

## Officer Update Note

6 January 2016

### Item 6.1 (Page 8)

APPLICATION NUMBER:	2015/0289/COU	PARISH:	South Milford
APPLICANT:	Mr Liam Condon	VALID DATE:	17 April 2015
		EXPIRY DATE:	12 June 2015
PROPOSAL:	Retrospective change of use of land for residential and a function and events venue		
LOCATION:	Lumby Hall Butts Lane Lumby LS25 5JB		

### Page 8 – Reason for being brought before Committee

Subject to the additional information below, the application be granted as recommended in the committee report.

This application has also been brought before Planning Committee due to the number of people who have written in in support of the application, contrary to officer recommendation.

### Item 6.3 (Page 49)

APPLICATION NUMBER:	2015/0961/FUL	PARISH:	Stillingfleet
APPLICANT:	Mr Sean Duggan	VALID DATE:	18 August 2015
		EXPIRY DATE:	13 October 2015
PROPOSAL:	Section 73 application for the variation of Condition 10 (no extensions, garages, outbuildings or other structures shall be erected) of approval 2014/0804/FUL to demolish existing bungalow and build 1no. 5 bedroom detached house with integral garage		
LOCATION:	Grove House The Green Stillingfleet York YO19 6SG		

### Page 49 – Variation to recommendation, to be subject to the expiry of additional press and site notice dates

That the Committee is minded to grant planning permission, subject to the expiry of the statutory press and site notice period, required due to the proposal affecting the setting of a listed building and being located within Stillingfleet Conservation Area. This expires on 13 January.

**Page 50** – One additional response to consultation received from Stillingfleet Parish Council:

The 'additional information' appears to be that the area of the drive is increased by the red lines marked on the drawing supplied by the applicant. Whether or not this is the case, the observations of Stillingfleet Parish Council remain unaltered, as previously submitted, for consideration by Selby District Council planning section:

Five Parish Councillors of Stillingfleet Parish Council, the majority, object to the planning application based on Conditions 5 and 10 of the original consent for the reason set out in Condition 5. Four Parish Councillors have no objection to the planning application.

Approval of the application will reduce significantly the parking space available. The reason (given by Selby DC) for imposing Condition 5 was "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 general amenity of the development". What will be the parking capacity and is it adequate for a 5 bedroom house? Can delivery vehicles (i.e. supermarkets delivering shopping) turn in the driveway so as to enter the highway in forward gear?

#### **Item 6.6 (page 77)**

APPLICATION NUMBER:	2015/1238/FUL	PARISH:	Eggborough
APPLICANT:	Mr Scott Appleyard	VALID DATE: EXPIRY DATE:	9th November 2015 8th February 2016
PROPOSAL:	Landscaping works - Removing spoil and forming new landscaping band with wild meadow grasses on another part of the site.		
LOCATION:	St Gobain Glass UK Ltd Glassworks Weeland Road Eggborough Goole East Yorkshire DN14 0FD		

#### **Summary of awaited consultation responses**

**Yorkshire Wildlife Trust** – No Comments received

**Environment Agency** – The site lies upon the Sherwood Sandstone Principal Aquifer. This is exposed at the site as there are few drift deposits protecting the sandstone. Furthermore the site of the proposed development is partly within a ground water Source Protection Zone (SPZ3) for a potable supply source. The site is therefore in a hydro geologically highly sensitive area. Nevertheless, as the material of the heap consists of inert soil, we do not consider the activity of this development a high risk to groundwater features. We do not therefore have any objections to the project.

**Council's Contamination Consultants** - Contamination – A further report was submitted by Dunelm in December 2015. The Councils contamination consultant reported that inadequacies remained in the site conceptual model with the potential for inadequate assessment. Level of sampling is comprehensive but level of testing does not appear representative in the context of robust characterisation of soils. Recommend further data

(from sample testing) and a more comprehensive report for further review. A discovery strategy should remain in place during development.

**Applicants Response** -In response to the above the applicants submitted further response clarifying that;

- i) In relation to the conceptual model, the risk assessment of contaminated land depends on the existence of a viable source pathway receptor model. The ground investigation identified no adverse levels of contamination in the stockpiles, topsoil or natural ground deposits for the proposed commercial after use. Therefore there is no viable source and therefore no pollution linkage. A conceptual model will not therefore serve any useful purpose.
- ii) In relation to testing, the Preliminary Investigation Report (PIR), a history of the site was included which indicates it was Greenfield with the source of the stockpiles being from the former greenfield site at St Gobain. Therefore it's unlikely that significant ground contamination would be present. This information was used to cost effectively investigate the soil samples. The results showed no significant contamination reflecting the assumptions of the PIR.
- iii) In relation to a discovery strategy a watching brief during the work for undetected contamination has already been recommended.

**Council's Contamination Consultants** - re-consulted and respond as follows;

On the balance of probability the consultants view that the matter has been appropriately assessed can be accepted. Therefore, agree that the planning conditions can be moved forward. Whilst it is not ideal that the site conceptual modelling was not apparent at an earlier stage the findings from analytical testing support the view that the stockpiled material is not hazardous to human health or controlled waters. The email from Dunelm serves as sufficient consideration and an acceptable rebuttal of my review. EA letter is also one of comfort in respect to moving the matter forward.

Recommend the Standard condition CL5 to cover in the event unexpected contamination should be found.

### **Recommendation**

Recommendation is as set out in the report with a variation to wording of condition 04 in relation to landscaping condition so that the development can immediately commence. This is necessary so as not to delay the scheme commencing before the nesting season of 1 March. The wording of the condition to be varied as set out below together with an additional condition (as advised by Contamination Consultants) regarding unexpected contamination.

- 04 Within 6 months of the development commencing, a comprehensive scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are in keeping with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan

- 05 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

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