

SHERBURN-IN-ELMET PARISH COUNCIL PLANNING COMMITTEE

Minutes of the Planning Committee held on Monday 21st September 2015 at 6.15pm in the Parish Council Office.

Present: Councillors P Doherty (Chairman), R Packham, J Prescott, M Jordan, C Lake, B. Thwaite, M. Hobson, A Streatfield, D. Palmer (CDO) and three members of the public.

AGENDA

1. **Apologies for absence** -, None
2. **Declarations of interest** - None
3. **Plans for discussion**
 - **2015/0872/ADV**-Proposed Advertisement consent to display 2 illuminated and 4 non-illuminated totem signs.
Initially was objected to by Highways but now accepted after the applicants provided a report. The Parish Council have no objections, but are disappointed that a copy of the report has not been posted on the Planning Portal.
 - **RUHA/2015/0700/FUL**-Proposed detached dwelling on land adjacent to 11 Milford Road Sherburn in Elmet North Yorkshire, LS25 6AD
Application withdrawn.
 - **2015/1000/HPA**-Proposed single storey extension to form new entrance, bathroom and utility room at 1 Rose, Avenue, Sherburn in Elmet, North Yorkshire.
This council has no objections, subject to neighbours.
 - **CARO/2015/0804/HPA**-Proposed demolition of a single storey conservatory and erection of a part 2 story and part single story rear extension at 3 the Coppice Sherburn in Elmet North Yorkshire.
This council has no objections, subject to neighbours.
 - **2015/0895/OUT**-Proposal Outline application including access (all other matters reserved) for erection of 135 dwellings on land off Hodgson Lane Sherburn in Elmet.
The Parish Council object to this application and detailed comments are being submitted.
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 - discharge of conditions on land off Fairfield Link
 - **2015/0848/OUT**-Outline application comprising up to 70 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land North of Pinfold Garth Sherburn in Elmet.
The Parish Council object to this application and detailed comments are being submitted.
 - **2015/0544/OUT**-Planning application for 270 houses Hodgson Gate
The Parish Council object to this application and detailed comments are being submitted.
5. **Date of next meeting** – 19th October 2015 (unless an earlier meeting is required)

2015/1016/REM - Strata Homes

The key feature in the new (August 2015) Flood Risk Assessment is that it refers to surface water drainage into the watercourse along the southern border of the site. The previous (August 2014) Flood Risk Assessment referred to the northern watercourse.

The Parish Council have no objection to this alteration, but we have serious concerns that the planning permission which was granted for this site in 2014 allowed discharge of surface water into the northern watercourse even though permission had not been obtained from the Inland Drainage Board. Planning Enforcement found the developers in breach of planning conditions for using the southern watercourse. The Inland Drainage Board subsequently stated that the northern watercourse "should not be utilised as there is a risk of flooding to adjacent properties".

In fact, and despite the breach of planning conditions, it is fortunate that the developers used the southern watercourse rather than the northern one. A heavy thunderstorm on 22nd August 2015 brought the northern watercourse to the top of its banks (it also resulted in flooding in Church Fenton and Tadcaster). If the developers had been discharging surface water into this watercourse then it would have overflowed with associated damage to neighbouring properties.

These properties were flooded in August 2014 and it would have been catastrophic if they had been flooded again in 2015. That they were not is down to good fortune, not good planning, and this is a serious concern bearing in mind the planning applications for land off Hodgson's Lane where there are known issues with flooding.

Highways 21 Sept 2015

2015/0544/OUT 270 homes

Our main concern is that the Transport Assessment produced in support of this application overestimates the capacity of the crossroads in the village centre. This is not a claim - we have demonstrated this using the applicant's own video footage as evidence.

The Local Highways Authority commented " The Parish Council have done some excellent work in determining the saturation flows that clearly contradict those used in the traffic model by the consultant and also contradicts the data supplied in Transport Assessment Volume 2. We already identified that the saturation flows used by the developer appear to be high."

The consultant's figures suggest that in 2020 the village centre traffic signals will be running at 95.5% of capacity. However this is using the inaccurate saturation flows mentioned above and it does not take account of the traffic that will be generated by planning applications 2015/0895/OUT and 2015/0848/OUT. When this is factored in the village centre traffic signals will be running at 107.8% of capacity (i.e. very significantly over capacity).

We must stress that our calculations are not theoretical ones based on computer modelling, but are based on analysis of video footage supplied by the applicants and which shows the actual conditions applying at this junction.

We would draw your attention to comments by Transport for London which clearly indicate the situation in Sherburn will not be a sustainable one:-

"At junctions operating close to zero Practical Reserve Capacity (PRC), corresponding to approximately 90% DoS, small reductions in capacity can result in a significant increase in delay. For this reason a DoS of 90% represents an upper limit of practical capacity for signalised junctions." (Transport for London, Modelling Guidelines 3.0).

It could be argued that some of these applications will not be a significant contributor to the overcapacity at the village centre traffic signals. We disagree and would quote the Inspector's comments in Planning Appeal Ref. APP/Z4718/A/13/2191213:-

"83. It is argued that traffic generated by the proposed supermarket would worsen the situation at the junction by only a very small amount. That is not a compelling argument. If the existing situation is technically inadequate, something that would make matters worse cannot be considered acceptable in the absence of any proposal that could provide a satisfactory resolution."

The village centre crossroads are the key junction in the village and we believe that these developments would harm the vitality of the village centre and lead to further operational and safety implications not only at the junction itself but throughout the whole village as traffic seeks alternative routes by rat-

running through residential streets which are wholly unsuitable for such traffic (e.g. through the Eversley Park estate and along The Fairway/Pasture Way).

Additional Points

The distribution assumptions are based on journey to work data from the census, but this ignores local trips. Trips to primary and secondary schools and the town centre (retail, health etc) will travel through this junction, but they are not considered at all in the assessment.

MOVA (an upgrade to the traffic signals) is to be installed at the village centre crossroads, but the consultants seem to use this as a catch-all "there is an improvement coming" statement. It is our understanding that MOVA will not assist with congestion here as if a junction overloads without it will probably still be overloaded with it. The consultants claim a 13% improvement, but this is a generic figure which has been bandied about for years and cannot be taken as applying to a specific junction.

The modelling results for the A162/Moor Lane junction shows it close to capacity (maximum RFC of 0.833, just short of the maximum recommended 0.85... but we are advised that it has been modelled incorrectly. There's a short distance of two approach lanes on the B1222 (E) approach, and the software assumes traffic uses all available lanes. However, only about 10% of traffic will use the second lane (right-turners), meaning the actual RFC (and hence queues and delays at the junction) will be much higher. This junction would therefore likely require improvement. (JCT Consultancy note 'ARCADY Health Warning' refers).

A future assessment year of 2020 (five years hence) is inadequate, a 270 dwelling development would typically build at around 30-50 houses a year, so it would take more than five years from starting to build the whole thing. These are outline planning applications and it will take at least another year or two before they can produce final designs and actually start building. The Guidance on Transport Assessment from the DfT notes that future year assessments should be "consistent with the size, scale and completion schedule of the proposed development".

2015/0895/OUT and 2015/0848/OUT

We also note that for 2015/0895/OUT and 2015/0848/OUT the traffic generated by the developments has not been calculated using the Sherburn specific figures provided by the Local Highways Authority. This results in an underestimate of the traffic generated, so the figures they provide are inaccurate.

2015/0848/OUT 70 homes

The Parish Council are concerned that the proposed entrance is relatively narrow and will be a serious problem for heavy vehicles during the construction phase. We also feel that Pinfold Garth is too narrow and has too much on street parking to form a safe and suitable access to the site.

2015/0895/OUT 135 homes

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Highways - Neighbouring Villages

As far as we can see no consideration has been given to the impact of these developments on neighbouring villages. A specific concern is that the 270 home development will send 36% of its vehicle traffic into Leeds via Saxton. During the PM rush hour that equates to 51 vehicles, but the impact of this and the need for any mitigation measures has not been considered.

Unoccupied Buildings

Extract from Transport Issues and Developments: A Guide, Appendix D, Checklist for a Transport Assessment (NYCC)

Does the report consider other committed developments (or vacant buildings etc.) which might have a noticeable impact on the base traffic assumptions?

Sherburn Industrial Estate has vacant buildings with a floor space in excess of 60,000 sqm.

<http://www.rightmove.co.uk/commercial-property-to-let/Sherburn-In-Elmet.html>

Contrary to the NYCC Checklist no allowance has been made for these buildings, so the analysis is not robust.

Hodgsons Lane Planning 21st Sept

There are three adjacent sites on Hodgson's Lane and they need to be considered together, not independently.

2015/0544/OUT 270 homes

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2015/0848/OUT 70 homes

Flooding

This is an important item for residents, understandably so given the flooding which occurred in August 2014. The Hodgson's Lane sites all have flooding issues, and concerns regarding the handling of these matters are highlighted by the Strata site (2014/1091/REM) where the relevant documents refer to discharge of surface water into the northern watercourse, whereas the developer used the southern watercourse and stated that they had permission to do so. Planning Enforcement nevertheless found them in breach of planning conditions.

2015/0848/OUT 70 homes

The Flood Risk Assessment states that no intrusive soils investigation has been carried out, but nevertheless concludes that the risk of flooding from groundwater is low. It is our understanding that similar unsafe assumptions were made in respect of the Strata site and were found to be wrong when trial pits were dug and immediately filled with water. Our initial concerns regarding this were confirmed when the Sustainable Urban Drainage Officer objected to this application on the grounds that it does not provide sufficient information.

The Flood Risk Assessment does not demonstrate that the necessary Sequential Test has been passed and on this issue alone planning permission should be refused. We would specifically point out that the comments regarding the Sequential Test in the Flood Risk Assessment document produced by ARP in support of this application makes no mention of the following safeguarded land:-

South-East of SHB/1, Sherburn in Elmet 7.3 hectares

East of Prospect Farm, Low Street, Sherburn in Elmet 12.8 hectares

West of Garden Lane, Sherburn in Elmet 6.3 hectares

2015/0895/OUT 135 homes

The Sustainable Urban Drainage Officer has objected to this application on the grounds that the balancing pond and other attenuation features will be ineffective.

The Environment Agency have objected to this application on the grounds that it does not demonstrate that the flood risk Sequential Test has been passed. We would specifically point out that the Sequential Test document produced by AAH in support of this application makes no mention of the following safeguarded land:-

South-East of SHB/1, Sherburn in Elmet 7.3 hectares

East of Prospect Farm, Low Street, Sherburn in Elmet 12.8 hectares

West of Garden Lane, Sherburn in Elmet 6.3 hectares

Site Conditions

Strata Homes in preparing their Dust, Noise and Vibration Control Report for the site referred to above stated that "It is not envisaged that there will be a need to pile the foundations". Despite that statement they are now pile driving having encountered more difficult conditions (including excess sand and water) than they predicted.

Clearly the report by Strata underestimated the problems and we feel there is every danger of similar problems at the Hodgson's Lane sites. Certainly the Parish Council have noted a tendency for reports written in support of proposed developments to be over-optimistic.

Single Storey Dwellings 2015/0544/OUT 270 homes

The site plan shows an area of single storey dwellings in the southwest section of the site. This is welcome as there is a shortage of bungalows in our area (see the Core Strategy Oct 2013). We hope this is a firm commitment on the part of the developer and as such we feel it should be the subject of a planning condition if planning permission is granted.

Ecology

We note the presence of bats on the site and that Yorkshire Wildlife Trust have put in an objection. The Ecology reports which have been provided for all three sites provide a very limited picture of the wildlife value of these sites. We would specifically point out that the site for 70 homes (2015/0848/OUT) has hosted breeding Grasshopper Warblers, Linnets, Yellowhammers and Corn Buntings and in winter is used by Common Snipe and sometimes significant numbers of Fieldfare and Redwing. These are all Red Listed species under the Birds of Conservation Concern criteria.

Japanese Knotweed 2015/0848/OUT 70 home development

This site is contaminated with Japanese Knotweed which the District Council have been notified of. If planning permission is granted then a condition will be required to ensure that Japanese Knotweed has been eradicated before any construction work commences.

Archaeology

The Parish Council request that there should be an archaeological evaluation of the sites.

Planning Policy

The Parish Council is of the view that no further planning permissions for housing will be required prior to 2027 on the basis that the Core Strategy figure has already been met by granting consent for 718 houses. The Council opposes discounting of all planning permissions by 10% in Sherburn (where houses are under construction on three large sites), it is very unlikely that there will be a 10% shortfall, the whole of each site is likely to be developed with the specified number of houses within the plan period. Additional

consents will mean that these developments take place at a slower rate with increased disruption to the lives of residents and local infrastructure.

Even if the 10% "discount" were to be accepted this would generate a requirement for a further allocation of 60 dwellings. This is likely to come forward on smaller sites and granting permission for a further 270 houses is therefore not justified in the plan period.

The District Council must now recognise that simply building houses and providing employment without appropriate infrastructure (including roads as well as services and facilities) is NOT sustainable development. In addition, whilst our schools can accommodate the current increase in pupil numbers from existing permissions (with the planned growth of Athelstan and Hungate Schools) any larger increase in population in the plan period will result in insufficient capacity at Sherburn and South Milford for primary school children.