



**Report Reference Number: 2017/0772/OUTM (8/18/463/PA)**

**Agenda Item No: 6.6**

**To: Planning Committee**  
**Date: 9 May 2018**  
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**Lead Officer: Ruth Hardingham (Planning Development Manager)**

APPLICATION NUMBER:	2017/0772/OUTM 8/18/463/PA	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr Bruce Falkingham	VALID DATE: EXPIRY DATE:	26 July 2017 25 October 2017
PROPOSAL:	Outline application including access (all other matters reserved) for residential development		
LOCATION:	School Road, Hemingbrough, Selby, North Yorkshire, YO8 6QS		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of Councillor Karl Arthur due to concerns regarding increased pressure on the sustainability of the village and its facilities and infrastructure (public transport facilities, schools, doctors, surgeries etc), the development is contrary to Paragraph 14 of the NPPF, the development may have a negative impact on the character of the village, the impact on residential amenity and the impact of increased traffic activity in the area as a result of the development.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site comprises 1.50ha of land which comprises an existing detached dwelling and associated residential curtilage and an area of agricultural land. The planning history shows that there were some commercial buildings on part of the site at one time, however these have been demolished and any evidence of these have blended into the landscape the site therefore appears to be wholly agricultural in nature. There are detached residential properties fronting School Road to the north of the site, Hemingbrough Community Primary School and associated playing fields are located to the west, bounded by hedgerow, the land to the south is agricultural with no boundary defining it from the application site, with Chapel Balk Road running adjacent to the eastern boundary. There is an existing

purple leafed Norway maple tree located in the front garden of the existing property and is considered worthy of TPO this is therefore subject to a temporary TPO, which is awaiting confirmation.

### **The Proposal**

- 1.2 The application seeks outline consent for a proposed residential development for up to 60 dwellings with access for consideration and all other matters reserved.

### **Relevant Planning History**

- 1.3 Application reference CO/1976/05679 for the conversion of a derelict building to an office was Approved on 10 November 1976.
- 1.4 Application reference CO/1976/05680 for an extension to office building to form toilet and entrance lobby was Approved on 23 December 1976.
- 1.5 Application reference CO/1979/05681 for use of land in connection with the boarding of cats and dogs was Refused on 30 May 1979.
- 1.6 Application reference CO/1979/05682 for the erection of a general purpose store was Refused on 30 May 1979.
- 1.7 Application reference CO/1981/05683 for improvement of temporary agricultural store and change of use to agricultural merchants store was Approved on 4 March 1981.
- 1.8 Application reference 2010/0599/\_CPP for a certificate of proposed lawful use for A1 (retail) was Dismissed at Appeal on 4 July 2011.

## **2. CONSULTATION AND PUBLICITY**

The application was advertised as a Departure from the Development Plan by site notice, neighbour notification letter and advertisement in the local newspaper.

- 2.1 **Hemingbrough Parish Council** – Have strong objections relating to loss of copper maple tree, Chapel Balk Road being used for parking, poor access and visibility, safety concerns due to proximity to primary school and playing fields, increase in traffic on School Road and improvements needed to the junction with the A63, demands on school, doctors surgery and local shops, no public transport to support development and no recreational areas highlighted.
- 2.2 **North Yorkshire County Council Highways** – No objections subject to conditions. Awaiting comments from re-consultation.
- 2.3 **Yorkshire Water** – No objection to the surface water from the site draining to IDB maintained watercourses to the south.
- 2.4 **Ouse and Derwent Internal Drainage Board** – No objection in principle but recommend that the LPA ask the applicant to provide a satisfactory drainage strategy and obtain any necessary consent before any approval is granted. Conditions are recommended should approval be granted.

- 2.5 **NYYC Lead Flood Authority** – Defer to the IDB and wishes that conditions requested by the IDB are adhered to and attached to any permission granted.
- 2.6 **Environment Agency** – No objections.
- 2.7 **Contaminated Land Consultant** – No objections subject to conditions.
- 2.8 **Natural England** – No objections.
- 2.9 **North Yorkshire Bat Group** – It is noted from the ecology report that it is recommended that a bat emergence survey should be carried out on the existing dwelling which is to be demolished and has bat roost potential. It would appear that this has not been done and should be undertaken before a decision is made on this application.
- 2.10 **North Yorkshire Archaeology** – The site is of regional interest with some potential to be of national interest and therefore a scheme of archaeological mitigation recording should be undertaken and this should be conditioned.
- 2.11 **North Yorkshire Education** – No contribution is sought.
- 2.12 **Environmental Health** – A condition is recommended requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential property.
- 2.13 **North Yorkshire Fire and Rescue** – No response received.
- 2.14 **North Yorkshire Police** – Various comments made and a condition is recommended relating to crime prevention measures to be incorporated into the site.
- 2.15 **York Clinical Commissioning Group** – No response received.
- 2.16 **North Yorkshire Public Rights of Way** – No response received.
- 2.17 **Landscape Architect** – The proposed development forms a significant extension into open countryside and is likely to adversely affect landscape character and the setting of the village.
- 2.18 **Policy and Strategy Team** – The key issues to be addressed are the impact on the Council's Housing Land Strategy; the Principle of development; previous levels of growth and the scale of the proposal and the relationship of the proposal to the development limit.
- 2.19 **North Yorkshire County Council Ecology** – Awaiting comments.
- 2.20 **Neighbour Summary** – Ten letters of objection were received and the issues raised can be summarised as 1) impact on privacy through overlooking; 2) loss of light to existing properties; 3) access would be insufficient for the number of dwellings proposed; 4) impact on existing amenities in the village; 5) impact on congestion along School Road, 6) increased risk of flooding on a site which has poor drainage already; 7) improvements required to junction with A63; 8) impact on

school places; 9) noise impacts; 10) established hedgerow across site was burnt and removed; 11) impact on wildlife and use for recreational purposes; 12) loss of mature trees; 13) road safety concerns for school children; 14) lack of bus services; 15) brownfield sites should be built on before this site is released, 16) existing property contains asbestos and 17) it should be noted that trees to east of Chapel Balk are protected via TPO.

### **3.0 SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The application site is located predominantly outside the defined development limits of Hemingbrough (a Designated Service Village), to the south east of the existing settlement boundary and as such is within Open Countryside. The existing property known as Plinthstones and its curtilage and part of the site access are located within the development limits. The site lies within Flood Zone 1 which has low probability of flooding. The site is potentially contaminated due to past land uses.

#### **National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

- 3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.3 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". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

#### **Selby District Core Strategy Local Plan**

- 3.4 The relevant Core Strategy and saved Policies are:

Policy SP1: Presumption in favour of Sustainable Development  
Policy SP2: Spatial Development Strategy  
Policy SP5: The Scale and Distribution of Housing  
Policy SP8: Housing Mix  
Policy SP9: Affordable Housing  
Policy SP15: Sustainable Development and Climate Change  
Policy SP16: Improving Resource Efficiency

Policy SP18: Protecting and Enhancing the Environment  
Policy SP19: Design Quality

### **Selby District Local Plan**

3.5 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004 applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.6 The relevant Selby District Local Plan Policies are:

Policy ENV1: Control of Development  
Policy ENV2: Environmental Pollution and Contaminated Land  
Policy T1: Development in relation to the Highway Network  
Policy T2: Access to Roads

### **Supplementary Planning Documents**

3.7 The relevant Supplementary Planning Documents are:

Affordable Housing Supplementary Planning Document, 2013  
Hemingbrough Village Design Statement, 2009

## **4.0 APPRAISAL**

4.1 The main issues to be taken into account when assessing this application are:

- Principle of development
- Impact on the Landscape
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Housing Mix
- Flood Risk, Drainage and Climate Change
- Land Contamination

### **Principle of development**

4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

- 4.4 The application site is located predominantly outside the defined development limits of Hemingbrough, with the exception of the existing property Plinthstone and its curtilage and part of the proposed access road. Hemingbrough is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.
- 4.5 Policy SP2A(c) of the Core Strategy states that “Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”
- 4.6 The proposal does not comply with Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise.
- 4.7 On the 15th November 2017, the Director of Economic Regeneration & Place at Selby District Council formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure, as set out in the 2017-2022 Five Year Housing Land Supply Statement – 30<sup>th</sup> September 2017 Update. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 4.8 The NPPF is a material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.

#### Sustainability of the Development

- 4.9 In respect of sustainability, the site is outside the development limits of Hemingbrough which is a Designated Service Village as identified in the Core Strategy, where there is some scope for additional residential and small scale employment to support rural sustainability. The village of Hemingbrough contains a primary school, local shop including post office, two public houses and two churches, a number of local businesses and a sports field for bowling and cricket. In addition, there is a bus service between Goole and Selby which provides onward links to York, Leeds and other cities and a school bus service. It is therefore considered that the settlement is relatively well served by local services.
- 4.10 It is noted that the village of Hemingbrough has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location in a rural context. The village is considered to be “more sustainable” in Core Strategy Background Paper 5 Sustainability Assessment of Rural Settlements,

Revised July 2008 meaning that three of four indicators assessed were in the highest two categories. The type and range of facilities, public transport accessibility and access to employment opportunities identified in Hemingbrough was broadly similar in the PLAN Selby Site Allocations, Designated Service Villages, Growth Options Report, Draft For Stakeholder Engagement, June 2015 (recognising that there are some differences with the studies). Furthermore, the situation in respect of the sustainability of Hemingbrough has remained broadly similar since June 2015 to date. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Hemingbrough, it would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects, however this needs to be considered alongside the levels of growth of the settlement.

#### Previous Levels of Growth and the Scale of the Proposal

- 4.11 Core Strategy Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 new dwellings for Designated Service Villages (DSVs) as a whole over the period 2011 to 2027. The most recent monitoring indicates that this figure has been exceeded by completions and permissions in these settlements as a whole. However, the Core Strategy does not set a minimum dwelling target for individual Designated Service Villages, so it is not possible at this point to ascertain exactly whether Hemingbrough has exceeded its dwelling target.
- 4.12 In order to assess the scale of housing allocations to apportion to each Designated Service Village in the Site Allocations Local Plan, the Council published a Designated Service Villages Growth Options Report as part of the evidence base for the PLAN Selby Site Allocations Local Plan Document in June of 2015; this document was subject to a 6 week public consultation.
- 4.13 The evidence set out in the Growth Options report provides a guide for decision making as to the amount of housing development that is appropriate in Designated Service Villages. The research and analysis undertaken in the Growth Options report included a numerical assessment of the housing supply per village and a detailed assessment of the services and infrastructure of each village, in order to determine its sustainability.
- 4.14 This approach accords with the spatial strategy of the Core Strategy which envisages only “limited” growth in Designated Service Villages to support rural sustainability. Any other approach would inevitably lead to unsustainable levels of housing development in the villages and a fundamental undermining of the spatial strategy.
- 4.15 The Growth Options report indicates minimum growth options of between 33-54 dwellings for Hemingbrough. To date, Hemingbrough has seen 15 (gross) dwellings built in the settlement since the start of the Plan Period (13 net) in April 2011 and has extant gross approvals for 14 dwellings (14 net), giving a gross total of 29 dwellings (27 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, for up to 60 dwellings when added to the 29 dwellings that have been built or approved would substantially exceed the minimum growth options of between 33-54 dwellings. The proposal

would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Hemingbrough and conflicts with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.

Taking the above into account given that the site is outside the development limit the proposal would directly conflict with Policies SP2A and SP5 of the Core Strategy and would thus undermine the established settlement hierarchy.

### **Design and Impact on the Character of the Area**

- 4.16 The application proposes outline consent for up to 60 no. dwellings with access for consideration and all other matters reserved. The Applicant has not submitted an indicative layout plan with the application, however taking account of the site area and the policy requirement for recreational open space to be incorporated onto the site it is likely that a development of this number would be far too dense taking into account the surrounding context. It is however noted that this number of units is being used for indicative purposes and as such any reserved matters application could be amended to reflect an appropriate density.
- 4.17 The properties along School Road vary in terms of their design, scale and appearance with a mixture of two storey and single storey properties. The predominant material of construction being red brick with either grey or red roof tiles. Having had regard to the variety of properties there is nothing to suggest that an appropriate appearance and scale cannot be achieved at reserved matters stage.
- 4.18 In terms of landscaping, this is reserved for future consideration, however it is noted that the site is generally open in character due to the arable nature of the site, with hedgerows located on the western and part of the northern site boundaries. In addition there is a copper maple tree located in the front garden of the existing property. Having consulted the Council's Tree Consultant they have advised that this tree is worthy of formal protection and as such a temporary TPO has been placed on this tree which is awaiting formal confirmation. Local residents have also highlighted the fact that there are protected trees to the east of Chapel Balk Lane and it would be expected that this would not be adversely affected by the development and that this should be demonstrated within any subsequent reserved matters scheme.
- 4.19 The Police Architectural Liaison Officer has commented on the proposals and has made a series of recommendations and although they have recommended conditions, the detailed layout and design will be considered at reserved matters stage and North Yorkshire Police will be consulted on any subsequent application to ensure that crime and security measures have been adequately incorporated.
- 4.20 Given that the application site is situated outside the settlement boundary the application has been assessed by the Council's Principal Landscape Architect. He has stated that the proposed development forms a significant extension into open countryside and is likely to adversely affect landscape character and the setting of the village, particularly the character of the gateway and approach into the village from the east. Furthermore the proposals encourage additional future development pressure on land to the south which would adversely affect the character and



setting of the village. It is therefore concluded that the development would not be supported in landscape and visual terms and is contrary to Policy ENV1 (1) and (4) of the Local Plan and Policy SP19 of the Core Strategy.

- 4.21 Having had regard to all of the above elements it is considered that although an appropriate design of individual properties could be achieved at reserved matters stage the proposals are contrary to Policy ENV1 (1) and (4) of the Local Plan and Policy SP19 of the Core Strategy with respect to their landscape impacts and the impact on the character and setting of the village.

#### **Impact on Residential Amenity**

- 4.22 Local residents have expressed some concern with respect to impacts on their amenity. The detailed design of the properties, orientation and relationship of windows to other properties would be fully established at reserved matters stage so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook. Having had regard to the relationship to neighbouring properties, it is considered that a scheme which protects residential amenity could be achieved at reserved matters stage.
- 4.23 The Lead Officer for Environmental Health has recommended a condition requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties be submitted prior to site preparation and construction work commencing given the size of the development and its close proximity to existing residential properties. This proposed condition is considered reasonable and proportionate.
- 4.24 Having taken into account the matters discussed above it is considered that an appropriate scheme could be designed at reserved matters stage which should not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF.

#### **Impact on the Highway Network**

- 4.25 The application is accompanied by a Transport Assessment which establishes the impacts of the proposals on the existing highway network taking into account traffic generation and traffic accidents, access to public transport and local facilities and alternative means of travel and concludes that the impact is not severe and there are no highways or transport related reasons why the development should not be granted.
- 4.26 A number of comments have been received by local residents with respect to the impacts on the highway network and in particular the existing highway and parking problems along School Road and at the junction of the A63 and these have been taken into account.
- 4.27 The application seeks approval of the site access and shows that the access would be formed through alterations to Chapel Balk Road with a pedestrian access adjacent to the existing property Plinthstones. NYCC Highways have considered the proposals and have stated that the proposed access does provide adequate visibility and raise no other objections to the scheme with respect to the impact of the proposals on the wider highway network subject to a series of conditions.

- 4.28 In terms of the impact on the highway network the proposals are in accordance with Policies T1 and T2 of the Selby District Local Plan.

### **Impact on Nature Conservation Issues**

#### Nature Conservation Sites

- 4.29 No statutory nature conservation designations have been identified at the site itself and the site is located some distance from the River Derwent SSSI (Site of Special Scientific Interest) and SAC (Special Area of Conservation). The SSSI is primarily designated on the basis of its status due to it representing one of the best British examples of the classic river profile, and the diverse aquatic flora and fauna it supports. The site's SAC European Site status relates primarily to the river's lamprey population and spawning grounds plus to presence of bullhead, sea lamprey and otter.
- 4.30 In terms of non-statutorily designated sites (Sites of Importance for Nature Conservation (SINCs)) there are three sites, two of which have been deleted, with the closest SINC (Hagg Green Lane) to the application site is located some distance to the north-west. Due to the distance between the SINC and application site, any impact is unlikely. Having consulted Natural England they have raised no objections with respect to the impacts on nature conservation sites.

#### Protected Species

- 4.31 Comments have been received from local residents with respect to impacts on protected species and wildlife. The application is accompanied by an Ecological Appraisal dated June 2017 which assessed the site as having limited ecological value with no evidence of protected or notable species recorded. The existing dwelling was assessed as having moderate suitability to support roosting bats and as such a subsequent Bat Survey Report was submitted which included an assessment of bat activity which established that there were no roosts present, however the front and rear gardens were used as foraging habitat. The report sets out that no specific mitigation measures are required, however enhanced roosting opportunities through bat boxes being installed is recommended. The submitted Ecology reports have been considered by the North Yorkshire County Council Ecologist and their comments will be reported to Members at Committee.
- 4.32 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to conditions that the proposals be carried out in accordance with the mitigation measures set out above.

### **Affordable Housing**

- 4.33 The applicant has confirmed that they are prepared to provide up to 40% affordable units on site unless they can demonstrate that this level of provision is unviable and this can be demonstrated at Reserved Matters Stage and that this would be secured via a Section 106 agreement. The developer should identify a partner Registered Provider at an early stage to confirm the number, size and tenure of the units.

- 4.34 The proposals are therefore considered acceptable with respect to affordable housing provision having had regard to Policy SP9 subject to the completion of a Section 106 agreement.

### **Housing Mix**

- 4.35 It is considered that the proposal could achieve an appropriate housing mix at reserved matters stage as identified in the SHMA, in accordance with Policy SP8 and the NPPF.

### **Flood Risk, Drainage, Climate Change and Energy Efficiency**

- 4.36 The proposals will consider energy efficiency/sustainable design measures within the scheme in order to ensure a proportionate response to climate change.
- 4.37 The application site is located in Flood Zone 1 which is at low probability of flooding and the submitted Flood Risk Assessment and Drainage Strategy states that foul water would drain to the existing foul sewer in School Road. The Agent submitted confirmation that the surface water drainage arrangements would be to discharge to two watercourses to the south of the site. Given that these are IDB maintained watercourses they have requested that conditions be attached to any consent granted. The Lead Flood Authority and Yorkshire Water have deferred to the IDB with respect to surface water drainage arrangements. Yorkshire Water have however recommended conditions with respect to foul water drainage. The Environment Agency have raised no objections.
- 4.38 Having taken the above into account it is therefore considered that, subject to conditions a satisfactory drainage scheme could be brought forward to adequately address flood risk, drainage, climate change in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

### **Land Contamination**

- 4.39 A Geo-environmental Appraisal was submitted and the Council's Contamination Consultant who have advised that the report is acceptable, no significant contamination was found, however the number of soil samples were limited therefore made ground should either be covered or removed to prevent future residents from coming into contact with it. As remedial works are required planning conditions are recommended.
- 4.40 The proposals, subject to conditions are therefore considered to be acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

### **Recreational Open Space**

- 4.41 The Applicant has stated that they would provide either on site provision or off-site by way of a commuted sum. Since the adoption of CIL an off-site contribution would not be an appropriate mechanism to provide recreational open space and given the size of the site it would therefore be anticipated that recreational open space be provided as part of the scheme and this can be secured via S106

agreement.

- 4.42 It is therefore considered that the proposals are appropriate, subject to a Section 106 agreement and a scheme which accords with Policies RT2 of the Local Plan Policy SP19 of the Core Strategy and the NPPF can be secured at reserved matters stage.
- 4.43 Local residents have expressed concern with respect to the loss of an existing recreational use, however it is noted that the existing right of way and access along Chapel Balk Lane would be retained for recreational purposes and as such although the field itself would be lost this itself is not used for recreation and existing recreation facilities, although altered would be retained.

### **Education, Healthcare, Waste and Recycling**

- 4.44 Residents have expressed concern with respect to the impacts on existing services within the village. The Healthcare Service were consulted but no response has been received. The NYCC Education Directorate has stated that a contribution would not be sought however this would be covered by CIL in any instance. With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this can be secured as part of a Section 106 Agreement.
- 4.45 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions SPD and CIL with respect to developer contributions.

### **Archaeology**

- 4.46 An Archaeological Evaluation which includes the outcomes of trial trenching at the site has been submitted with the application and the Heritage Officer has stated that Roman deposits survive within the development plot and these are of significance as they appear to have a military connection and can advance our understanding of the Roman occupation of the area. The report suggests that the deposits are of some significance at least of regional interest. Although the archaeology is complex the report has not indicated that there are any extremely significant deposits such as a villa that would warrant preservation in situ and as such the Heritage Officer agrees that there is at least regional interest with some potential to be of national interest. An archaeological recording condition is therefore recommended.
- 4.47 The proposals are therefore considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

### **Other Issues**

- 4.48 It is noted that local residents have expressed concern that an established hedgerow across site was burnt and removed, however it is noted that this is a matter which is with the Police.

- 4.49 Local residents have stated that the existing property contains asbestos. Amended plans demonstrate that the existing property would be retained and as such any asbestos should not be disturbed.

## **5.0 CONCLUSION**

- 5.1 The proposed dwellings would be located outside the defined development limits of Hemingbrough and would therefore be located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.
- 5.2 The proposal would be located predominantly within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for up to 60 dwellings when added to the 29 dwellings that have been built or approved would substantially exceed the minimum growth options of between 33-54 dwellings. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Hemingbrough and conflict with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.
- 5.3 The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' approach into the village. Furthermore the proposals encourage additional future development pressure on land to the south which would adversely affect the character and setting of the village. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

## **6.0 RECOMMENDATION**

The application is recommended for REFUSAL for the following reasons:

1. The proposed dwellings would be located outside the defined development limits of Hemingbrough and would therefore be located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The

proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.

2. The proposal would be located partially within the open countryside wherein development is limited to those types identified in criterion (c) of Policy SP2A in order to achieve sustainable patterns of growth set out within the Spatial Development Strategy. The proposal for up to 60 dwellings when added to the 29 dwellings that have been built or approved would substantially exceed the minimum growth options of between 33-54 dwellings. The proposal would therefore lead to an unacceptable level of growth which would be inappropriate to the size and role of Hemingbrough and conflicts with the Spatial Development Strategy set out in Policy SP2A of the Selby District Core Strategy Local Plan.
3. The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' approach into the village. Furthermore the proposals encourage additional future development pressure on land to the south which would adversely affect the character and setting of the village. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

**Contact Officer:** Louise Milnes, Principal Planning Officer

**Appendices:** None