

**Officer Update Note**  
**Special Planning Committee**  
**29 June 2016**

**Item 6.1**

APPLICATION NUMBER:	8/58/1042/PA 2016/0195/OUT	PARISH:	Sherburn in Elmet
APPLICANT:	Hodgson's Gate Developments	VALID DATE:	29 February 2016
		EXPIRY DATE:	30 May 2016
PROPOSAL:	Outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved)		
LOCATION:	East of Hodgson's Lane Sherburn-in-Elmet North Yorkshire		

Since the compilation of the agenda the following update is drawn to members attention:

**Paragraph 2.4.38 North Yorkshire Education (NYE):** Since originally consulted on the identical application 2015/0544/OUT the County Council has dealt with the School Admissions Round for September 2016 entry and the number of applications has been higher than anticipated. This increases NYE concerns that the existing two Primary Schools may not have sufficient expansion capacity to accommodate the pupil yield from the cumulative number of dwellings proposed by the 3 applications on this planning committee agenda.

Furthermore NYE is aware of the ongoing consultation regarding Local Plan site allocations. It is entirely possible that in future an additional School site may well be needed for Sherburn-in-Elmet and NYE has responded to the consultation in that vein. NYE would have concerns that approvals for sites outside of a planned approach may compromise the ability to secure a suitable School site in the right location to suit any future residential expansion of Sherburn-in-Elmet.

Officers have recommended two reasons for refusal (2 and 6) which will allow the Council to argue and develop further this concern of NYE at the public inquiry

**Paragraph 4.2.5** The applicant has written to the Council challenging the robustness of the District's 5 year housing land supply with specific reference to the following sites:

- Olympia Park, Selby
- Cross Hills Lane (Phase 2), Selby
- Rigid Group Site (Selby Marina), Selby

The District's housing land supply position as at 1 October 2015 has been published on the Council's website. This concluded that the District had a 5.8 year forward supply of housing when assessed against the minimum housing requirements of the Core Strategy. This is considered to be a robust assessment of the housing land supply in Selby District. The above three sites are included as sites that will deliver housing completions within this five year period and a summary of the latest position on these sites is given below. (Please note that commercial confidentiality prevents the Council from publicising any more details of companies and interest than given below)

**Olympia Park**, Selby has a planning permission for 863 dwellings and associated Section 106 legal agreement. Although negotiations between the promoter and Keepmoat broke down at the end of last year, there have been important and productive discussions since that date with two potential purchasers of the site. The LEPs and the HCA have been involved in these discussions and are fully aware of the proposals to draw down the agreed and committed public sector funding and that it is proposed to commence work on site during the current financial year.

**Rigid Paper** site (Selby Marina), has a planning permission for over 200 dwellings and an associated Section 106 legal agreement. The site promoter is in advanced negotiations with a developer and it is expected that a start on the site will take place within 12 months.

On the **Cross Hills Lane** – Phase 2 Allocation, the developer Gladmans are promoting the site and the Council is currently in discussion with them, the Council's Flood Risk consultants Aecom and the Environment Agency on the issues arising from the emerging 'PLAN Selby' Strategic Flood Risk Assessment. The outcome of these discussions will determine amongst other factors, the site's developable area.

The Policy Team is currently updating the District's housing land supply position and is expected in early August will be in a position to publish the position as at 31 March 2016. Between 1 October 2015 and 31 March 2016 planning permissions for about 1200 dwellings have been granted across the District. Officers are in the process of calculating how many of these dwellings offer a reasonable prospect of being completed within a five year period up to 2021 and updating all the necessary balances in the housing supply. This will result in a reduced figure in terms of net additions to the housing supply. Nevertheless it is highly likely that a 'positive' 5 year housing land supply position will be maintained and likely that this will be marginally higher than the current 5.8 year supply.

**Paragraph 4.4.16** A Landscape Appraisal of this and the other two applications on this agenda has now been completed on behalf of the Council. The appraisal was undertaken by BG Design Associates, Chartered Member of the Landscape Institute. The appraisal concludes for this proposal that

*“the overall long terms effects of the development in landscape and visual amenity terms would be Moderate adverse and not of substantial detriment. The development includes the construction of 270 dwellings which should only be accommodated if the recommended Green Infrastructure measures are put in place which may result in higher densities to the south of the site”*

However, the lack of an overall substantial detriment to landscape and visual amenity on the site as a whole ‘hides’ the landscape appraisal’s conclusion that a major adverse impact on visual amenity would result from one of the viewpoints assessed by the applicant along Hodgson’s Lane. Indeed this severity of impact is likely to be repeated along the majority of Hodgsons Lane, even with the introduction of the Council’s landscape consultant’s recommended ‘green corridor’ of at least 20 metres between Hodgson’s Lane and any built form. This ‘green corridor’ and an area of open land in the northern part of the site are areas of green infrastructure recommended for this site by the BG Design Associates landscape appraisal.

This major adverse impact would have to be accepted if the site was put forward for residential development in the Local Plan Review ‘Plan Selby’. However this decision would be made having considered the various impacts of site options for residential development, the need for their release for housing and the associated need for other land uses such as schools and health facilities. The Local Plan Review has yet to make this decision, the land may not be put forward for any development at all in PLAN Selby or the land may be needed for other uses that may have less adverse impact on the amenity value of Hodgson’s Lane.

Officers have recommended two reasons for refusal (2 and 6) which will allow the Council to argue and develop further this concern regarding the adverse impact on the visual and general amenity to users of Hodgson’s Lane.

**Paragraph 4.4.73** An assessment of the landscape and visual impacts of the proposed new roundabout onto the A162 Bypass and its impact on the openness of the Green Belt has now been undertaken by BG Design Associates, on behalf of the Council. This assessment concludes that BG Design Associates agree with the applicant’s summary on openness that the:

*“proposed roundabout works will largely take place within the confines of the A162 and will be seen within the context of this road ..... As such the presence of the roundabout itself will not impact on the openness of the Green Belt”*

In the light of the above conclusion is it considered that the proposal does not conflict with the purposes of including land within the Green Belt. Therefore in accordance with paragraph 90 of the National Planning Policy Framework the proposed new roundabout is not inappropriate development in the Green Belt and does not conflict with national or local planning policy on the Green Belt.

Nevertheless the Council’s Landscape Appraisal of the overall impact of the roundabout on landscape character and visual amenity are both assessed as

moderate adverse. The loss of hedgerow, the loss of visual enclosure, the opening up of the 'roadscape' to the wider landscape and viewpoints from Hodgson's Lane, as well as the construction of a roundabout with signage, road safety markings and lighting are adverse effects which should, in the officer view, be accepted only as part of a plan led process for the release of safeguarded land.

Officers have recommended two reasons for refusal (2 and 6) which will allow the Council to argue and develop further this concern regarding the adverse impacts on the visual and landscape character of the proposed roundabout.

**Item 6.2 NOT FOR DETERMINATION: PLANNING APPEAL LODGED**

APPLICATION NUMBER:	8/58/1042/PA 2015/0544/OUT	PARISH:	Sherburn in Elmet
APPLICANT:	Hodgson's Gate Developments	VALID DATE:	20 May 2015
		EXPIRY DATE:	19 August 2015
PROPOSAL:	Outline application for up to 270 residential dwellings including details of vehicular access (all other matters reserved)		
LOCATION:	East of Hodgson's Lane Sherburn-in-Elmet North Yorkshire		

Since the compilation of the agenda the following update is drawn to members attention:

**Correction**

Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

**Summary**

This application, identical to the proposal under agenda item 6.1, was considered by the Planning Committee in November last year. However for the reasons given in the report, the application was not determined by the Council within the required 13 week period.

The applicant lodged an appeal with the Planning Inspectorate earlier this year and as soon as this happened, the Council can no longer make a decision on the application. It has now become a decision to be made at an appeal by the appointed Inspector.

Nevertheless and subject to the decision made by Members under item 6.1 - to allow all parties to work towards the public inquiry in October 2016, Members are advised to indicate what the basis of the Council's case at appeal should be.

This is given in the form of reasons for refusal in the report, but rather than a decision notice being sent to the applicant, the Council will notify the Planning

Inspectorate that these reasons will form the basis of the Council's case at the public inquiry.

Appendix 3 to this report is the actual report for item 6.1 on this agenda. Hence the update note on item 6.1 above also applies to this report.

### Item 6.3

APPLICATION NUMBER:	8/58/1050/PA 2015/0895/OUT	PARISH:	Sherburn in Elmet
APPLICANT:	Mr John Harrison, Mr David Harrison and Mr Bernard Harrison	VALID DATE:  EXPIRY DATE:	10 August 2015  9 November 2015
PROPOSAL:	Outline application (with all detailed matters reserved) for residential development.		
LOCATION:	Land at Hodgson's Lane Sherburn-in-Elmet North Yorkshire		

Since the compilation of the agenda the following update is drawn to members attention:

#### Corrections:

- Lead Officer: Jonathon Carr (Interim Lead Officer – Planning)
- Paragraph 2.9.5 (Delete paragraph – included in error)
- Paragraph 2.21.3 (Delete last bullet – included in error)

**Paragraph 1.4.7 Selby Area Internal Drainage Board** The planning application relates to **work in, on, under or near a watercourse** and/or **discharging water into a watercourse** within the Internal Drainage Board (IDB) Drainage District and requires CONSENT from the IDB **in addition** to any landowner agreements for works, access, easements and PLANNING PERMISSIONS.

**If the surface water is to be discharged to any watercourse** within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

**No obstructions within 7 metres** of the edge of a watercourse are permitted without Consent from the Board.

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a CONDITION of any Planning DECISION.

**Paragraph 1.4.14 North Yorkshire Education (NYE):** NYE has now dealt with the School Admissions Round for September 2016 entry and the number of applications has been higher than anticipated. This increases NYE concerns that the existing two Primary Schools may not have sufficient expansion capacity to accommodate the pupil yield from the cumulative number of dwellings proposed by the 3 applications on this planning committee agenda.

Furthermore NYE is aware of the ongoing consultation regarding Local Plan site allocations. It is entirely possible that in future an additional School site may well be needed for Sherburn-in-Elmet and NYE has responded to the consultation in that vein. NYE would have concerns that approvals for sites outside of a planned approach may compromise the ability to secure a suitable School site in the right location to suit any future residential expansion of Sherburn-in-Elmet.

Officers have recommended two reasons for refusal (2 and 6) which will allow the Council to argue and develop further this concern of NYE at the public inquiry.

**Additional paragraph 2.9.10**

A Landscape Appraisal of this and the other two applications on this agenda has now been completed on behalf of the Council. The appraisal was undertaken by BG Design Associates, Chartered Member of the Landscape Institute. The appraisal concludes for this proposal that

*“In terms of capacity the area is not able to accommodate development of the scale and type proposed without substantial detriment to landscape character and visual amenity and the opportunities for appropriate mitigation are extremely limited.”*

An additional reason for refusal is therefore recommended for this proposal as follows:

**The proposed scale and type of development would result in substantial detriment to the landscape character and visual amenity of the area, and the landscape setting of Sherburn-in-Elmet in conflict with Policies SP18 (1) and SP19 of the Selby District Core Strategy, Policy ENV1 of the Selby District Local Plan and the National Planning Policy Framework paragraph 17 (bullet 5) and paragraph 109 (bullet 1)**

**Item 6.4**

APPLICATION NUMBER:	2015/0848/OUT	PARISH:	Sherburn in Elmet
APPLICANT:	Mr David Wainwright	VALID DATE:	20 August 2015
		EXPIRY DATE:	30 May 2016
PROPOSAL:	Outline application for residential development comprising up to 60 residential dwellings including details of vehicular access (all other matters reserved)		

LOCATION:	North of Pinfold Garth Sherburn-in-Elmet North Yorkshire
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Since the compilation of the agenda the following update is drawn to members attention:

### Correction

- Paragraph 2.21.3 (Delete last bullet – included in error)

### Paragraph 1.4.8 Selby Area Internal Drainage Board

The planning application relates to **work in, on, under or near a watercourse** and/or **discharging water into a watercourse** within the Internal Drainage Board (IDB) Drainage District and requires CONSENT from the IDB **in addition** to any landowner agreements for works, access, easements and PLANNING PERMISSIONS.

**If the surface water is to be discharged to any watercourse** within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

**No obstructions within 7 metres** of the edge of a watercourse are permitted without Consent from the Board.

**Please Note:** BISHOP DYKE is Main River so the applicant is likely to need EA consent for discharge and will be required to conduct work within 8 metres of the Main River.

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a CONDITION of any Planning DECISION.

**Paragraph 1.4.9 Environmental Health – Lead Officer** The proposed development is of a fairly large scale and as such will entail an extended construction phase. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration. The Environmental Protection 1990 allows for the abatement of statutory nuisance in relation to noise, dust and vibration. It is stressed that whilst a development may detrimentally impact upon existing residential amenity, it may not be deemed to constitute a statutory nuisance.

The following condition is recommended should planning consent be granted.

1. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

**Reason:** To protect the residential amenity of the locality and in order to comply with Selby District Council's Policy's SP19 and ENV2.

**Paragraph 1.4.15 North Yorkshire Education (NYE):** NYE has now dealt with the School Admissions Round for September 2016 entry and the number of applications has been higher than anticipated. This increases NYE concerns that the existing two Primary Schools may not have sufficient expansion capacity to accommodate the pupil yield from the cumulative number of dwellings proposed by the 3 applications on this planning committee agenda.

Furthermore NYE is aware of the ongoing consultation regarding Local Plan site allocations. It is entirely possible that in future an additional School site may well be needed for Sherburn-in-Elmet and NYE has responded to the consultation in that vein. NYE would have concerns that approvals for sites outside of a planned approach may compromise the ability to secure a suitable School site in the right location to suit any future residential expansion of Sherburn-in-Elmet. Officers have recommended two reasons for refusal (2 and 6) which will allow the Council to argue and develop further this concern of NYE at the public inquiry.

**Paragraph 2.9.10** A Landscape Appraisal of this and the other two applications on this agenda has now been completed on behalf of the Council. The appraisal was undertaken by BG Design Associates, Chartered Member of the Landscape Institute. The appraisal concludes for this proposal that

*"In terms of capacity, the site is able to accommodate the type and scale of development proposed without substantial detriment to landscape character and visual amenity taking into account the opportunities for appropriate mitigation and enhancement"*

In the light of the above conclusions this proposal is considered to comply with relevant environmental policies of the development plan and the NPPF.

**Paragraph 2.10.7 (Text on Flood Risk Sequential Test to be added at the start of this paragraph)** The applicant has challenged the officer conclusions on the sequential test and argue that the two Eggborough sites stated above should not be considered as passing the sequential test criteria of being 'reasonably available'. They argue that the Council has recently refused a proposal (2015/0838/OUT) on the edge of Eggborough for 130 dwellings and point to the following Policy Team comments:

*".....having regard to outstanding approvals within Eggborough these would already lead to substantially more development than anticipated and as such if a further 130 dwellings were added it would be considered that this would lead to an unacceptable level of growth which would be inappropriate to the size and role of the settlement within the Spatial Development Strategy".*

The applicants argue that in the light of this comment the Council are unlikely to approve the two sites in Eggborough referred to above as they do not have planning permission.



Firstly, it has been confirmed that the Lead Officer – Policy Comments above were incomplete as they should have referred to the above Selby District Local Plan Phase 2 allocation sites in Eggborough as growth in the village that was already accounted for as part of the consideration of this new application. Secondly and importantly the EGG/2 and EGG/3 sites lie within the development limits of the village, whereas the refused application was for 130 dwellings beyond the development limits. These two sites also make an important contribution to the Council's five year housing land supply and are considered appropriate comparable sites for the purposes of the sequential test in the District.

A letter from the applicant has been circulated to Members on 28 June 2016. Officer responses to the points raised in this letter are as follows:

### **Safeguarded land:**

The timing of the release of safeguarded land for development is clearly a major focus of the officer report and reasons for refusal on this application. It is correct to state that each application should be treated on its own merits. However each of the three applications being considered by this Special Planning Committee lie on the same land designation (Selby District Local Plan: Policy SL1 Safeguarded Land) and each application, if approved, would result in over two hectares of safeguarded land development for residential purposes. Hence they should all be treated as having similar significant conflicts with a policy which seeks a plan led and comprehensive approach to their development. Hence there are large sections of each report, including the recommendations that are the same or very similar to each other.

The approval of any significant parcel of safeguarded land around Sherburn-in-Elmet for development on an application led basis reduces a Local Plan's ability to plan comprehensively for the appropriate mix and balance of land uses that may be appropriate for the long term future of Sherburn-in-Elmet.

Once one significant tract of safeguarded land has been approved in Sherburn-in-Elmet, by the very nature of the purpose of the policy to provide for development land in the future and the development pressures that currently exist on such land, it is a legitimate and real concern of the Council that precedent is likely to be set for further development of safeguarded land around Sherburn-in-Elmet.

### **Planning policy response**

The last section of paragraph 1.4.2 of the officer report before Members states that

*“ Provided there are no other adverse impacts identified by the case officer and provided any infrastructure capacity issues can be dealt with through conditions and or legal agreements, the Policy and Strategy team raise no objections to the scheme”*

It is wrong to suggest that the officer report does not acknowledge the support of the Lead Officer - Policy in October 2015. It is also wrong to suggest that when officers were considering this application in October 2015 that safeguarded land was not an

impediment to development because the application was being considered in isolation.

The change in the position of the Lead Officer – Policy is clearly explained in the report in paragraphs 2.7.1 to 2.7.4 of the application report.

A response to the point raised by the applicant's agent on the need for each report to include much of the same information as the others is explained above under safeguarded land.

### **Five year land supply**

The benefits of approving this application in terms of additional housing provision to maintain a five year housing land supply have been referenced in the reports' summary and again in paragraph 2.21.1 However in case there is any doubt, Members are reminded that the existence of a five year housing land supply in the District does not represent a threshold above which additional housing is not needed. It is important to maintain the supply of housing throughout the plan period and this forms an important policy in the Selby District Core Strategy. Hence these benefits set out in the officer report should be recognised by Members as an important counter balance to the conflict with the development plan.

### **Prematurity**

See paragraphs 2.22.1 to 2.22.3 of the officer report.

### **Site specifics**

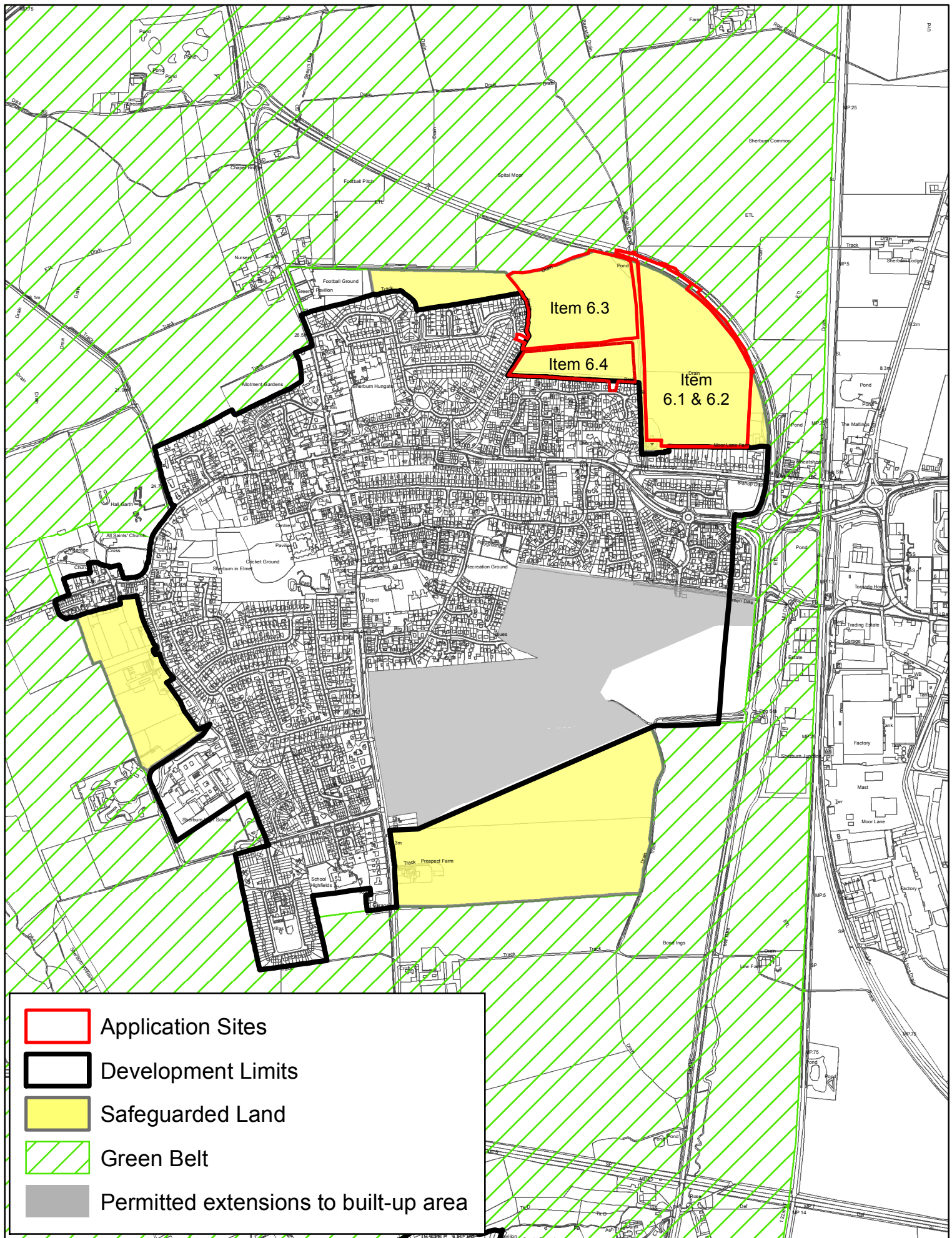
There is an error in the officer report and as stated at the beginning of this application's update note the last bullet of paragraph 2.21.3 should be deleted. This proposal would gain access from Pinfold Garth and not from the A162 Bypass.

Under the heading '3 Flood Risk and Sequential Test' the Lead Officer – Policy comments of May 2016 (paragraph 1.4.2 iii of the officer report) explains why the previous position of the Council on the need for a sequential test has changed.

This officer update note above referring to the officer report 2.10.7 provides further information on why the sequential test on this site has been failed.

### **Conclusions**

Matters in the conclusion dealt with above.



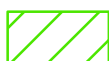
Application Sites



Development Limits



Safeguarded Land



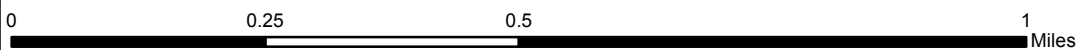
Green Belt



Permitted extensions to built-up area

SPECIAL PLANNING COMMITTEE 29 JUNE 2016

Application Site Context



NORTH

