

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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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/View/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

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Appendix A – Existing and Proposed Layout