

## **Mission Statement**

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

3 November 2009

Dear Councillor

You are hereby invited to a meeting of the Planning Committee to be held in **Committee Rooms 1 and 2**, Civic Centre, Portholme Road, Selby on **11 November 2009** commencing at **4:00 pm**.

The agenda is set out below.

**1. Apologies for Absence and Notice of Substitution**

To receive apologies for absence and notification of substitution.

**2. Disclosure of Interest**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

**3. Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Planning Committee held on 14 October 2009 (pages 4 to 9 attached).

**4. Chair's Address to the Planning Committee**

**5. Performance Indicator Report: April 2009 – September 2009**

Report of the Head of Service – Finance (pages 10 to 13 attached)

**6. Budget Exceptions to 30 September 2009**

Report of the Head of Service – Finance (pages 14 to 18 attached)

**7. Planning Applications Received – Non Site Visits**

Reports of the Head of Development Services

- 2009/0213/REM Staynor Hall Development, Bawtry Road, Selby (pages 19 to 35 attached)
- 2009/0620/FUL The Haven, Selby (pages 36 to 41 attached)
- 2009/0521/FUL Mount Pleasant Cottage, York Road, Barlby (pages 42 to 49 attached)

**Reports for Information**

**1. List of Planning Applications Determined Under Delegated Powers**

Applications which have been determined by officers under the scheme of delegation.

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

**2. List of Planning Applications Determined by North Yorkshire County Council**

Applications which have been determined by North Yorkshire County Council.

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

Martin Connor  
Chief Executive

**Disclosure of Interest – Guidance Notes:**

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.

- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

### **Dates of Future Meetings of the Planning Committee**

<b>Date of Meeting</b>	<b>Deadline Date</b>	<b>Distribution Date</b>
9 December 2009	23 November 2009	1 December 2009
6 January 2010	16 December 2009	23 December 2009

### **Membership of the Planning Committee 12 Members**

<b>Conservative</b>	<b>Labour</b>	<b>Independent</b>
J Mackman (Chair)	B Marshall	J McCartney
J Deans (Vice-Chair)	S Shaw- Wright	
J Cattanach		
I Chilvers		
C Goodall		
W Inness		
D Mackay		
E Metcalfe		
C Pearson		

Enquiries relating to this agenda, please contact Lee O'Brien on:

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## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Planning Committee held on 14 October 2009 in Committee Rooms 1& 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

332	Minutes
333	Chair's Address to the Planning Committee
334	Report of the Head of Service – Development Services on Drax Power Station
335	Report of the Solicitor to the Council on Committee Procedure – Public Speaking at Planning Committee
336	Private Session
337	Planning Enforcement Sub Group Minutes 9 September 2009

Present: Councillor J Mackman in the Chair

Councillors I Chilvers, Mrs D Davies (for S Shaw-Wright), J Deans, Mrs C Goodall, W Inness, J McCartney, D Mackay, C Pearson, Mrs S Ryder (for Mrs E Metcalfe),

Officials: Head of Service – Development Services, Solicitor to the Council, Manager of Development Management, Principal Planning Officer, Trainee Solicitor and Overview and Scrutiny Coordinator.

Also in Attendance

Public 3  
Press 0

### 330 **Apologies for Absence and Notice of Substitution**

Apologies were received from Councillor J Cattnach

Substitute Councillors were Councillors D Davies (for S Shaw-Wright) and Mrs S Ryder (for E Metcalfe).

### 331 **Disclosure of Interest**

None

**Minutes****Resolved:**

**That the minutes of the proceedings of the meeting of the Planning Committee held on 16 September 2009, subject to the following amendments,**

- **Minute 246 should read ‘Planning Applications received had fallen slightly in August’ with the removal on the word ‘in’**
- **Minute 246 should read ‘Tony will be filling the Senior Planning Officer post’ rather than ‘filing’**
- **Minute 248 should read ‘if it was considered necessary to do so in exceptional circumstances’ with the inclusion of the word ‘necessary’**
- **Minute 252 should read ‘A 10 minute recess was given to allow councillors time to read the update’ with the inclusion of the word ‘time’**
- **Minute 252 should read ‘categorisation within the use class order’ rather than ‘with’**

**be confirmed as a correct record and be signed by the Chair.**

**Chair’s Address to the Planning Committee**

The Chair informed councillors of the following issues:

- Lee O’Brien introduced as the new officer from Democratic Services dealing with the Planning Committee
- Performance

Performance continued to exceed national and local targets

Major applications 91%

Minor applications 78%

Others 88%

The Chair thanked all staff for their efforts in achieving these performances

- Planning Application Numbers

Application numbers were down on those received during the same period in 2008

660 in 2008

536 in 2009

Although an increased number of larger applications had been received

Planning Committee

14<sup>th</sup> October 2009

during the course of 2009

- Staffing Update

The post of Senior Planning Officer had been accepted by Tony Wallis, currently a Senior Officer with Cheshire East, due to take up the position with Selby District Council on 9 November 2009.

- Training for Members of the Planning Committee

Highlighted training requirements for councillors in the following areas:

- Village Design Statements
- Renewable Energy
- Planning Policy Statement 22 (PPS22)
- Planning Public Access and Planning Portals
- Environmental Impact Assessments

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### **Report of the Head of Service – Development Services on Drax Power Station**

The Principal Planning Officer presented the Report on Drax Biomass Fuelled Power Station to the Planning Committee and reminded councillors that Selby District Council was a statutory consultee as part of the planning process managed by the Department of Environment and Climate Change (DECC) as the determining authority.

The Principal Planning Officer confirmed the details of the report.

In addition to the details contained within the report, the Principal Planning Officer also confirmed the following:

- The concerns raised by Newlands Parish Council in relation to the possible increased noise and congestion on the A645. Drax confirmed to the Selby District Council and Newlands Parish Council that a rigorous Environmental Impact Assessment had returned no unacceptable impact on traffic safety, road capacity, noise or air quality.
- Drax had stressed a commitment to utilise rail transport for the majority of their biomass, with road transport being reserved for local biomass provision. £18 million had been invested in the development of a rail unloading system.
- Drainage and flood risk issues had been addressed. Verbal confirmation had been received from the Internal Drainage Board and Environment Agency that there were no further objections.

- Agreements had been reached with English Heritage and the County Archaeologists relating to the site proposals.
- Employment opportunities for the local population would be increased with construction and operational requirements of the new biomass facility. Current levels of employment at Drax were noted as being 1/3 from the local villages, 1/3 from the local towns (Selby and Goole listed as examples) and only 1/3 from further afield, such as Leeds.
- Reduced carbon dioxide emissions were explained as a positive result of the biomass usage.
- The renewable energy production from the biomass plant would be the equivalent of 460 large wind turbines and would be enough to supply 512,000 homes.

The Principal Planning Officer concluded that the principle of the development at Drax is acceptable in planning terms, in relation to residential amenity, highways, landscape, visual impact, layout, scale and design.

Councillors discussed the details laid out in the report and raised by the additional information provided by the Principal Planning Officer. These were in relation to:

- The density of traffic required to use the highways to and from the Drax facility.
- Confirmation of carbon dioxide reduction as a result of biomass usage as opposed to coal.
- The removal of the ash waste product from the site.
- Confirmation that issues of concern had been addressed by Drax.
- Clarification of the site infrastructure as detailed on the maps.
- Confirmation that the Environment Agency is the regulatory body in relation to air quality/permit to burn and that Drax had completed a successful Environmental Impact Assessment.

**Resolved:**

**That the Recommendations set out in the report be Approved with the following additions:**

- 1 That Selby District Council does not object to the proposed scheme for a Biomass fuelled power station with 290MW of renewable electricity generating capacity all as detailed in the aforesaid application**
- 2 However whilst we have no objection to the proposed scheme per se, we would suggest that consideration be given to the following conditions and advisories**

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## **Conditions**

- 1 Landscaping**
- 2 Boundary treatment**
- 3 Materials and colour schemes for structures**

## **Advisories**

- 1 Transportation**

**Subject to commercial considerations, it is recommended that there should be the maximum practical use of rail for the transportation of Biomass fuel.**

- 2 Construction disturbance**

**Selby District Council are concerned that construction works could have a detrimental effect on the amenity of the area.**

**In order to minimise disturbance we suggest that appropriate agreements with contractors / developers are established prior to work commencing to ensure that disturbance from construction is kept to a minimum.**

- 3 Noise**

**Once the power station is commissioned there is potential for the generation of industrial noise from operating plant and machinery. We would suggest that consideration is given to the inclusion of an appropriate condition to control the level of noise at the site boundary of the new power plant**

**Selby District Council also consider that the following should also be resolved prior to the granting of planning permission:**

- i. The Environment Agency's objection with regard to the Flood Risk Assessment, Sequential and Exception Tests as appropriate.**
- ii. The Internal Drainage Board's holding objection with regard to Drainage.**
- iii. Nature Conservation Issues**
- iv. Archaeology/Schedule Ancient Monument issues.**
- v. Any other issues raised by outstanding consultation responses.**

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**Report of the Solicitor to the Council on Committee Procedure – Public Speaking at Planning Committee**

The Chair requested that the Planning Committee agree to defer the report until technical matters could be reviewed.

Councillors requested clarification on procedural matters:

- The allowance of both Ward Councillors to speak at Planning in relation to those Wards that have 2 Councillors.
- That non-Planning committee Councillors have the role of observers rather than participants in the meeting and would be advised to sit in the public gallery.

**Resolved:**

**That the report be deferred.**

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**Private Session**

**Resolved:**

**That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act.**

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**Planning Enforcement Sub Group Minutes 9 September 2009**

The Chair presented councillors with the minutes of a meeting of the Enforcement Sub-Group held on 9 September 2009.

Councillors requested clarification of the progress on 15 New Street and the Head of Service – Development Services explained that the owners intended to complete work when a new tenant was in residence.

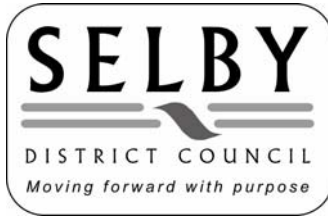
The Chair requested that a progress report on enforcement cases would be useful for future Planning Committee meetings to demonstrate the number of cases undertaken by the Council. The Legal Officers present agreed that this would be provided in the future.

**Resolved:**

**That the minutes be noted**

The meeting closed at 5.20pm.

Planning Committee  
14<sup>th</sup> October 2009



## Public Session

Agenda Item No: 5

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**Title:** Planning Committee 2009/2010 Performance Indicator Report:  
April 2009 – September 2009

**To:** Planning Committee

**Date:** 11 November 2009

**Service Area:** Development Management

**Author:** Chris Smith – Corporate Improvement Officer

**Presented by:** Keith Dawson, Head of Service – Development Services

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### **1 Purpose of Report**

- 1.1 To assist councillors in focussing on priority areas and managing the performance of the Council by updating the Planning Committee on the progress that has been made in 2009/2010 for the corporate and statutory National Indicators (NIs) for which they are responsible.

### **2 Recommendation**

- 2.1 **That future actions and priorities be established to recognise achievement and address the areas of weakness highlighted.**

### **3 Executive Summary**

- 3.1 As from April 2008 the new national indicators came into being and as such quartiles cannot be used as they apply to the old Best Value Performance Indicators.

## **4 The Report**

- 4.1 This report has been produced using the statistical data that is collated from Development Control for statutory and corporate performance indicators throughout the year. Background figures and full audit trails are available within the service area.
- 4.2 The officer responsible for reporting the data has provided the commentary for this report.

## **5 Financial Implications**

- 5.1 Subject to the actions determined by councillors to address weakness identified, there are no financial implications arising from the contents of this report.
- 5.2 Any actions identified for improvements to performance would need to be properly assessed for financial implications and, if required, approval for any additional funding sought and such issues would be highlighted in the budget exceptions report elsewhere on the agenda.
- 5.3 The level and quality of statutory performance data can have an impact on the total Planning Delivery Grant (PDG) awarded by the Department for Communities and Local Government (DCLG).

## **6 Conclusions**

- 6.1 Future actions and priorities need to be established to recognise achievements and address the areas of weakness highlighted in this report.

## **7 Link to Corporate Plan**

- 7.1 The ongoing management of performance and improvement data assists the Authority in achieving its strategic themes and priorities.

## **8 How Does This Report Link to the Council's Priorities?**

- 8.1 The ongoing management of performance and improvement data assists the Authority in achieving its priorities.

## **9 Impact on Corporate Policies**

- |     |  |                  |
|-----|--|------------------|
| 9.1 | <b>Service Improvement</b><br>The continual monitoring of Development Control will address areas of weakness, if any, highlighted. | <b>Impact</b>    |
| 9.2 | <b>Equalities</b>  | <b>No Impact</b> |
| 9.3 | <b>Community Safety and Crime</b>  | <b>No Impact</b> |

9.4 **Procurement** **No Impact**

9.5 **Risk Management** **Impact**

There is a significant risk given the impact that performance management has on the outcome of Council and service area inspections.

9.6 **Sustainability** **No Impact**

9.7 **Value for Money** **Impact**




The on-going management of performance will facilitate improvement in services and hence value for money.

## **10 Background Papers**

10.1 Planning Committee 2009/2010 Performance Indicator Report: April 2009 – September 2009.

**PLANNING COMMITTEE PERFORMANCE UPDATE**

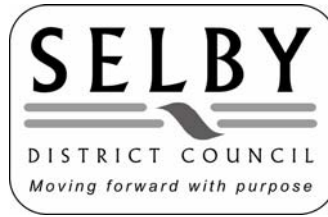
**DEVELOPMENT MANAGEMENT**

Code	Description	Reporting Period	2008/2009 Target	2008/2009 Year End	2009/2010 Target	2009/2010 Year to Date	2009/2010 Minimum Government Targets
<b>NI157a</b>	Processing of major planning applications determined in 13 weeks.	Monthly	65.00%	76.67%	70.00% ↑	90.91% 	2009/2010 Year to date figures compared to 2009/2010 Target figures.
<b>NI157b</b>	Processing of minor planning applications determined in 8 weeks.	Monthly	70.00%	71.23%	70.00% ↑	78.42% 	
<b>NI157c</b>	Processing of other planning applications determined in 8 weeks.	Monthly	82.00%	86.36%	82.00% ↑	88.16% 	

**NI157a** - The Development Management team continue to exceed both the local and national performance indicator targets in determining major applications. The performance of the team has improved in September over that achieved in August at 90.91% as opposed to 88.99%. The performance year to date for this financial year exceeds that which was achieved in the same period in 2008 by approximately 7%. Whilst the team's performance is currently good, there are a number of the larger major applications in the system which may be determined out of time to the detriment of the performance figures for determining major applications in 13 weeks.

**NI157b** - The Development Management team continue to exceed both the local and national performance indicator targets in determining minor applications. The performance year to date has increased over that which has been achieved in August by 0.9% at 78.42% as opposed to 77.69%. The performance achieved year to date in the current financial year is ahead of that achieved in 2008/2009 by approximately 13%. Whilst the current performance is excellent, it could be affected in the next few months by a recent staff shortage caused in the department by recent illness and the team waiting for the third senior officer to commence his post in November.

**NI157c** - The team continues to exceed both the national and local targets which are 80% and 82% of the other applications being determined in 8 weeks. The performance for September is down slightly on August 2009 by approximately 1.5%, but this figure is insignificant to cause any worry. Year to date, the team are performing above the level achieved in the 2008/2009 financial year at 88.16% as opposed to 87.13% which is down to officers prioritising their workload to deal with applications in time.



## Public Session

Agenda Item No: 6

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**Title:** Budget Exceptions to 30 September 2009

**To:** Planning Committee

**Date:** 11 November 2009

**Service Area:** Development Services

**Author:** Operational Management Team

**Presented by:** Keith Dawson, Head of Development Services

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### 1 Purpose of Report

- 1.1 To update councillors with details of budget exceptions for the 2009/10 financial year to 30 September 2009.

### 2 Recommendations:

- i. **Councillors endorse the actions of officers and note the contents of the report.**

### 3 Executive Summary

- 3.1 This report provides details of Economy Board budget exceptions for the financial year 2009/10, and recommends appropriate action where required.
- 3.2 Appendix A shows that the total forecasted underspend on Planning Committee budgets at the end of September is currently £50k for the year.
- 3.3 Appendix B shows the savings identified for Planning Committee and progress to date. Officers are forecasting that these will increase from £66k to £74k in 2009/10, to £130k in 2010/11 and to £130k in 2011/12.
- 3.4 Approved changes to the budget in the first six months of 2009/10 are £28k on revenue and this includes Carry Forward Budgets and Virements.

## 4 The Report

### Budget Exceptions

- 4.1 The table in Appendix A shows details of budget exceptions within Planning Committee budgets for the 2009/10 financial year to 30 September 2009, summarised at service level. To date officers are forecasting an underspend of £50,000 on revenue budgets, caused by the submission of eight major planning applications which have been accompanied by substantial fees.

### Efficiencies and Savings

- 4.2 Appendix B summarises the efficiencies and savings that have been identified by officers for the services under the control of this Committee to date and also shows the progress made to date.
- 4.3 In the current year, officers have identified £67,170 of cashable efficiencies and the budgets were reduced accordingly, which will assist in the Council achieving a balanced budget in the longer term.
- 4.4 Officers are predicting that in the current year these savings will decrease to £65,800 due to the savings on telephone accounts, telephone provider and photocopying being reduced.

## 5 Financial Implications

- 5.1 The financial implications as a result of this report can be analysed as follows: -

	<u>2009/10</u> £	<u>2010/11</u> £	<u>2011/12</u> £
<b>Original Budget</b>	<b>646,590</b>	<b>575,370</b>	<b>617,350</b>
Adjustments to date	28,120	-	-
<b>Latest Approved Budget</b>	<b>674,710</b>	<b>575,370</b>	<b>617,350</b>
<u>Adjustments this Report:</u>			
<b>Total Adjustments this Report</b>			
<b>Revised Net Budget</b>	<b>674,710</b>	<b>575,370</b>	<b>617,350</b>

## **6 Conclusion**

6.1 Budgets are financial plans which are affected by external factors, as can be seen by the variances explained within this report. Officers are monitoring and managing their budgets closely and have plans in place to deal with and react to the impact of external factors placed upon them.

## **7 Link to Corporate Plan**

7.1 Budget monitoring procedures support all of the Council's strategic themes.

## **8 How Does This Report Link to the Council's Priorities?**

8.1 Budget monitoring procedures support all of the Council's priorities.

## **9 Impact on Corporate Policies**

### **9.1 Service Improvement Impact**

Effective budget monitoring helps to ensure that the Council is aiming for continuous improvement as demanded by the principles of Best Value.

### **9.2 Equalities No Impact**

### **9.3 Community Safety and Crime No Impact**

### **9.4 Procurement No Impact**

### **9.5 Risk Management Impact**

This report helps to ensure the reduction of risks arising from unexpected overspending by enabling early preventative or remedial action to be taken.

### **9.6 Sustainability No Impact**

### **9.7 Value for Money Impact**

The report itself will not lead to any efficiency savings.

## **10 Background Papers**

10.1 Accountancy budget working papers.

## BUDGET EXCEPTIONS REPORT

APRIL 2009 - SEPTEMBER 2009

Budget Description	Annual Budget £000's	Forecast Variance £000's	One-Off/ On-going	Comments	Action
Development Services	675	-50	One-Off	A number of large applications have been submitted which have generated £148k higher than expected planning fees to date. Looking at recent trends in applications and 'worst', 'best' and 'mid' case assumptions, forecasts range from £525k to £642k against an income budget of £462k. The current cautious excess of £50k excess income over budget will continue to be monitored closely and any necessary budget adjustments will be made in the next quarter. Resources are in place to deal with the current volume of applications.	<b>Monitor</b>
<b>TOTAL VARIANCE</b>		<b>-50</b>			

**GENERAL FUND BASE BUDGET SAVINGS 2009/10 - 2011/12**  
**PLANNING COMMITTEE**

## Key:

<b>Green</b>	Savings likely to be achieved
<b>Amber</b>	Tentative savings - further work required
<b>Red</b>	Savings require a change in Council policy or significant change in service delivery

<b><u>Proposed Savings</u></b>		<b><u>Previous</u></b> <b><u>2009/10</u></b>	<b><u>Revised</u></b> <b><u>2009/10</u></b>	<b><u>2010/11</u></b>	<b><u>2011/12</u></b>	<b><u>Progress</u></b>
Rationalisation of telephone accounts	<b>Amber</b>	45	45	90	90	Delays in progress due to potential new contract (see telephone calls below)
Change in postal provider	<b>Green</b>	315	315	420	420	Collaborative exercise - figures subject to final evaluation and contract award
Change provider for telephone calls	<b>Amber</b>	480	480	960	960	NYCC framework available
Central Photocopying/printing	<b>Amber</b>	960	960	1,920	1,920	Print Audit received - project plan being developed - aimed to implement by 30 June 2009 but change in framework suppliers will delay this.
Development Control - On-line consultations	<b>Amber</b>	3,130	3,130	3,130	3,130	Savings in printing and postage costs - project delayed due to technical difficulties
2nd Class Post	<b>Green</b>	640	640	640	640	Completed
Car Allowances	<b>Green</b>	1,500	1,500	1,500	1,500	Completed - additional £3k achieved above £10.5k target
2008/09 Pay Award	<b>Green</b>	2,700	2,700	2,700	2,700	Completed
2009/10 Pay Award	<b>Green</b>	-	8,010	8,010	8,010	Completed - budgeted for 3% pay award - 1% award now confirmed
Fees and Charges 2008/09	<b>Green</b>	30	30	30	30	Completed although income will be monitored through quarterly budget management reports
BPR - Planning	<b>Amber</b>	55,000	55,000	110,000	110,000	Valueadding.com carried out BPR exercise alongside an in-house team. Identified total potential for £94k savings subject to investment in IT. £67k savings achievable 09/10 due to staff turnover, less transfer of £12k costs to Access Selby for increased call handling.
Base Budget Review	<b>Green</b>	1,000	1,000	1,000	1,000	Awaiting confirmation of Concessionary Fares spend for 2008/09
<b>Total Planning Committee Savings</b>		<b>65,800</b>	<b>73,810</b>	<b>130,400</b>	<b>130,400</b>	

<b>APPLICATION NUMBER:</b>	8/19/1011Y/PA 2009/0213/REM	<b>PARISH:</b>	Selby Parish Council
<b>APPLICANT:</b>	Persimmon Homes	<b>VALID DATE:</b>	16 <sup>th</sup> March 2009
		<b>EXPIRY DATE:</b>	15 <sup>th</sup> June 2009
<b>PROPOSAL:</b>	Reserved Matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and Community Centre.		
<b>LOCATION:</b>	Staynor Hall Development Bawtry Road Selby		

## DESCRIPTION AND BACKGROUND

### The Proposal

This Reserved Matters Scheme seeks approval for residential development at the Staynor Hall Development Site, Bawtry Road, Selby. Means of access was determined as part of the Outline Planning Permission. Siting, Design, External Appearance and Landscaping are therefore considered at this stage.

The Reserved Matters Scheme is accompanied by the following reports;

- Planning Statement
- Design and Access Statement
- Tree Survey
- Transport Assessment
- Utilities Statement
- Noise Assessment
- Site Waste Management Plan

The following details have also been submitted however these relate to matters governed by the existing Section 106 Agreement attached to the Outline Planning Permission:

- Phasing Strategy
- Affordable Housing Statement
- Nature Conservation Management Plan
- Landscape Strategy
- Travel Plan
- Archaeological Statement

The scheme proposes 467 no. dwellings, community facilities and public open space in accordance with the Outline Planning Permission. A range of densities are proposed with an overall average of 36 dwellings per hectare (dph). Low to Medium density (30 dph – 40 dph) is proposed on the southern and eastern sides of the site. Higher density (40 dph) is proposed on the northern side of the site and adjacent to the employment area. Car parking provision equates to an average of 1.5 spaces per dwelling. The layout of the

scheme provides for a mix of 2 (23.7%), 3 (35.8%), 4 (39.6%), and 5 (0.9%) bed roomed dwellings.

The scheme excludes the employment area, phase 4 of residential development, the proposed school, shops, public house, and health care facilities in the centre of the site. Reserved Matters approval is therefore sought for the;

- Residential element of the scheme Phases 3A to 3J including the conversion of Staynor Hall and associated network of footpaths and cycle ways.
- Staynor Hall Plantation Phase 3K
- Community Facility
- Public Open Space

The phasing of the development was approved in 2005 in accordance with S106 Agreement. An updated phasing strategy has been submitted but is not part of the Reserved Matters scheme. The Construction of the dwellings is at a rate of 100 dwellings per annum phased over an approximate 5 year period.

## **The Site**

The application site forms part of a wider site that is allocated by policy SEL/2 of the Selby District Local Plan for residential development. The wider site is known as Staynor Hall and has a total site area of some 56 hectares. The application site approximately 30 hectares is located on the south-eastern edge of the Market Town of Selby, approximately 1.4 kilometres from the town centre and 1 kilometre from the town's railway station, to both of which it is directly connected via the A1041, Bawtry Road. The site consists of agricultural land divided into a series of fields with the Staynor Hall Farm complex and plantation at the centre of the site.

## **Planning History**

The site has an extensive history of a number of planning applications for residential development on the site. The Outline Planning Permission to which this Reserved Matters schemes relates to is reference 8/19/1011C/PA.

## **CONSULTATIONS**

### **SELBY TOWN COUNCIL**

No objections subject to no overlooking of the existing properties on Abbots Road.

### **HIGHWAYS**

No objections.

### **YORKSHIRE WATER SERVICES LTD**

No objection in principle.

### **ENVIRONMENT AGENCY**

No objection, subject to the imposition of a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment/ Drainage Statement.

### **SELBY AREA INTERNAL DRAINAGE BOARD**

No objection provided the total discharge from the development is limited to 400 litres per second as stated in the Drainage Statement.

#### HERITAGE OFFICER

Advise that the archaeological statement and Planning Statement should be updated to include building recording work at Staynor Hall itself and an earthwork survey of the moated site.

#### COUNTY ECOLOGIST

Require additional information on assessment of the Protected Species Report and updated Nature Conservation Management Plan.

#### NATURAL ENGLAND

Welcomes the proposals for the treatment of nature conservation and landscape but further clarification is required with regard to the Management Plan.

#### YORKSHIRE WILDLIFE TRUST

No reply received

*The comments received from the Heritage Officer, County Ecologist, Natural England, relate to matters governed by the existing Section 106 Agreement with regard to the Archaeological Statement and the Nature Conservation Plan.*

#### DEVELOPMENT POLICY

The site falls over the threshold of 15 dwellings and 0.5 hectares where the Developer Contributions (SPD) states that the Council will seek to negotiate a target of 40% of the houses as local needs affordable housing. The SPD requires an Affordable Housing Plan to be submitted with a planning application and clause 3.6.5 of the S106 Agreement sets out the requirement of an Affordable Unit Scheme for each phase. Several of these requirements have been submitted from the applicant's submission.

The site falls over the threshold where developer contributions are required for Recreation Open Space, Healthcare and Community Facilities. The requirements were agreed as part of the S106 Agreement.

Whilst the revised plans maintains the same provision I would request that careful consideration is given to the phasing and ensure that this is compliant with the signed S106 Agreement.

*The comments with regard to Affordable Housing and Phasing relate to matters governed by the existing Section 106 Agreement.*

#### EDUCATION

View remains the same at the time of the outline application that the overall proposal will be based on the information currently available, give rise to the need for a Primary School in the Staynor Hall area. Note the commercial elements and trust that suitable restrictions would be in place to ensure the commercial activities undertaken were appropriate for a location next to a Primary School.

#### ENVIRONMENTAL HEALTH

Recommend the imposition of conditions.

## NORTH YORKSHIRE FIRE AND RESCUE SERVICE

No reply received.

## COMMUNITY SAFETY OFFICER

No objection in principle.

## PRIMARY CARE TRUST

No reply received.

## FIELDS IN TRUST

No reply received.

## SPORT ENGLAND

No objection.

## PUBLICITY

Neighbours have been consulted by letter and a site notice has been posted. No neighbour responses have been received within the statutory period.

## **POLICIES AND ISSUES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Selby District comprises the Regional Spatial Strategy being The Yorkshire and Humber Plan (published on 21 May 2008) and the Selby District Local Plan (adopted on 8 February 2005), policies as saved by Direction of the Secretary of State, dated January 2008.

The following policies are considered to be relevant to this proposal:

PPS1 - Delivering Sustainable Development.  
PPS3 - Housing.  
PPS9 - Biodiversity and Geological Conservation.  
PPG 13 - Transport  
PPG 16 - Archaeology  
PP25 – Development and Flood Risk

Regional Spatial Strategy;

Y1 - York Sub Area Policy  
YH5 - Principal Towns  
H1 – Provision and Distribution of Housing  
ENV 1 - Development and Flood Risk  
H4 – Affordable Housing  
H5 - Housing Mix

Selby District Local Plan:

SEL/2 - Land for Housing Development between Abbots Road/Selby Bypass  
ENV1 - Control of Development

ENV 10 - General Nature Conservation Considerations  
ENV 20 - Landscaping Requirements  
ENV 21 - Landscaping Requirements  
ENV 28 - Archaeology  
H2A - Sustainable development  
RT2 – Open Space Requirements  
T2 - Access to Roads  
VP1 -Vehicle Parking Standards

Key Issues:

1. Principle of Development
2. Affordable Housing
3. Public Open Space
4. Layout, Scale and Design
5. Landscape Features
6. Nature Conservation Issues
7. Archaeology
8. Impact on Residential Amenities
9. Impact on the Highway Network
10. Flood Risk and Drainage

## **1. Principle of Development**

Policies Y1, YH5 and H5 of the Regional Spatial Strategy set the overriding sub area policy, define Selby as a principal town to which development of this nature should be directed and define the provision and distribution of housing. The development is therefore located within a highly sustainable location with a choice of sustainable modes of transport and located within walking distance of the Town Centre its services and Public Transport in terms of the Bus and Train Station. The proposed development will also improve pedestrian and cycle access to the site and wider linkages thus promoting alternative modes of transport than the private car.

Policies H2 & SEL/2 of the Selby District Local Plan allocate the application site (and the wider site) for residential development. Outline Planning Permission for the site has already been granted with a number of Planning Conditions and a Section 106 Agreement to control the development. The principle of proposed development of 467 no. dwellings therefore accords with the policies of the Development Plan and has also been established through the granting of Outline Planning Permission.

## **2. Affordable Housing**

PPS 3 requires LDFs to set targets for the amount of Affordable Housing required. Policy H4 of the Regional Spatial Strategy requires the region to increase its provision of Affordable Housing in order to address the needs of local communities. It sets a provisional target of over 40 % in North Yorkshire Districts. The Council's Developer Contributions Supplementary Planning Document sets a threshold of 15 dwellings or 0.5 hectares with a 40% target for sites such as this. This document also refers to exceptional circumstances where particular costs associated with the development of a site may need to be taken into account in order to agree a reduced amount of local needs affordable housing.

As part of the Outline Planning Permission a Section 106 Agreement was entered into. This included a number of aspects including the provision of affordable housing. The Section 106 Agreement required the submission of an affordable housing scheme prior to the commencement of development of each remaining phase. The Section 106 Agreement required the scheme to be based on a number of criteria.

An Affordable Housing Statement has been submitted and discussions are ongoing however Affordable Housing is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme. Furthermore the Affordable Housing Plan is governed by the existing Section 106 Agreement attached to the Outline Planning Permission.

### **3. Public Open Space**

Policy RT2 of the Selby District wide Local Plan refers to Public Open Space and the requirements for its provision. The Master Plan illustrates how open space is to be accommodated on the site. It proposes a total open space provision of 21 hectares. This includes both informal and formal open space together with the retention of Staynor Hall Plantation. The Reserved Matters Scheme seeks approval for the central public open space (formal sport's pitches), Local Equipped Areas of Play, informal public open space associated with footpath network and management of Staynor Hall Plantation. The scheme is considered to be in accordance with this policy.

### **4. Layout, Scale and Design**

Policy ENV 1 (4) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the quality of the development in terms of the standard of layout. Design and materials used in relation to the locality, and the effect proposals would have on the character of the area. This is in accordance with Government's guidance with regard to delivery of sustainable, inclusive and well designed development in PPS 1 Delivering Sustainable Development.

The layout provides for a mixture of detached, semi-detached and terraced properties arranged around a series of estate roads and cul-de-sacs predetermined at the Outline Planning Stage. These properties are a mixture of 2, 2 & a half and 3 storey dwellings designed in a similar manner to those already approved on previous phases of the development as a whole. A range of densities are proposed with an overall average 36 dwellings per hectare (dph). Low to Medium density (30 dph – 40 dph) is proposed on the southern and eastern sides of the site. Higher density (40 dph) is proposed on the northern side of the site and adjacent to the employment area. Car parking provision equates to an average of 1.5 spaces per dwelling. The layout of the scheme provides for a mix of 2 (23.7%), 3 (35.8%), 4 (39.6%), and 5 (0.9%) bed roomed dwellings in accordance with policy H5 of the Regional Spatial Strategy.

The design and layout of the proposed scheme generally provides for the main elevations of dwellings facing the street scene with open green frontages or boundary treatment set back with planting in front to soften the impact of hard boundary treatment. It is noted that some dwellings have been designed to consist of double frontages or windows inserted to try and create more active frontages. When this is not the case the design and layout has ensured that suitable boundary treatment and landscaping is utilised.

The overall master plan for the whole site includes a site for the provision a village centre to provide the provision of shops and other community facilities. These are likely to

include a small supermarket, local shops and public house together with space for healthcare facilities and primary school. This Reserved Matters scheme does not seek approval for these facilities. The Reserved Matters scheme only seeks approval for the community centre. The building is proposed to be located adjacent to the recreation facilities where pavilion facilities can be provided. It will act as a focal point for the community.

In this context the Layout, Scale and Design of the proposed development is considered acceptable in accordance with policy ENV 1 (4) of the Local Plan.

## **5. Landscape Features**

Policies of ENV 20 and 21 Local Plan refer to the requirement for Landscaping schemes both in terms of strategic planting and as an integral part of the layout and design of a scheme. The site comprises of generally flat agricultural land that is divided into a number of fields. Towards the centre of the site is Staynor Hall and the Staynor Hall Plantation. There are very few other internal natural landscape features within the site. As part of the overall concept of the wider site new planting and other landscaping are incorporated with the key elements being as follows:

- Buffer planting 20 metres deep with native planting on the south eastern boundary with open countryside.
- Planting of public open space and amenity areas.
- Local planting to the housing areas.

Such planting and landscaping is considered to enhance the overall environment softening the transition between built development in accordance with policies ENV 20 and 21 of the Local Plan.

## **6. Nature Conservation Issues**

A scoping report for protected species has been submitted. The report identified the need for further protected species survey. Natural England and the County Ecologist have advised that surveys must be completed and any resulting mitigation and method statements be agreed and in place before the start of any development work. As part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. The County Ecologist has advised that the Nature Conservation Plan is updated however The Nature Conservation Plan is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme. Furthermore the Nature Conservation plan is governed by the existing Section 106 Agreement attached to the Outline Planning Permission.

## **7. Archaeology**

The Section 106 Agreement attached to the Outline Planning Permission requires an Archaeological Scheme for the pre-determined zone of Archaeological Sensitivity (area around Staynor Hall). An Archaeological Statement has been submitted and the Historic Environment Records Officer has advised that the statement covers most aspects of works required but two aspects of work are not mentioned in the statement. The archaeological statement should be updated to include these aspects of work. The Archaeological Scheme is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters

scheme. Furthermore the Archaeological Statement is governed by the existing Section 106 Agreement and conditions attached to the Outline Planning Permission.

## **8. Impact on Residential Amenities**

Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact proposals would have on the amenity of neighbouring occupiers.

The separation distances between existing & proposed dwellings and within the site are generally acceptable. There are instances where distances are below standards that would normally be expected but it is considered that they are sufficiently mitigated against with the position of boundary treatment, side gables and windows etc. Impacts of the construction of the proposed residential development can be controlled by condition. The proposed development is therefore considered not to cause significant detrimental impact on the residential amenities of the area in accordance with policy ENV 1 (1) of the Local Plan.

## **9. Impact on the Highway Network**

The Outline Planning Permission permitted two principal accesses from Bawtry Road with a third off Abbots Road. The Abbots Road access does not form part of this Reserved Matters Scheme. The junctions onto Bawtry Road have been constructed and will serve the development as a whole from Bawtry Road with a link local distributor road between the two junctions and a series of residential access roads linking the dwellings and parking areas to the distributor road network. Car parking provision equates to an average of 1.5 spaces per dwelling. The development incorporates a network of footpaths and cycleways.

A Transport Assessment has been submitted to accompany the Reserved Matters Scheme. This Transport Assessment concludes that Public Transport provision in the area is reasonably good. The existing access points on Bawtry Road have sufficient capacity to accommodate the traffic generated by the proposed scheme. The Toucan Crossing on Bawtry Road provides a link for cyclists and pedestrians from the development to the bus stop and Three Lakes Retail Park. The Highway Authority have raised no objections to the proposed development. It is therefore considered that the development would not cause a significant impact with regard to highway safety and the impact on the surrounding highway network in accordance with policies ENV 1 (2), and T2 of the Local Plan.

## **10. Flood Risk and Drainage**

The majority of the development site is located within Flood Zone 1 therefore having a less than 1 in 1000 annual probability of river or sea flooding in any one year. Part of Phase 3J adjacent to Staynor Wood is situated within Flood Zone 2 and 3. The layout has been amended to ensure that 'more vulnerable development' i.e. dwellings are located outside these zones with the residential gardens located within them. This is in accordance with the advice contained within PPS 25 with regard to taking a sequential approach to layout. Following the completion of improvements works to the River Ouse defences the Flood defences meet the requirements of PPS 25. The Drainage Statement submitted to accompany the Reserved Matters scheme includes recommendations to raise floor levels a minimum of 600 mm above the lowest levels of the site and to consider flood proofing

measures of the buildings. The Environment Agency have raised no objections to the Reserved Matters scheme subject to the imposition of a condition to ensure that the development is carried out in accordance with the mitigation measures contained within the submitted Flood Risk Assessment/ Drainage Statement. The development is therefore considered to be in accordance with the Advice contained within PPS25 and policy ENV 1 of the Regional Spatial Strategy with regard to Flood Risk considerations

Foul Water is proposed to be disposed of via public sewer at East Common Lane and with pumping stations required. Surface Water is proposed to be disposed of via the ditch network to the east of the site and Roscarr's Drain (at a restricted rate) which flows to the River Ouse. Yorkshire Water and the Selby District Internal Drainage Board have raised no objections to the proposed methods of foul and surface water disposal.

## **11. Other Considerations**

The Public Protection Officer has made comments with regard to the attenuation of road traffic noise and matters of construction impacts recommending conditions to be attached to this Reserved Matters Scheme. Such matters are covered by Condition No 21 and Condition No 22 of the extant Outline Planning Permission and therefore it is unnecessary to impose such conditions again.

## **CONCLUSION**

The Reserved Matters scheme proposes the erection of 467 dwellings on the Staynor Hall Development to which the principle of residential development of this allocated site has already been established through the granting of Outline Planning Permission. A number of issues are not for consideration at this Reserved Matters stage as they are governed by the Section 106 Agreement attached to the Outline Planning Permission including Affordable Housing.

The Design, Scale and Layout including Open Space provision of the proposed scheme are considered to be acceptable and fully in accordance with the terms of the Outline Planning Permission. Impacts of acknowledged importance such as residential amenity and the impact on the highway network are considered acceptable. The Reserved Matters scheme is therefore considered to comply with the provision of the Development Plan and there are no other material considerations that are considered to be of sufficient weight to warrant refusal of this Reserved Matters Scheme. The Reserved Matters Scheme is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

This application is recommended to be **APPROVED** subject to the following condition:

1. The Development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment/ Drainage Statement (FRA) Ref: ATK/11644/5002, Dated January 2009 and the following mitigation measures detailed within the above FRA:
  - a. Limiting the surface water run-off generated by the 1 in 100 critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. As outlined in section 4.27.

- b. Flood proofing measures in the proposed development as outlined in section 4.24.
- c. Finished Floor Levels are set no lower than 600mm above the lowest levels of the site as detailed within section 4.22.
- d. Inclusion of highways in the development which will act as flood flow routes in the event of overtopping, as detailed in section 4.18.

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

Map Available on Request from Planning

Map Available on Request from Planning

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<b>APPLICATION NUMBER:</b>	8/19/1451E/PA 2009/0620/FUL	<b>PARISH:</b>	Selby Town Council
<b>APPLICANT:</b>	Barratt Homes Yorkshire East Division	<b>VALID DATE:</b>	31 July 2009
		<b>EXPIRY DATE:</b>	30 October 2009
<b>PROPOSAL:</b>	Retrospective application to amend 37 No. house types and associated boundary fencing		
<b>LOCATION:</b>	Street Record The Haven Selby North Yorkshire		

## DESCRIPTION AND BACKGROUND

### The Proposal

This application seeks retrospective full planning consent for the following:

- Substitution of 20 Selsdon Embassy style houses for 20 Selsdon Standard style house types;
- Substitution of 15 Sutton Embassy style houses for 15 Sutton Standard style house types;
- Substitution of 2 Norbury style house types for 1 Sutton Standard and 1 Selsdon Standard house types; and
- Erection of 1.8m high wall/fence on boundary of plot 75.

The access, layout and scale of the development is in accordance with the originally approved scheme. The Embassy and Standard style dwellings have the same footprint, height and internal layout. The only difference is their external appearance. The Embassy range would have included the use of different materials and additional detailing.

An application for the substitution of the 2 Norbury style houses for a Sutton and Selsdon was approved prior to their construction. These dwellings appear to have been constructed in accordance with that permission with the exception of the boundary wall position on plot 75.

### The Site

The site is a new open plan housing estate comprising high density 3 storey town houses with parking at the front. The estate has little landscape or amenity value. There is a children's play area within the development and a small area of public open space near the site entrance.

The surrounding area comprises a mixture of residential and business uses.

## **Planning History**

2009/0162/FUL - Retrospective application for the retention of a 1.8m high timber fence – Refused 03.06.2009

2005/0511/FUL - Substitution of 2 No. Norbury housetypes with 1 No. Sutton and 1 No. Selsden housetype – Approved 17.06.2005

8/19/1451/PA - Proposed residential development of 206 units consisting of 132 apartments and 74 dwellings, the re-instatement of a public footpath and the provision of associated access and parking arrangements – Approved 19.03.2004

## **CONSULTATIONS**

### **SELBY TOWN COUNCIL**

Object as the original approved application was for a specific mix of house types and that has not been adhered to. Urge the Council to take steps to ensure this is not able to happen in future housing developments. The boundary fencing should be removed and enforcement action taken if necessary as the area was intended to be a green area, not fenced.

### **NORTH YORKSHIRE HIGHWAYS**

No objections.

### **PUBLICITY**

Neighbours have been consulted by letter and site and press notices have been posted. Seven letters of objection have been received. The objections raise the following issues:

- Contrary to policy SEL/7 – requires high standard of layout, design and landscaping
- Contrary to ENV21 – landscaping requirements
- Contrary to ENV1 – visual amenity
- Contrary to H4A – housing mix
- Contrary to PPS1 – high quality design
- No evidence of compliance with original conditions
- Changes to original approved layout
- Position and quality of boundary treatments
- Building Embassy range of houses as approved would have improved variation, quality and appearance of area
- Enclosure of areas intended to be open green spaces detrimentally affects the amenity of the site
- The cheaper standard range houses built make very estate look very boring and plain
- Houses built are all of very similar brick type. There should be a distinct visual variety of properties.

## **POLICIES AND ISSUES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Selby District comprises the Regional Spatial Strategy being The Yorkshire and Humber Plan (published on 21 May

2008) and the Selby District Local Plan (adopted on 8 February 2005), policies as saved by Direction of the Secretary of State, dated January 2008.

As the principle of the development and the access, layout and scale are in accordance with the originally approved scheme it is not considered necessary to re-assess these elements of the proposal. It is also considered inappropriate to re-assess the proposal in terms of flood risk.

The relevant policies are therefore considered to be:

National Guidance

PPS1 – Delivering Sustainable Development

Selby District Local Plan

ENV1 Control of Development

H6 Housing in Larger Settlements

SEL/7 Special Policy Area – Ousegate/Shipyard Road/Canal Road

The key issues are considered to be:

1. Impact of the amended dwelling types on the appearance of the development
2. Impact of the amended boundary treatment on the appearance of the development

### **1. Impact of the amended dwelling types on the appearance of the development**

The amended Standard range of Selsdon and Sutton house types are identical to the approved Embassy range in terms of their siting, footprint, height, roof pitch and internal layout. The most notable difference is that the Embassy range of materials consisted of decorative render at ground floor level, brick at first floor level and plain render at second floor level. The Standard range houses are fully constructed in brick. Other differences include window designs, porch designs, introduction of mock bricked up window, omission of decorative central gable in roof of front elevation, omission of key stone arch and diamond brick decoration, amendments to some window heads and cills.

Reference has been made, by local residents in their objection letters, to housing mix and policy H4A of the Local Plan. Policy H4A did specifically state that housing mix should avoid the creation of large areas of housing of similar characteristics. Unfortunately this policy has not been saved and therefore can no longer be applied. Other similar policies in relation to housing mix generally relate to the size, type and tenure of houses provided as opposed to their appearance. In any event the only difference between the original approved scheme and the retrospective scheme is that there is now a large number of Standard range Selsdon and Sutton house types all close together as opposed to a large number of Embassy range Selsdon and Sutton house types all close together. The approved housing mix has therefore not been altered.

Reference to design is made in PPS1 and in policies ENV1, H6 and SEL/7 of the Local Plan. The only design issues under consideration in this application relate to the external appearance and materials of the amended house types.

The points made by local residents, that the construction of the Embassy range of dwellings would have added more interest and variation to the appearance of the streetscene, which may have perhaps broken up the visual massing of the buildings, is not disputed. However, the Standard range of dwellings are not considered to be poor in terms of design. Brick is generally preferred and considered to be a higher quality external material than render, although a mixture of contrasting bricks or different materials is commonly used in larger developments such as this. The ornate detailing on the Embassy range of houses may also have added interest and variety to streetscene, however it is not considered that those details would have been characteristic of the area or that they would have significantly improved the appearance of the site. It is unlikely that the proposal would have been refused on design grounds had the standard house types been applied for in the original application.

The substitution of the 2 Norbury style houses for a Sutton and Selsdon has previously been approved and these dwellings have been built in accordance with that permission.

The quality of the workmanship and construction of the dwellings is not a matter for consideration by the Planning Authority.

The retrospective house types are therefore considered to be acceptable.

## **2. Impact of the amended boundary treatment on the appearance of the development**

Criteria 1 of Policy ENV1 relates to the character of the area and criteria 4 relates to the standard of layout, design and materials in relation to the site and its surroundings.

Plot 75 is a prominent corner plot. According to the Design and Access Statement (DAS) submitted with the application the originally approved boundary treatment for this plot consisted of a brick wall with brick pillars and v shaped timber slats between the pillars. The DAS states that the only difference in appearance between the approved and existing boundary details is that the timber slats between the brick pillars are vertical instead of v shaped. Plot 75 does have a brick wall with vertical timber slats. The difference between having vertical or diagonal timber slats is considered to be insignificant and therefore the design of the wall is considered to be acceptable.

Part of the boundary wall/fence on plot 75 is slightly further forward than shown on the approved plans for application ref 2005/0511/FUL. The difference is very slight and it is not considered that the relocation of this wall would noticeably enhance the openness or appearance of the site. The front corner of the plot has been left open as opposed to enclosed by railings as approved and this is considered to be acceptable.

## **CONCLUSION**

It is considered that the substitution of the Embassy range of Selsden and Sutton House types with the Standard range of these dwellings does not cause demonstrable harm to the appearance of the development to justify refusal. The design of the Standard range of dwellings is not significantly different to that of the Embassy range and the materials used in the construction of these dwellings are in keeping with the surrounding area.

The substitution of the 2 Norbury style houses for a Sutton and Selsdon has already been accepted by the approval of application ref. 2005/0511/FUL.

Part of the boundary wall on plot 75 is slightly further forward than originally approved and the timber panels between the brick pillars are vertical rather than diagonal. However these changes are minor and are not considered to be detrimental to the character and appearance of the area.

## **RECOMMENDATION**

This application is recommended to be **APPROVED** subject to the following conditions:

1. Notwithstanding the details submitted with the application, no permission is hereby granted for the type or position of the boundary treatment on the southern boundary of plot 64.

Reason:

For the avoidance of doubt the fencing currently erected on this boundary has been withdrawn from this application.

2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into residential accommodation without the granting of an appropriate planning permission.

Reason:

To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason:

To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

Map Available on Request from Planning

<b>APPLICATION NUMBER:</b>	8/16/59L/PA 2009/0521/FUL	<b>PARISH:</b>	Barlby And Osgodby Parish Council
<b>APPLICANT:</b>	Mr Michael Towson	<b>VALID DATE:</b>	15 June 2009
		<b>EXPIRY DATE:</b>	10 August 2009
<b>PROPOSAL:</b>	Conversion of outbuilding to create one dwelling		
<b>LOCATION:</b>	Mount Pleasant Cottage York Road Barlby Selby North Yorkshire YO8 5JZ		

This application is brought to committee at the request of a local ward member.

## **DESCRIPTION AND BACKGROUND**

### **The Site**

The application site relates to an outbuilding and associated land at Mount Pleasant Cottage, situated in open countryside to the north of Barlby. The original Mount Pleasant Farmhouse was a large red brick detached dwelling which has subsequently been divided into a pair of semi detached dwellings. The subdivision of the associated land has been somewhat complex, resulting in a confused layout. The two halves of the original Mount Pleasant Farm are called Mount Pleasant Cottage (Eastern half) and Mount Pleasant Farm (Western half). The outbuilding to which this application relates is in the ownership of Mount Pleasant Cottage, although it is located to and visually associated with Mount Pleasant Farm. To the immediate west of the outbuilding are two stable blocks, the southern most stableblock is in the ownership of Mount Pleasant Farm and the northern most stableblock being in the ownership of Mount Pleasant Cottage. Access to the stables passes immediately adjacent to the northern elevation of the outbuilding from York Road.

### **The Proposal**

Conversion of outbuilding to create one dwelling. The dwelling would be laid out with a kitchen and living room to the ground floor with a bedroom and bathroom to the first floor. The property would be entered through the kitchen with the opening to the southern elevation with a further living room window at ground floor and obscure glazed bathroom opening to first floor. The property would have its main window openings to the north elevation with windows facing this direction to serve both the living room and kitchen at ground floor and bedroom and landing to first floor.

### **Planning History**

There is a comprehensive history to the site the majority of which reflects the residential nature of the site.

The outbuilding proposed for conversion has previously been approved for a dwelling under planning reference CO/1996/0982. This approval was restricted by condition for occupancy by persons employed in the breeding and training of horses. This approval had a time limit which expired on the 30 January 2002. It should be noted that national

guidance in the form of Planning Policy Statement 3 - Housing paragraph 73 states "There is no presumption that planning permission should be granted because of a previous approval, particularly if the original permission proposal did not deliver the policy objectives of this PPS". This application therefore is not considered to be of particular relevance in the determination of this application.

An application (reference 2007/ 1139/COU) was refused for the change of use of the outbuilding and the stable block to B1 Offices. This application was refused at Planning Committee for the reason that there would be a detrimental impact upon the character and form of the area and impact upon neighbouring amenity

A recent application (reference 2008/1312/FUL) for the conversion of the outbuilding to create one dwelling was subsequently withdrawn by the applicant.

## **CONSULTATIONS**

### **BARLBY PARISH COUNCIL:**

Object on the following grounds:

- The proposed development is outside of defined development limits and in the open countryside.
- The rural location of the application site is more suited for equestrian purposes, there is an equestrian facility in close proximity.
- The development does not meet an identified social need and there would be no benefit to the rural economy, the building is not considered to be derelict.
- The access could result in conflict with a loss of amenity to the neighbouring properties.

### **HIGHWAYS AUTHORITY:**

No objections recommend conditions be attached to any approval granted.

### **YORKSHIRE WATER:**

No comments, refer to the Environment Agency and Environmental Health Department for comment on private treatment facilities.

### **NORTH YORKSHIRE COUNTY ARCHAEOLOGY:**

From a check against the North Yorkshire Historic Environment Record, this proposal may have the potential to disturb and/or destroy archaeological finds or features. Advise that further advice is gained on this matter either by pre-determination evaluation or a suitably worded condition.

### **THE ENVIRONMENT AGENCY:**

Advise that the prior written consent of the Agency is required for any discharge of sewage or trade effluent into controlled waters. Request an informative is attached to any approval granted.

### **THE OUSE & DERWENT IDB:**

Request a condition in relation to the suitability of soakaways.

### **PRINCIPAL ENVIRONMENTAL HEALTH OFFICER:**

Advise that the site may have land contamination and recommend refusal as the site is in close proximity to an existing stable block, agricultural buildings and associated ménage

area which will have a negative impact upon the amenity of the occupiers of the proposed dwelling.

#### **NEIGHBOURS:**

All immediate neighbours were informed by letter and a site notice was erected. A number of representations were received both in support and opposition to the proposal.

Six people have written of letters of support quoting the previously withdrawn application number from individuals who have stayed for short periods in the 'barn'. The majority comment on the quiet nature of the site and that there was no instances of unpleasant odour. Further points are made in relation to keeping the building in an active use and the social benefit of small affordable dwelling in the countryside.

Four letters of objection were received stating the following:

The site is located in close proximity to an equestrian unit which would result in conflict with the proposed dwelling.

There is no surface water drainage to the barn. And the ground around the building does not have any land drains leading to standing water.

Problems with soakaways to package treatment plant/ septic tank, concern over where it would drain to as the site is boggy.

The proposal would set a precedent for future applications in the area.

The site would result in an adverse impact upon highway safety.

Change of use of the paddock field to residential curtilage would have a significant adverse effect upon the character of the area.

Overlooking and overshadowing of Mount Pleasant Farm.

The proposed dwelling would not have control over movement and parking around it which would have a significant detrimental impact upon its residential amenity.

#### **POLICIES AND ISSUES:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be, made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Selby District comprises of the Regional Spatial Strategy for Yorkshire and the Humber (adopted May 2008) and the policies in Selby District Local Plan (adopted on 8 February 2005) saved by the direction of the Secretary of State.

The site is located in the open countryside and involves the reuse of an existing building. The following policies are therefore considered to be of particular relevance.

#### **Selby District Local Plan:**

DL1- Control of Development in the countryside

H12- Conversion to Residential Use in the Countryside

ENV1- Control over Development

T1- Development in Relation to the Highway Network

T2- Access to Roads

**National Policies:**

PPS1- Sustainable Development

PPS3- Housing

PPS7- Sustainable Development in Rural Areas

Circular 03/99 - Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development.

**ASSESSMENT**

The main issues in the determination of this application are: -

1. The Principle of the Development
2. Presumption in Favour of Business Uses
3. Impact on the Architectural or Historic Interest
4. Structural Integrity and Degree of Alterations
5. Impact of the Building and Ancillary works on the Character of the Countryside
6. Amenity Impact from the existing stables
7. Highways Safety
8. Residential Amenity
9. Other considerations

**1. The Principle of the Development**

Policy DL1 of the Selby District Local Plan identifies types of development which are appropriate within a rural area. Policy DL1(2) allows for the reuse of buildings. Furthermore the reuse of buildings is encouraged by national policy guidance in the form of PPS7- paragraph 17 which states "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives". The proposed reuse of this building is therefore considered to be acceptable in principle in accordance with Policy DL1 of the Selby District Local Plan and the guidance in PPS7.

**2. Presumption in Favour of Business Uses**

Given the Committee refusal (reference 2007/1189/COU) for the change of use of stables and barn to office/storage use B1 on the grounds of it impact upon the character and form of the area and impact upon neighbouring amenity, it is considered that the site is unsuited to business use. The proposal is therefore considered to acceptable in this respect in accord with Policy H12(1) of the Selby District Local Plan.

**3. Impact on the Architectural or Historic Interest**

The building is a traditional outbuilding building of simple design and form and is not of any specific architectural merit in its own right. The proposed reuse would not result in any significant damage to the fabric and therefore would not harm the limited architectural or historic interest of the building. However the reuse of building is inherently sustainable and would result in the retention of a traditional outbuilding in this instance. The proposal is

therefore considered to accord in this respect with Policy H12(2) of the Selby District Local Plan.

#### **4. Structural Integrity and Degree of Alterations**

The proposal is not supported by any survey of the building to indicate its structural integrity or ability to be converted. However as the building is already in use as ancillary accommodation to the dwelling it is considered that the building is in current use as residential accommodation and therefore would not need to be supported by a structural survey. Furthermore site visits conducted by the Officer have not found any evidence that the building is structurally unsound and objectors have not presented any evidence to suggest that the building is unsound or incapable of reuse without substantial rebuilding. The proposal is therefore considered to be acceptable in this instance in accord with Policy H12(3) of the Selby District Local Plan.

The proposal does not involve substantial rebuilding or extension, furthermore the details of the opening are considered to be acceptable and would not result in the building detracting from the character of the area. As such the proposal is considered to be in accord with Policy H12(4) of the Selby District Local Plan.

#### **5. Impact of the Building and Ancillary works on the Character of the Countryside**

The proposed garden area is currently used as a paddock field. The proposed use of the area as garden would not have a significant detrimental impact upon the character of the area as it would primarily be seen against a back drop of the existing dwellings and stables. As such it is not considered that the formation of this part of the paddock into garden curtilage would have a significant detrimental impact upon the wider area. However it is considered that the utilisation of permitted development rights on this proposed garden area would potentially result in a detrimental impact upon the character of the area therefore it is considered prudent to remove permitted development rights from any approval which may be granted.

The Highways Authority have not raised any objections to the parking provision on site.

Subject to an appropriate condition to control future ancillary residential development it is considered that the proposal would not have a significant detrimental impact upon the character and form of the area or highways safety in accord with Policy H12(5).

#### **6. Amenity Impact from the existing stables**

The site is not in close proximity to an intensive livestock or industrial unit which would have an adverse impact upon the residential amenity. However the site is located abutting a large stable block. Notwithstanding the proximity to the stables and equestrian use it is noted that the outbuilding is already in use as ancillary accommodation to Mount Pleasant Cottage and therefore could be occupied as ancillary residential accommodation. It is therefore considered that the proposed dwelling would not result in an impact upon amenity over and above that currently experienced on site. The proposal is therefore considered to comply in this respect with Policy H12(6) of the Selby District Local Plan.

#### **7. Highways Safety**

The Highways Authority have not raised any objection to the use of the access or turning and parking facilities. The proposal is therefore considered to be acceptable in this respect in regards to Policy H12(7) of the Selby District Local Plan.

## **8. Residential Amenity**

In assessing the potential impact upon residential amenity it should be noted that the outbuilding could be occupied as ancillary accommodation to Mount Pleasant Cottage without requiring Planning consent. In this respect it is noted that the proposal would not result in an increase in overlooking or overshadowing over and above that which could occur on the site. Furthermore the orientation of the openings would not result in a significant level of overlooking to the adjacent property (Mount Pleasant Farm). The proposal would not result in the extension or alteration of the outbuilding and would therefore not result in an increase in overshadowing of the adjacent property.

The site is currently comprised of two residential properties accessed from a shared drive, which is also the access to the large stable blocks beyond. The outbuilding constituting this proposal is located adjacent to this shared access. The occupants of any future property would not have control over the access to these stables. Furthermore the types of movement resulting from the stable block would include large vehicles accessing to and from the site at times which would result in significant detrimental impacts upon the amenity of the occupiers. Evidence of the potential impact of these vehicular movements has been provided by an objector showing the proximity and impact that a passing horse box would have to the dwelling and that the height of such a vehicle would reach to a similar level to the top of the first floor windows.

The proposal is considered to result in an unacceptable level of amenity for any future occupants of the property. It is noted that the site could be occupied as ancillary accommodation to Mount Pleasant Cottage however as an ancillary use there would remain a degree of control over movement to and from the stables beyond.

The proposal is therefore contrary in this respect with Policy ENV1(1) and H12(7).

## **9. Other considerations**

### **Surface Water Drainage**

The site is not located within any known flood risk area. The Internal Drainage Board have requested a condition to ensure the suitability of the proposed soak away. However the building is existing and its conversion would have no impact on the degree of surface water runoff. As such little weight should be afforded to this issue.

### **Foul Drainage**

The proposal indicates the use of a package treatment plant. It is considered prudent to add an informative to any approval granted to draw the applicants attention to the requirement to obtain consent from the Environment Agency for the discharge of sewage or trade effluent into controlled waters. Objectors query the use of a package treatment plant stating the ability of the ground to drain the waste water away. The Principal Environmental Health Officer and Environment Agency have raised no objections to the use of a package treatment plant. An objector also noted that there is a discrepancy between the forms, which indicate a septic tank is to be provided and the plans which show a package treatment plant. Circular 03/99 para. 5 provides that septic tanks can be considered where package treatment plants are not suitable. It is therefore considered

prudent that any approval should be conditioned to ensure that the details of any package treatment facility are acceptable and if no such facility can be provided a suitable alternative proposed means of drainage for the site.

#### Archaeology

The site may be subject to archaeological interest. Whilst it is noted that the majority of the works proposed will be contained within an existing building it is considered that the provision of the package treatment facility may result in works which could have an impact upon any archaeology on the site. It is considered that any interest to archaeology can be dealt with by an appropriate condition for monitoring prior to commencement of the development.

#### **CONCLUSION:**

As a result of the proximity to the access to the stables, adjacent to the site, over which the applicant/ future occupants have no control, the proposal is considered to result in an unacceptable level of amenity for any future occupants of the property contrary to Policy ENV1 and H12(7) of the Selby District Local Plan.

#### **RECOMMENDATION:**

This application is recommended to be Refused:

- 1 As a result of the proximity to the access to the stables, adjacent to the site, over which the applicant/ future occupants have no control, the proposal is considered to result in an unacceptable level of amenity for any future occupants of the property contrary to Policy ENV1 and H12(7) of the Selby District Local Plan.

Map Available on Request from Planning