efficient use of land, providing a density of development commensurate with the character of the village in this location on an area of previously developed land. It replicates the existing settlement in scale and layout. Amendments have been sought and officers have worked with the applicants to achieve a scheme which reflects the local materials and designs. Amendments have been received to the designs, the mix of designs and the removal of rendered areas. A variety of house types are included and the design of the proposed dwellings is in keeping with

traditional architectural styles found in the local area. The dwellings blend in well with the design and scale of surrounding properties which are a mix of house types.

- 10.14. A materials plan has been provided which shows the dwellings in red brick with grey roof colouring. The layout provides for amenity open space with landscaping on the south side of the access and in the northwest corner opposite plots 5 and 6. The development proposal positively contributes to the area's identity. These will help to soften the development and provide a landscaped setting to the dwellings.
- 10.15. The site does not contain any significant trees. It will result in the loss of one tree (Cat.C) on the southwest corner of the site and some hedgerows within the site. The councils arboriculturist does not object subject to standard conditions to protect trees around the site. New trees are proposed within the site and a condition is recommended for the submission of a detailed landscaping scheme.
- 10.16. In conclusion, it is considered that the proposal is acceptable in design terms with a similar layout pattern to the existing adjacent form of development typical of the village in terms of the siting of the proposed dwellings. These are set back from the road sufficiently to avoid an enclosed street frontage and the layout plan utilises the constraints of the site to its advantage.
- 10.17. Overall, in terms of design, layout and scale the scheme is considered acceptable and in keeping with other recent developments in the locality. The scheme is modest in scale and materials would reflect those used on existing properties. On this basis, the proposal is considered to be acceptable and therefore accords with Core Strategy Policies SP4 c) and d), SP18, SP19 and SP8 and the NPPF in this regard.

### Heritage

- 10.18. The site adjoins the curtilage of a Listed Building known as the Blacksmiths Shop, a Grade II listed building of orange-red brick and pantile roof. To the rear are ancillary structures stretching out at a 90-degree angle. Plot 7 of the proposed development would adjoin the Listed Building curtilage and has the most impact on its setting.
- 10.19. When considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

- 10.20. In addition to the above legislative requirement, relevant development plan policies are ENV1 and ENV 24 of Selby Local Plan (2005) and policies SP18 and SP19 of Core Strategy. These reflect national policy contained in the NPPF which relates to development affecting the significance of heritage assets and is include paragraphs 200 to 203 and 205 to 208.
- 10.21. The applicants have submitted a Heritage Statement which correctly identifies that no heritage assets are present within the site itself. The only nearby asset which will be impacted by the development is the Blacksmiths Shop. The building fronts onto Station Road with curtilage boundary adjoining the site to the north. A lower 2-storey outshoot, formerly a stable range extends to the rear. The building dates to the early-mid 18th century according to the listing description and is constructed in an orange-red brick with replaced pantile roof covering. The Blacksmith's Shop is well represented in views from Station Road where its distinct scale and architectural style gives the building a degree of prominence. The former stable block range, now converted, and historic boundary to the north is retained and contribute positively to setting.
- 10.22. The existing depot building within the site is located immediately to the north of the Blacksmith's Shop and, in combination with works areas and hard surfacing within the site is considered to be a negative element within setting. The removal of this building as part of the development will result in a low level of enhancement. The main concern has been the impact of the new dwellings on the setting to the rear of the Listed Building. However, the plans in relation to Plot 7 have retained a significant gap so that the impact of the development is reduced with spacing which affords views towards the Listed Building. Revised plans also provide for an 1800mm brick boundary wall adjoining the Listed Building site rather than the originally proposed close boarded fencing. This will be more in keeping with the Listed Building. The design of the dwelling adjoining the site has also been amended with detailing more sympathetic to the Listed Building. These changes reflect the requirements of the Conservation Officer and are now considered acceptable subject to agreement of the specific materials and features of Plot 7.
- 10.23. It is considered that although there will be a change to the setting, overall there will be no harm to the significance of the Listed Building. The details of the design do now also respond to the more distinctive traditional nature of the village, rather than reflecting more modern forms of development in the locality. As such, the details of the development are considered appropriate for this location. It is however recommended that a permitted development restriction is imposed on Plot 7 due to its proximity to the Listed Building and to preserve the space around the building which provide open gaps in the setting.

10.24. Subject to conditions to ensure suitable sample materials and compliance with the details of the plans it is considered that the revised scheme would be in character with the village and there would be no harm to the heritage assets. Having had regard to the above and taking into account the NPPF, it is considered that the proposals are considered acceptable with respect to the impact on heritage assets and would be in accordance with the above mentioned policies.

#### Residential Amenity

10.25. Policy in respect to impacts on neighbour amenity and securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. In addition, paragraph 135(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being '*with a high standard of amenity.*'

10.26. The proposed dwellings will all adjoin the boundaries of adjacent existing residential dwellings. Objections have been received from many of these with concerns about overlooking and overshadowing. However, the position of the proposed dwellings on the layout plan area are all more than the minimum distance from existing dwellings. It is considered that these objections relate more to the change from a situation with currently no dwellings to the rear to a situation where the boundaries are joined by new dwellings. It is acknowledged that there will be some change, with new dwellings present and visible from the boundaries. However, the standard of amenity is similar to the accepted distances between dwellings and will not give rise to a material loss of amenity which would warrant further change to the layout or upon which a refusal could be substantiated.

10.27. One of the closest dwellings is the 'The Cottage' to the north adjacent to Plot 1. However, the principal outlook and majority of its windows to The Cottage are orientated to the north and west with only one small first floor window on its south elevation which would be affected by the development. It is acknowledged there is one ground floor window facing the site but this would in any event be screened by the boundary fencing. The first floor window of The Cottage is shown on its approved plans for an extension to be a window to a first-floor study, being a very small room. It is noted that the current occupants objected on the basis of loss of light to this room which is being used as a bedroom. As such, although there will be some overshadowing to this window, the overall level of amenity the dwelling is not considered to be significantly affected given the number of rooms and windows and their main orientation. The proposed dwelling on plot one would have side windows facing the Cottage but these at first floor are not to principal rooms and are windows to a bathroom and landing. As such these will not result in overlooking or loss of amenity to a level which would warrant refusal. A

condition can be imposed to ensure no new additional windows are inserted in this elevation. Objections from the occupants of the Cottage to the north of Plot one are stated to have been resolved through the transfer of a strip of land between them. This is shown as a blue hatched area on the layout plan. However, this is a private matter between the applicants and the cottage owner and cannot be controlled through this planning application.

- 10.28. The Environmental Health officer (EHO) was consulted and comments that as the site is located on the corner of two main through roads it has the potential to cause a noise disturbance for the proposed residential properties during construction. A condition is recommended to protect residential amenity from noise.
- 10.29. The EHO also points out that proposed development is near existing residential premises and may negatively impact upon nearby residential amenity during construction due to the potential for generation of dust, noise & vibration. The Control of Pollution Act 1974 and the Environmental Protection Act 1990 allows for certain noise control measures and the abatement of statutory nuisances in relation to noise, dust and vibration. Whilst a development may detrimentally impact upon existing residential amenity, it may not be deemed to constitute a statutory nuisance. Therefore, it is considered unwise for this development to rely on the above legislation to effectively manage the potential impact of noise, dust and vibration on the existing residential premises. To protect the residential amenity of the area further conditions to control the impact of noise, vibration, dust and dirt on the nearest residential dwellings are advised. A condition for works to take place within restricted hours is also advised given the proximity to existing dwellings.
- 10.30. Overall, subject to these conditions, an acceptable level of amenity can be achieved for future occupants without unacceptable loss of amenity to the occupants of existing nearby dwellings. Subject to the conditions referred to above, the proposed development is therefore considered acceptable with respect to the layout and design and should not cause a significant detrimental impact on the residential amenities of the neighbouring properties. The proposal is therefore in accordance with Policy ENV1 (1) of the Selby District Local Plan, SP19 of the Core Strategy and with the NPPF.
- 10.31. 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.

#### Highway Safety

- 10.32. 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 14 (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 115 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.

- 10.33. The concerns of local residents and the Parish Council are noted in relation to the increase in traffic, parking, the access position and road surfacing. However, the highway engineer does not object to the scheme subject to conditions to secure a construction management plan suitable for small building sites, full engineering drawings of the roads and footways, details completion of adoptable roads and footways, visibility splays, details of access parking and turning, parking for dwellings. As such with the safeguard of conditions it is considered the scheme can deliver an acceptable standard of road, access and parking facilities. A footpath would be provided on both sides of the access to Cawood Road on the first part of the spine road. This would provide safe access for pedestrians linking to the footpaths on Cawood Road.
- 10.34. In conclusion and on the basis of the favourable comments from the Highway Officer, and the imposition of the advised conditions, the highway specifics are considered to be acceptable and would therefore accord with Local Plan Policies T1 and T2; Core Strategy Policy SP15 and the advice within the NPPF.

#### Protected Species, Biodiversity and off-site habitats

- 10.35. Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 180 of the NPPF. Point d) of Paragraph 180 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 10.36. The site is a brownfield developed site and does not contain any protected species. A Preliminary Ecology Assessment (PEA) has been submitted along with an Arboricultural assessment and a tree protection plans. The Ecological assessment found the area of improved grassland that forms the majority of the on-site habitat and the bordering scrub and tree line to be of moderate ecological value offering suitable foraging, sheltering and commuting habitats for bats, birds, amphibians and small mammals with some connectivity to surrounding habitats. There was no evidence of bats using the buildings as



roosts although the site is considered to be located within the foraging territories of several individual bats of multiple species but the impact to bats from the development would be low. No evidence of nesting birds at the time the survey was undertaken (June 2022) and so the vegetation clearance was not expected to impact nesting birds but will result in a high loss of suitable nesting habitat at site level. There was no evidence of amphibians/reptiles found. Precautionary ecological mitigation measures are advised with a series of recommendations. Subject to adherence to these the PEA concludes there will not be a significant impact on protected species or habitats as a result of the proposed works.

- 10.37. The Council's ecologist is satisfied with the avoidance and mitigation measures but points out that although mandatory BNG has not yet come into effect there is a need for developments to demonstrate how they have sought to minimise loss of biodiversity and to secure gains where possible. This is to comply with current advice within the NPPF and to satisfy the requirements of Core Strategy Policy SP18 3b). The Councils ecologist recommended a small sites metric calculation with the aim of demonstrating no net loss as a minimum and a gain where possible. The applicants submitted a biodiversity metric calculation and report which demonstrates a small BNG loss although there is a small net gain for hedgerows. It sets out that the opportunity for net gain increases on site are limited due to the nature of the development. The ecologist comments that because of the loss, off site ecological enhancements need to be considered to make good this deficit.
- 10.38. Discussion have taken place with the Parish Council and it has been suggested that a contribution could be made to provide landscaping to a proposed Community Churchyard/ Burial Ground. The Ecologist is supportive of this proposal. Because off site improvements are required, this must be the subject of a S106 agreement or a unilateral undertaking. The applicants are willing to make a contribution payable to the Wistow Parish Council for such provision or improvement of landscaping schemes within the civil administrative area of Wistow Parish to mitigate the effects of the development. A unilateral undertaking has been provided which includes the provision of a financial sum in this respect. The ecologist has been reconsulted and considers this approach acceptable.
- 10.39. Subject to the adherence to the requirements of the unilateral undertaking, the proposals and subject to a condition requiring adherence to the recommendations of the PEA, the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

#### Flood Risk and Drainage

- 10.40. Core Strategy Policy SP15 requires proposals to take account of flood risk, drainage and climate change. Criterion d) of Policy SP15 applies in respect of ensuring development is located avoiding flood risk areas. The majority of the site lies within Flood Zone 2 with a small part around the existing dwelling Plantation House, lying within Flood Zone 1.
- 10.41. Paragraph 168 of the NPPF sets out that; “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”
- 10.42. The Councils Developer Guidance Note advises that Development should be directed to areas of Flood Zone 1 wherever possible, and then sequentially to Flood Zones 2 and 3, and to areas of least flood risk within Flood Zones 2 and 3. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. The Core Strategy Policy SP2 sets out the location for future development within the Selby District and provides for: a hierarchy of settlements with the majority of development being directed to the more sustainable towns, local service centres and service villages. Wistow is a secondary village where only limited amounts of residential development may be absorbed inside the development limits and which confirm to the requirements of Policies SP4 and SP10. The Councils supplementary developers advice guidance note provides sequential test search areas. For secondary villages it advises that the search area is within and immediately adjacent to the development limits of secondary villages district wide.
- 10.43. Once the Sequential Test search area has been determined, alternative sites will need to be looked at that could be suitable for (and could accommodate the scale of) the proposed development (comparison sites). The Councils supplementary advice also provides that proposals on sites where previously developed land (PDL) accounts for 50% or more of their area should only be compared against other previously developed sites (50%+ of their area) within the development limits of the same settlement. This is because it is not the intention of the Council to use the sequential test to reallocate development from PDL to greenfield sites.
- 10.44. This site is a brownfield site and accounts for the majority of the site. There are no other brownfield sites with permission for more houses within Wistow on land within Flood Zone 1. The development therefore passes the sequential test and according to the guidance being a ‘More vulnerable ‘use within Flood Zone 2 an exception test is not necessary.

- 10.45. A Flood Risk Assessment (FRA) has been submitted with this application. The Environment Agency refer to their flood risk standing advice and have no comments to make. The FRA makes recommendations to minimize the risks from flooding. It should be a condition of this consent that the advised measures are adhered to. Yorkshire Water require conditions so that full drainage details can be agreed.
- 10.46. On the basis of the above comments, assessment and that the means of both foul and surface water drainage are provided in accordance with the conditions required by the above consultees, it is considered that the development is capable of satisfactory provision for both foul and surface water and does not pose an unacceptable risk from flooding. The development therefore accords with Core Strategy Policy SP15, Local Plan Policy ENV1 and with the NPPF.

#### Contamination

- 10.47. Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 189 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 10.48. A phase 1 Environmental Assessment Report has been submitted. This indicates that the site is at moderate risk of contamination due to previous use as a bus depot and the potential for made ground to be present with shallow soils at the site. Contaminants such as heavy metals, solvents and polyaromatic hydrocarbons and asbestos could be present in the made ground. The applicants own report recommended that a Phase 2 intrusive ground investigation is carried out and the scope for the investigation will need to be submitted and approved by the LPA prior to commencement of the Phase 2 intrusive works. The Contamination consultants comments are awaited at the time of writing this report but are expected to concur that an intrusive ground investigation will be necessary before development commences with the submission of remediation and verification reports before any dwelling is occupied. An update with the final conditions will be given at the meeting.
- 10.49. In conclusion, there are concerns with regard to contamination and phase 2 intrusive investigation is needed with likely remediation works to follow. Subject to appropriate pre-commencement conditions the contamination is not considered to exclude the development proposed which is considered to

accord with Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19, in addition to the NPPF.

- 10.50. 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 health and the right to private and family life.

### **Affordable Housing**

- 10.51. Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 10.52. Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 63 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Policy SP9 provides that in respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the NPPF paragraph 64. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.
- 10.53. The application is in full with a site area of more than 0.44 ha (1.08 ha) and the proposed number of dwellings is below 10 and the site could not reasonably accommodate 10 or more dwellings due to the constraints from Flood Zones 2 and the characteristics of the site. Furthermore, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.
- 10.54. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

### **Recreation Open Space**

- 10.55. 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. There is a requirement to provide 60sqm per dwelling which, in this case, would equate to 300sqm. The submitted layout plan does not incorporate any on-site recreational open space as part of

the development. It does have two informal open space providing landscaping and setting to the site.

- 10.56. 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. Discussion with the Parish Council would be needed to identify which of the two would be of the most benefit to the village. Policy RT2 b) advises that options, subject to negotiation and levels of existing provision:
- 10.57. In this instance a commuted sum would be required with Payment secured through the applicant entering into a Section 106 Agreement/Unilateral Undertaking (UU) which would be required to be in place prior to the issuing of any planning permission. This would be to contribute to open space in the locality.
- 10.58. The applicants have agreed to make the required contribution and an appropriate sum has been included in the draft UU. The development therefore accords with 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.

#### Waste and Recycling

- 10.59. 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. The waste and recycling contribution would be provided under the Section 106/Unilateral Agreement in accordance with Developer Contributions.
- 10.60. A draft unilateral undertaking has been provided by the applicants which includes an acceptable contribution for off site contribution to mitigate BNG, a sum for recreation open space and a sum for waste and recycling in accordance with council policy.

#### S106 Legal Agreement

- 10.61. The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Biodiversity off site provision to offset loss of habitat on site.	Landscaping Contribution to the Parish Council for landscaping the proposed new Churchyard/burial ground	£12,500.00 payable to the Parish Council, prior to occupation of any dwelling
POS Delivery and Maintenance	To the Council for the provision of or improvements to public open space within the vicinity of the development	£8,919.00, prior to occupation of any dwelling
Waste and Recycling Contribution	To the councils for the provision or improvement of waste facilities within the vicinity of the development	£585.00 prior to occupation of any dwelling

10.62. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The land which is the subject of this proposal has a sui generis use and is previously developed site within the village limits of a secondary village. In principle, the majority of the development of this site for residential purposes which falls within the development limits is consistent with the policies of the Development Plan. for residential purposes is acceptable and complies with Core Strategy Policy SP2, SP4 and with the NPPF. A small amount of land outside the development limits. This is a very limited area and allows for an acceptable and workable layout having regard to the characteristics of the site, the need for adequate access and turning areas, landscaping and to preserve the setting of the adjacent listed building.
- 11.2. The development is acceptable with respect to the impacts on Highway safety, Residential Amenity, Flood Risk and Drainage, Ecology and Biodiversity, Contamination, Recreation Open Space, Affordable Housing, Waste and recycling subject to appropriate conditions and subject to either a S106 Agreement or a Unilateral Undertaking (UU) to provide the contributions identified in its report and set out in the heads of terms.
- 11.3. The benefits of the proposal are the provision of additional housing to support the local community, economic benefits during the construction phase and due to additional houses in a rural village to support local services. There are also environmental benefits in the commuted payments towards BNG in the locality and Recreational provision.

- 11.4. On balance the proposed development is acceptable subject to the conditions and the S106/UU to secure the above provisions.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be delegated to the Head of Planning Development Management to GRANT subject to the completion of a section 106 agreement or a unilateral undertaking to secure offsite BNG, off site recreation open space provision and to secure waste and recycling facilities and subject to the conditions listed below;

### **Recommended conditions:**

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 be carried out in complete accordance with the plans/drawings listed below:

- Layout Plan Ref: Z149.002 Rev L
- Site Access Design and Visibility Splays Ref: AMA/21368/SK/005 Rev P02
- Refuse Vehicle Swept Path Analysis Plan Ref: AMA/21368/ATR/003 Rev C
- Boundary Treatment Plan Ref: Z149.003 Rev D
- Indicative Street Scene Ref: Z149.011
- House Type Pack Ref: Z149.009 August 2003 (No render)
- Landscape Masterplan Ref: 1421-001 Rev C
- Arboricultural Impacts Plan Rev F
- Tree Protection Plan Rev F
- Flood Risk Assessment and Drainage Strategy (Andrew Moseley Associates) March 2023

Reason:

For the Avoidance of doubt

### **ENVIRONMENTAL HEALTH/AMENITY**

03. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties

in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

04. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

05. Should any of the proposed foundations be piled and/or any ground compaction works be required, no development shall commence until a schedule of works to identify those plots affected and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the local planning authority. The proposals shall thereafter be carried out in accordance with the approved schedule.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

#### HIGHWAY CONDITIONS

06. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:



1. details of any temporary construction access to the site including measures for removal following completion of construction works.
2. A scheme for the management of mud and debris so as to not spread onto the adjacent public highway.
3. the parking of contractors' site operatives and visitor's vehicles.
4. areas for storage of plant and materials used in constructing the development clear of the highway.
5. details of site working hours.
6. details of the measures to be taken for the protection of trees.
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity

07. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

08. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

09. There must be no access or egress by any vehicles between the highway and the application site at Cawood Road, Selby until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, 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.

10. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Plantation House until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and

leave the site in a forward gear, and;

- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Plantation House have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

11. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

12. Notwithstanding the submitted materials plans and House Type Pack Ref: Z149.009 August 2023, before any work proceeds on Plot 7 above slab level further details shall be submitted for the written approval of the Local Planning Authority for all external materials to Plot 7 including the rear boundary wall and a sample panel erected on site for the external walls and roof materials for inspection. The roof shall be in clay pantile and have mortared verges, no fascia boards and metal gutters and drainpipes to be attached using metal brackets. Thereafter the approved details only shall be used and retained for the lifetime of the dwelling.

Reason:

In the interests of Plot 7 preserving the setting of the adjacent Listed Building, the Blacksmiths shop and in accordance with SP18 of the Core Strategy and the NPPF.

13. Before any work proceeds on any dwelling above slab level, samples of the materials for the walls, roof and boundary walling of each dwelling shall be submitted for the written approval of the Local Planning Authority and thereafter the approved details only shall be implemented.

Reason:

In the interests of visual amenity and the character of the locality and to accord with Policy SP18, SP19 of the Core Strategy, ENV1 of the Local Plan and with the NPPF

DRAINAGE

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason:

In the interest of satisfactory and sustainable drainage

15. 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 rate not to exceed 3.5 litres per second.

Reason:

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

16. The development shall be carried out in full accordance with the advice, recommendations and mitigation measures in section 12 of the Flood Risk and Drainage Strategy (Andrew Mosely Associates March 2023) including a requirement for the site personal and the occupants of each dwelling to sign up for flood alerts from the EA via email and text to inform them of the risk of flooding prior to flood events.

Reason:

To minimise the risks from flooding events and to provide sufficient warning for all site personnel or occupants of dwellings to evacuate the site to an area of safe refuge or the Emergency Rest Centre.

#### LANDSCAPING/PROTECTION

17. The landscaping masterplan shall be carried out and completed in full in the first planting season following the first occupation of the dwellings or the substantial completion of the scheme whichever is the soonest.

Reason:

In the interests of visual amenity and the character of the locality and to accord with Policies SP18, SP19 of the Core Strategy, ENV1 of the Local Plan and with the NPPF

18. No development shall commence on site before the developer has implemented the submitted (Selwyn Trees AIA and drw dated 17/03/2023) root protection area(s) (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that

document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason:

In the interests of Protection of trees and vegetation in and around the site and to accord with Policies SP18, SP19 of the Core Strategy, ENV1 of the Local Plan and with the NPPF.

19. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered.

Reason:

In the interests of Protection of trees and vegetation in and around the site and to accord with Policies SP18, SP19 of the Core Strategy, ENV1 of the Local Plan and with the NPPF.

20. A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority (LPA) and no development shall take place until the LPA have approved such a scheme: such a scheme shall specify materials, species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any earthworks required. A program for post planting care and replacement to be included.

Reason:

In the interests of visual amenity and the character of the locality and to accord with Policies SP18, SP19 of the Core Strategy, ENV1 of the Local Plan and with the NPPF

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2 Part 1 Classes A, B, C, D, E, F and G or within Schedule 2 Part 2 Classes A and B shall be carried out on Plot 7 (Plot adjoining the Listed Blacksmiths Shop).

Reason:

In order to retain the space around the dwelling which has been carefully designed to preserve the setting of the Grade II Listed Building known as the Blacksmiths Shop adjoining the site to the south by retaining the gaps and views towards the Listed Building.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows other than those shown on the approved plans shall be inserted in the north elevation of Plot 2. The approved windows shall be constructed with obscure glazing only which shall be retained for the lifetime of the development.

Reason:

In the interests of the residential amenity of the adjacent dwelling.

#### CONTAMINATION CONDITIONS

- 23 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
  - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

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

25. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be 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.

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

## **INFORMATIVES**

1. Regarding condition 8 -It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
2. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

**Target Determination Date:** 12.01.2024

**Case Officer:** fiona.ellwood@northyorks.gov.uk

**Appendix A – Proposed Layout Plan**